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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 20—WAR OVERTIME PAY REGULATIONS

PAYMENT OF OVERTIME COMPENSATION

Section 20.9 is amended to read as follows:

§ 20.9 *Overtime compensation.* In addition to his regular earned basic compensation, an employee shall be paid overtime compensation, computed as provided in § 20.12 of this chapter, for such employment officially ordered or approved as exceeds forty hours a week: *Provided, however,* That heads of departments and agencies may, in their discretion, elect to grant full-time per annum employees compensatory time off from duty without loss of pay in lieu of overtime compensation for such employment as may exceed forty-eight hours in any week. In the event that compensatory time off from duty for employment in excess of forty-eight hours in any week is not granted within ninety calendar days after such employment is performed, the employee shall be entitled, in lieu of such compensatory time off, to overtime compensation for such employment computed as provided in these regulations at the rate or rates of compensation which the employee received during the period of such employment: *Provided, however,* That in the case of seasonal employees, such compensatory time off may, in the discretion of the head of the department or agency concerned, be granted at the completion of the season during which the employment is performed.

Heads of departments and agencies may delegate to any officer or employee authority to order or approve overtime in excess of the administrative work-week and to elect to grant compensatory time off from duty without loss of pay in lieu of overtime compensation as provided in this section. No overtime in excess of the administrative work-week shall be ordered or approved except by an officer or employee to whom such authority has been specifically delegated by the head of the department or agency.

(Sec. 9, War Overtime Pay Act of 1943, Pub. Law 49, May 7, 1943)

By the United States Civil Service Commission.

[SEAL] H. B. MITCHELL, *President.*

JULY 9, 1943.

[F. R. Doc. 43-11197; Filed, July 12, 1943; 11:26 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration

[FDO 42, Amdt. 1]

PART 1460—FATS AND OILS

RESTRICTIONS ON USE

Food Distribution Order 42 (8 F.R. 4147) issued by the Secretary of Agriculture on March 31, 1943, is hereby amended to read as follows:

§ 1460.1 *Use of fats and oils*—(a) *Definitions.* (1) "Fats and oils" means all the raw, crude, refined, and pressed fats and oils whether vegetable, animal, fish, or other marine animal, their by-products and derivatives, including grease (lard) oil, sulfonated and similarly processed fats and oils, fatty acids, and lard and rendered pork fat, but not including cocoa butter, butter, wool greases, essential oils, tall oil, mineral oils, and vitamin bearing oils derived from fish or other marine animal livers or viscera.

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

(3) "Manufacturer" means any person who uses any fats or oils in the manufacture of any finished product, and shall include all other persons directly controlling or controlled by such person and all persons under direct or indirect common control with such person. The term shall also include a soap converter. Soap converter means any person who uses soap made by others as

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FEDERAL REGISTER

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a raw material, and by addition of other materials, including, but not limited to, silicates, phosphates, abrasives, borax, corn meal, and soda ash, makes a finished product which is sold for detergent uses. The term "soap converter" shall not include those persons who merely add small amounts of color or perfume to the original soap, or persons who merely dissolve paste or other soaps in water to make liquid soaps without adding other non-soap detergent materials. The term "manufacturer" shall not include any crusher, renderer, refiner, or other processor except as and to the extent that his operations result in the production of a finished product, and also shall not include any person who uses fats and oils in the home in the preparation of food for household consumption. Blending alone shall not constitute a person a manufacturer.

(4) The "inventory" of a manufacturer at any time shall include all fats and oils held or controlled by him and all fats and oils purchased by him for future delivery. The inventory of a soap converter also shall include his supply of unprocessed soap and soap purchased by him for future delivery.

(5) "Finished product" means any product of a manufacturer produced for sale as his finished product and carried on his books as his finished product. Other than for the purposes of paragraph (d) hereof, "finished product" shall not include:

(i) Grease (lard) oil;

(ii) Sulphonated or similarly processed fat or oil;

(iii) Fatty acids;

(iv) Lard or rendered pork fat;

(v) Any fat or oil product intended for sale to another manufacturer for further processing in the manufacture of, or for inclusion in, any product (excepting a product falling within paragraph (a) (5) (vi) hereof);

(vi) Any edible product of which a fat or oil is not the principal ingredient;

(vii) Any edible product produced by any hotel or restaurant for consumption on the premises;

(viii) Any medicinal preparation, including vitamin preparation, other than medicated soap;

(ix) Olive oil;

(x) Poultry fat; or

(xi) Soap sold to soap converters for further processing.

(6) "Crusher" means any person who presses, expels, or extracts oils from any seed, bean, nut, or corn or other oil-bearing materials.

(7) "Principal ingredient" as used in paragraph (a) (5) (vi) hereof means the largest single ingredient by weight, subject to the qualification that mayonnaise and salad dressing are to be considered products of which a fat or oil is not the principal ingredient regardless of the fat or oil composition thereof in the particular case.

(8) "Soap" means the water soluble product formed by the saponification or neutralization of fats, oils, rosins, or their fatty acids with organic, sodium or potassium bases; or any detergent composition containing such products, including all types of shaving soap and shaving cream. The term does not include, however, soap used for non-detergent purposes or for the processing of textiles. "Non-detergent purposes" means uses in which the function of the soap is not to clean, wash, scour, or remove dirt, grit, grease, or any other foreign material from any surface, material, assembly, part or product.

(9) "Foots" means the by-product residue obtained in the refining of any fat or oil where such refining is accomplished by treatment of such fat or oil with any alkaline material. The term does not include "tank bottoms", catch basins skimmings, recovered fats and oils obtained from bleaching earth, deodorizer distillate, or other fatty residue obtained by a process other than alkali refining.

(10) "Base period use" means the average use during the corresponding calendar quarter of the years 1940 and 1941.

(11) "Director" means the Director of Food Distribution, War Food Administrator, or any employee of the War Food Administration designated by such Director.

(b) *Restrictions on manufacture.* (1) No manufacturer, except as provided in paragraph (b) (5) hereof, shall, in any calendar quarter, use or consume any fat or oil in any class of use listed in Schedule A, annexed hereto, in a quantity in excess of a quota equal to the percentage specified in such Schedule A of his average quarterly use or consumption of fats and oils in such class of use during the corresponding calendar quarters of the two years, 1940 and 1941. Any manufacturer who manufactured paste water paint, dry casein paint, or dry protein paint, as such, may determine an oil quota on the basis of one pound of oil for each gallon of paste water paint manufactured by him during the base period, and one pound of oil for each eight pounds of dry casein or dry protein paint, as such, manufactured by him during the base period. This oil quota shall only be used by him for the manufacture of paint containing not more than one pound of oil per gallon of paint.

(2) If any manufacturer does not, in any calendar quarter, use or consume the quantity of fat or oil permitted by paragraph (b) (1) hereof, the unused part of his quota for such quarter (beginning with the second quarter of 1943) may, for the purposes of paragraph (b) (1), be carried forward and used only in the succeeding quarter and then only after the regular quota for such quarter has been used.

(3) For the purpose of determining the quantity of raw "foots" which may be used or consumed, use or consumption shall be calculated on the basis of total fatty acid content.

(4) The restrictions on the use or consumption of fats and oils imposed hereby are imposed with respect to the use or consumption of fats and oils in the aggregate, and such restrictions are not to be construed to limit a manufacturer to the use or consumption of the same fat or oil used or consumed by him in the base period.

(5) Nothing in paragraph (b) (1) hereof shall restrict:

(i) The use or consumption of fats and oils in any calendar quarter by any manufacturer, who was using fats or oils prior to July 1, 1943, and whose aggregate use or consumption of fats and oils in such period is less than 6,000 pounds; or the use or consumption of fats and oils in any calendar quarter by any manufacturer, whose use of fats and oils did not start until on or after July 1, 1943, and whose aggregate use or consumption of fats and oils in such period is less than 1,000 pounds.

(ii) The use of fats and oils in the manufacture of any edible product or soap delivered or to be delivered to:

(*a*) The Army, Navy, Marine Corps, and Coast Guard of the United States;

(*b*) The Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodity Corporation);

(*c*) The War Shipping Administration;

(*d*) The Veterans Administration;

(*e*) The Panama Railroad Company;

(*f*) The United States Maritime Commission for use on vessels operated under its control;

(*g*) Any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523);

(*h*) Any person using an edible product in the preparation of meals to be served on vessels operated by the United States Maritime Commission;

(*i*) Any manufacturer for use in the manufacture of any edible products to be delivered to any of the persons or agencies named in this paragraph (b) (5) (ii); or,

(*j*) Any wholesaler or jobber for delivery to any of the persons or agencies named in this paragraph (b) (5) (ii):

Provided, however, That deliveries to the persons named in paragraphs (b) (5) (ii) (*g*), (*h*), (*i*), and (*j*) hereof, shall be nonquota only if supported by a certificate issued to the person having the prime contract with the agencies named in paragraph (b) (5) (ii) (*a*), (*b*), (*c*), (*d*), (*e*), and (*f*) hereof. This certificate shall be issued by the Quartermaster General of the Army, the Chief of the Bureau of Supplies and Accounts or the Chief of Naval Personnel of the Navy, the Commandant of the United States Coast Guard, the Quartermaster of the United States Marines, any duly authorized Army exchange officer, any duly authorized Navy ship's service officer, any duly authorized Marine Corps exchange officer, any duly authorized Coast Guard ship's service officer, the Administrator of the War Shipping Administration, the Administrator of Lend-Lease, the Director of the Veterans Administration, the Chairman of the United States Maritime Commission, the Vice President of the Panama Railroad Company, the Director, or the duly authorized representative of any of them. The certificate shall specify the name of the manufacturer supplying such fats and oils or soap, and shall state that the final products are for direct Army, Navy, Coast Guard, or Marine Corps issue or for sale in post exchanges or ships' serv-

ice departments, for contract feeding of Army, Navy, Coast Guard, or Marine Corps personnel, for consumption on ships operated under the War Shipping Administration or the Maritime Commission and for use by the Veterans' Administration, for consumption in the Panama Canal Zone, for export or shipment to any territory or possession of the United States, or for delivery pursuant to the Act of March 11, 1941 (Lend-Lease Act); and that the delivery or manufacture of such products will require a stated quantity of fats and oils or soap. The prime contractor shall furnish copies of such certificate, certified by him to be true and correct, to the persons from whom he obtains such products, and such certified copies shall be transmitted through trade channels to the manufacturer named thereon.

(iii) The use of fats and oils in the manufacture of all protective coatings, coated fabrics, linoleum, oilcloth, and felt base floor coverings, delivered or to be delivered to, or used on or incorporated in material and equipment delivered or to be delivered to, the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, or to the War Shipping Administration, or delivered pursuant to the Act of March 11, 1941 (Lend-Lease Act): *Provided, however,* That no fats or oils used or delivered pursuant to the terms of this paragraph (b) (5) (iii) by any manufacturer shall be exempt from such manufacturer's quota under the terms of this order unless, on or before the 15th day of the month succeeding the month in which the fats and oils were so used, he shall mail to the Director a report of such use on Form FDA-478, or such other forms as the Director may prescribe.

(iv) The use of fats and oils in the manufacture of edible finished products and soaps to be exported to the Dominion of Canada where such Dominion has granted a license for the import of such products, or to any other country pursuant to an export license issued by the Board of Economic Warfare.

(6) A manufacturer's use of fats and oils pursuant to paragraphs (b) (5) (ii), (iii), and (iv) shall not be charged against his quota under paragraph (b) (1) hereof, and any fats or oils used or consumed by a manufacturer in the base period for any use set forth in paragraphs (b) (5) (ii), (iii), and for the manufacture of edible finished products and soap for export to a foreign country shall be excluded in determining his quota under paragraph (b) (1) hereof.

(7) A person who acquires all the manufacturing facilities of another person in a particular class of use shall thereby become entitled to the quota of such other person in such class of use, whether or not he continues to operate such facilities in whole or in part: *Provided, however,* That he shall within 30 days following such acquisition inform the Director of the facilities acquired, their location, whether or not operation will be continued in the same or another location, and the amount of quota which he claims to have acquired in each class of use.

(8) Fats and oils owned by one person, which are processed by another person, shall be charged against the quota of the owner and not the processor: *Provided, however,* That the title to the product resulting from the processing shall remain in the owner of the fats and oils and such owner shall market the product and shall invoice and collect for such product through his own organization, and the processor shall not buy directly or indirectly any product so produced. Otherwise, such fats and oils shall be chargeable against the quota of the processor.

(9) Each manufacturer of soap may, in any calendar quarter, substitute, in whole or in part, for the fats and oils (other than foots made from domestic vegetable oils or the fatty acids made from such foots) which he would be entitled to use under Schedule A in such manufacture, foots made from domestic vegetable oils or the fatty acids made from such foots. The quantity of such foots or their fatty acids which may be used or consumed shall be 80 percent of the base period use of fats and oils.

(c) *Restrictions on processing and inventories.* (1) No person shall accept delivery of fats and oils for his raw material inventory if the fats and oils in his raw material inventory are, or would through such acceptance become, in excess of a practicable working minimum inventory. This paragraph (c) (1) does not, however, restrict the inventories of any fat or oil in the form in which it is first produced by the crusher or renderer, or of any vegetable oil foots or their fatty acids.

(2) No manufacturer shall hereafter change the condition of any fat or oil in his raw materials inventory, or add any additional materials thereto, except to the extent necessary to store any such fat or oil in his raw materials inventory in a form necessary to prevent deterioration thereof, or except to put such fats or oils into process for the manufacture of his products subject to the limitations of paragraph (c) (3).

(3) No manufacturer shall hereafter increase the rate at which fats and oils are put into process by him, except to the extent necessary to meet the required deliveries of his finished products within the limitations established by this order and to maintain only a practicable minimum working inventory of such finished products. The term "practicable minimum working inventory", as used in paragraph (c) (1) and (3), shall be strictly construed. The mere fact that the turn-over has increased, or that materials are difficult to obtain, does not justify maintaining inventories above the minimum at which his operations can be continued.

(d) *Prohibited uses of fats and oils.* (1) No person shall use or consume any butter or any of the following fats and oils in any class of use listed in Schedule A other than the manufacture of margarine or the manufacture of other edible finished products: Oleo oil, Edible olive oil, Peanut oil, Sunflower oil, Sesame seed oil, Raisin seed oil, Tomato seed oil, Cottonseed oil, Corn oil.

(2) Nothing in paragraph (d) (1) hereof shall restrict the use of any fat or oil in any inedible product or soap where and to the extent that:

(i) The quantity of any such fat or oil owned by such person on December 31, 1942, was less than 60,000 lbs;

(ii) Any such fat or oil is used in the manufacture, preparation, or finishing of protective coatings and coated fabrics under the provisions of paragraph (b) (5) (iii) hereof, or in the manufacture of USP XII soap for medicinal use; or soft soap, hospital grade, according to United States Army specifications No. 4-1027A (February 5, 1941) for delivery to the United States Army;

(iii) Any such fat or oil is a by-product or residue (except stearine) of the permitted processing of any fat or oil, or consists of tank bottoms of any fat or oil;

(iv) The use by any person of any such fat or oil in any class of use which has been specifically authorized by the Director, where such person establishes, to the satisfaction of the Director, by letter that such fat or oil was owned by him on December 31, 1942, and was on such date unfit for edible use.

(e) *Existing contracts.* The restrictions of this order concerning delivery, acceptance, use, processing, and consumption of fats and oils shall be observed without regard to existing contracts or any rights accrued or payments made thereunder.

(f) *Records and reports.* (1) Each manufacturer, other than a soap converter, who, in any calendar quarter, uses or consumes more than 6,000 lbs. of fats and oils in the aggregate, shall file with the Bureau of the Census, Washington 25, D. C., each of the following reports in the following manner:

(i) He shall file, on or before the 15th day of each month, Bureau of Census Form BM 1, or such other form or forms as may be prescribed by the Director, showing the consumption of fats and oils during the preceding month; and

(ii) He shall file, on or before the 15th day of the second month of the succeeding quarter, Bureau of Census Form BM 2, or such other form or forms as may be prescribed by the Director, showing the consumption of fats and oils during the preceding quarter.

(2) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fats and oils of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may petition in writing for relief to the Director, setting forth all pertinent facts and the nature of relief sought. The Director may thereupon take such action as he deems appropriate and such action shall be final.

(j) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using fats and oils, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(k) *Communications.* Except as hereinbefore provided, all reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington 25, D. C., Ref. FD-42.

(l) *Effect of other orders.* Insofar as any other order of the Secretary of Agriculture, the War Food Administrator, or the Director, heretofore or hereafter issued, limits or curtails to a greater extent than herein provided the use, acquisition, or disposition of any fat or oil, the limitations of such other order shall control.

(m) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, the District of Columbia, and the Territory of Alaska.

(n) *Effective date.* This amendment shall become effective on the 10th day of July 1943, at 12:01 a. m., e. w. t. However, with respect to violations of Food Distribution Order 42, or rights accrued, or liabilities incurred hereunder, prior to said date, said Food Distribution Order 42 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 10th day of July 1943.

MARVIN JONES,
War Food Administrator.

SCHEDULE A

Class of use:	Permitted percentage
Manufacture of margarine	107
Manufacture of other edible finished products, including shortening	83
Manufacture of soap, exclusive of soap made from domestic vegetable oil foots or the fatty acid from such foots	80
Manufacture of soap from foots made from domestic vegetable oils or the fatty acids from such foots	80
Manufacture of paints, varnishes, lacquers, and all other protective coatings, except enamels and coatings for metal food containers, metal food closures, and food closure liners	50
Manufacture of enamels and coatings for metal food containers, metal food closures, and food closure liners	100
Manufacture of linoleum, oilcloth, and felt base floor coverings	50
Manufacture of oilcloth (for all purposes other than floor coverings) and all other coated fabrics	50
Manufacture of printing inks, including lithographing, offset, silk screen, and other processing inks	80

[F. R. Doc. 43-11167; Filed, July 10, 1943; 5:02 p. m.]

[FDO 63]

PART 1460—FATS AND OILS

RESTRICTIONS ON DELIVERY OF LINSEED OIL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of linseed oil for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.20 *Delivery of linseed oil restricted*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(2) "Linseed oil" means the oil pressed, expelled, or otherwise extracted from flaxseed, whether raw, bodied, or otherwise processed, and includes the linseed oil content of the linseed oil not restricted under paragraph (c) (1) of War Production Board Order M-332 (8 F.R. 8356).

(3) "Crusher" means any person who presses, expels, or extracts linseed oil from flaxseed.

(4) "Processor" means a person who blends, cooks, or otherwise processes linseed oil for sale.

(5) "Manufacturer" means any person who uses linseed oil in the manufacture of another product. However, blending alone shall not constitute manufacturing.

(6) "Wholesale distributor" means a person who buys linseed oil from a crusher or processor and resells such oil, without further processing, to manufacturers or resellers (including processors).

(7) "Calendar quarter" means the several three-month periods of the year beginning on January 1, April 1, July 1, and October 1.

(8) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on delivery.* (1) No crusher shall deliver linseed oil, in any calendar quarter, in the aggregate, to persons, other than manufacturers, processors, or wholesale distributors, in excess of a quota equal to 50 percent of the average quarterly amount of linseed oil delivered by him to persons, other than manufacturers, processors, and wholesale distributors, during the corresponding calendar quarters of the two years 1940 and 1941. For the purposes of this paragraph (b) (1), a crusher may make deliveries of linseed oil to a person who is both a retail distributor and a manufacturer, processor, or wholesale distributor the same as if such person were only a manufacturer, processor, or wholesale distributor. However, any oil so delivered shall be entered by the deliveree on his books as having been received by him as a manufacturer, processor, or wholesale distributor. A subsequent delivery of such oil to any person, intra-company or otherwise, by him, shall be subject, in accordance with such entry, to the restrictions of this order with respect to delivery by a manufacturer, processor, or wholesale distributor, as the case may be.

(2) No processor shall deliver linseed oil, in any calendar quarter, in the aggregate, to persons, other than processors, manufacturers, or wholesale distributors, in excess of a quota equal to 50 percent of the average quarterly amount of linseed oil delivered by him to persons, other than processors, manufacturers, and wholesale distributors during the corresponding calendar quarters of the two years 1940 and 1941. For the purposes of this paragraph (b) (2), a processor may make deliveries of linseed oil to a person who is both a retail distributor and a processor, manufacturer, or wholesale distributor the same as if such person were only a processor, manufacturer, or wholesale distributor. However, any oil so delivered shall be entered by the deliveree on his books as having been received by him as a manufacturer, processor, or wholesale distributor. A subsequent delivery of such oil to any person, intra-company or otherwise, by him, shall be subject, in accordance with such entry, to the restrictions of this order with respect to delivery by a manufacturer, processor, or wholesale distributor, as the case may be.

(3) No wholesale distributor shall deliver linseed oil, in any calendar quarter, in the aggregate, to persons, other than manufacturers or processors, in excess of a quota equal to 50 percent of the average quarterly amount of linseed oil delivered by him to persons, other than manufacturers and processors, during the corresponding calendar quarters of the two years 1940 and 1941. For the purpose of this paragraph (b) (3), a wholesale distributor may make deliveries to a person who is both a retail distributor (or wholesale distributor) and a manufacturer or processor the same as if such person were only a manufacturer or processor. However, any oil so delivered shall be entered by the deliverees on his books as having been received by him as a manufacturer or processor. Any subsequent delivery of

such oil to any person, intracompany or otherwise, by him, shall be subject, in accordance with such entry, to the restrictions of this order with respect to deliveries by a manufacturer or processor, as the case may be.

(4) No manufacturer shall deliver to any person, intra-company or otherwise, any linseed oil (excluding linseed oil contained in another product manufactured by him) received by him as a manufacturer, or entered on his books as having been received by him as a manufacturer, except as specifically authorized or directed by the Director.

(5) In making deliveries of linseed oil, the deliveror shall be classified in accordance with his relationship to the oil, under the terms of this order, at the time of making delivery. For example:

(i) If a person extracts linseed oil from flaxseed and delivers such oil without processing, he shall be classified as a crusher with respect to such delivery;

(ii) If the same person processes some of the oil produced by him, as a crusher, and then sells and delivers the processed oil, he shall be classified as a processor with respect to such delivery;

(iii) If the same person receives raw linseed oil from another crusher, and enters it on his books as having been received by him as a processor, and then delivers such oil, either with or without processing, he shall be classified as a processor with respect to such delivery.

(6) Notwithstanding any other provision of this order, linseed oil delivered by a crusher, processor, or wholesale distributor to any person, in response to a written request by such person, specifying that the oil be charged against the quota of the deliveror, shall be so charged, and the deliveree may deliver such oil without charging it to any quota he may have under the terms of this order.

(c) *Exceptions.* Notwithstanding the provisions of paragraphs (b) (1), (2), (3), and (4) hereof, linseed oil may be delivered, without restriction, to the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, the United States War Shipping Administration, Food Distribution Administration, War Food Administration, any agency of the United States acting pursuant to the Act of March 11, 1941 (Lend-Lease Act), or to any person who exports such oil to a foreign country. No oil delivered to any of the foregoing persons or agencies, in the years 1940 and 1941, by any person, whether as a crusher, processor, manufacturer, wholesale distributor, retail distributor, or otherwise, shall be included in determining his quota under paragraphs (b) (1), (2), or (3) hereof, and any oil delivered to such persons or agencies, after the effective date of this order by a crusher, processor, or wholesale distributor shall not be charged against his quota. However, no linseed oil delivered pursuant to the provisions of paragraph (c) shall be quota exempt, unless, on or before the fifteenth of the calendar month following the calendar month in which the oil is delivered, the person making the delivery shall mail to the War Food Administrator a report showing the amount of linseed oil delivered, the person or agency to whom it was delivered, and the date of delivery. For the purposes of this paragraph (c), post exchanges, service men's clubs, ship's service stores, sales commissaries and similar organizations shall not be deemed part of the Army, Navy, Marine Corps or Coast Guard of the United States.

(d) *Intra-company deliveries.* The restrictions contained in this order with respect to deliveries shall, unless otherwise ordered by the Director, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(e) *Reports from crushers, processors, and wholesale distributors.* Every crusher and processor shall on or before July 15, 1943, file a report with the War Food Administrator showing the names and addresses of all wholesale distributors to whom he delivered linseed oil in the years 1940 and 1941, and the quantity delivered to each wholesale distributor in such period. The report shall also include the names and addresses of any other wholesale distributors to whom he has delivered linseed oil in 1942 or the first half of 1943. Every crusher, processor, and wholesale distributor shall also on or before July 15, 1943, file a report with the War Food Administrator showing the amount of his quota under the terms of this order for each calendar quarter.

(f) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(g) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of linseed oil of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(h) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(k) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using linseed oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(l) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD-63.

(m) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, and the District of Columbia.

(n) *Paragraph (c) of Food Distribution Order 42 superseded.* This order supersedes in all respects paragraph (c) of § 1460.1 of Food Distribution Order 42 (8 F.R. 4147), issued by the Secretary of Agriculture on March 31, 1943, except that, as to violations of said paragraph (c) of said order, or rights accrued, liabilities incurred, or appeals taken under said order, said paragraph (c) of Food Distribution Order 42 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Food Distribution Order 42 in connection with said paragraph (c) thereof shall be considered under paragraph (j) hereof.

(o) *Effective date.* This order shall become effective on July 10, 1943, at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 10th day of July 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11166; Filed, July 10, 1943; 5:01 p. m.]

[FDO 44-1, Amdt. 1]

PART 1465—FISH AND SHELLFISH

FILING OF REPORTS

Pursuant to the authority vested in me by Food Distribution Order No. 44, dated April 1, 1943, as amended (8 F. R. 8797), Director Food Distribution Order No. 44-1, dated May 4, 1943 (8 F. R. 5825), is amended to read as follows:

§ 1465.21 *Reports in connection with restricted fish and shellfish*—(a) *Defini-*

tions. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "fish and shellfish" means fish and shellfish of the species designated in § 1465.20 (b) (1) of Food Distribution Order No. 44, as amended: *Provided,* That the albacore, yellowfin tuna, skipjack tuna, bluefin tuna, bonito, and yellowtail packed after June 27, 1943, shall not be subject to the reporting requirements contained in this order.

(2) The term "packing season" means the period from the time when a canner first commences to pack fish and shellfish on or after April 1, 1943, until the date that such canner ceases to pack fish and shellfish, or February 29, 1944, whichever date is the earlier.

(b) *Weekly reports.* Each canner shall report on Form FDO-44-1, entitled "Canned Fish and Shellfish: Weekly Pack Report", the quantity of each species of fish or shellfish packed by him in each calendar week of his packing season. Such reports shall be submitted for each calendar week during the respective canner's packing season, and such reports shall be submitted even though no fish or shellfish may be packed by such canner during a particular week. Reports for the calendar weeks or parts of calendar weeks subsequent to the effective date hereof shall be submitted as aforesaid within four days after the last day of each such calendar week.

(c) *Seasonal reports.* In addition to the weekly reports described in paragraph (b) hereof, each canner shall report on Form FDO-44-1 the total quantity of each species of fish and shellfish, respectively, which were packed by him during his packing season, and submit such report within 15 days after the termination of such packing season.

(b) *Completion of reports.* All reports submitted pursuant to paragraphs (b) and (c) hereof shall be completed pursuant to the instructions contained on Form FDO-44-1. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) *Filing of reports.* All reports covering fish and shellfish packed after July 10, 1943, to be submitted pursuant to this order by canners in the Territory of Alaska and in the States of Washington, Oregon, and California shall be addressed to Regional Administrator, Food Distribution Administration, Ref. FD-44, 821 Market Street, San Francisco 3, California; reports by canners in other States shall be addressed to the Director of Food Distribution, United States Department of Agriculture, Washington 25, D. C., Ref. FD-44.

(f) *Previous requirements continued in effect.* With respect to violations of Director Food Distribution Order No. 44-1, rights accrued or liabilities incurred prior to the effective date of this amendment, said Director Food Distribution Order No. 44-1 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(g) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., July 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 44, 8 F.R. 4227, 8797)

Issued this 10th day of July 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-11194; Filed, July 12, 1943; 11:10 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 2 of Part 525]

PART 525—NOTICE OF CONSTRUCTION OR ALTERATION OF STRUCTURES ON OR NEAR CIVIL AIRWAYS

NOTICE REQUIRED

JULY 5, 1943.

Acting pursuant to the authority vested in me by the Civil Aeronautics Act of 1938, as amended, particularly sections 308 and 1101 of said Act, I hereby amend Part 525 of the Regulations of the Administrator of Civil Aeronautics as follows:

1. By amending § 525.1 to read as follows:

§ 525.1 *Notice required.* Any person before engaging in the construction or alteration of any structure along or within 20 miles of a civil airway, in other than congested parts of cities, towns, or settlements, shall give notice thereof to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration greater than 150 feet above ground level, or above mean water level where the structure is, or will be, situated in or over navigable water. Like notice shall also be given to the Administrator of Civil Aeronautics if the top or any part of such structure is, or may become, by reason of such construction or alteration, greater than 5 feet above ground level, or above the mean water level where the structure is or will be situated in or over navigable water, for each 500 feet, or fraction thereof, of the distance that the structure is, or will be, situated from the nearest boundary of a landing area.

By striking in § 525.2 the word "duplicate", appearing in the second line, and substituting in lieu thereof the word "triplicate".

This amendment shall become effective 0001 e. w. t., July 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-11033; Filed, July 9, 1943; 3:19 p. m.]

[Amdt. 40 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

DESIGNATION OF COEUR D'ALENE AIR TERMINAL, IDAHO, AS CONTROL AIRPORT

JULY 5, 1943.

Acting pursuant to the authority vested in me by section 303 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City:	*Name of airport*
Coeur d'Alene, Idaho	Coeur d'Alene Air Terminal.

This amendment shall become effective 0001 e. w. t., July 15, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-11033; Filed, July 9, 1943; 3:19 p. m.]

[Amdt. 41 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

DESIGNATION OF BELLINGHAM ARMY AIR BASE, WASH., AS CONTROL AIRPORT

JULY 5, 1943.

Acting pursuant to the authority vested in me by section 303 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City:	*Name of airport*
Bellingham, Washington	Bellingham Army Air Base.

This amendment shall become effective 0001 e. w. t., August 1, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-11030; Filed, July 9, 1943; 3:19 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4924]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

UNITED ART STUDIOS, ET AL.

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature.* In connection

with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, (1) representing, directly or in any manner, that colored or tinted photographs or colored or tinted photographic enlargements are hand-painted or are paintings; or (2) using the terms "paintings", "hand-painted", "oil paintings on canvas", or the word "painting", either alone or in conjunction with any other words or terms in any way to designate, describe or refer to tinted or colored pictures, photographs, or photographic enlargements, or for pictures produced from a photographic base or impression; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Conditions of manufacture and costs:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Sample, offer or order conformance:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary:* § 3.69 (c) *Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased:* § 3.72 (g 10) *Offering deceptive inducements to purchase or deal—Limited offers or supply:* § 3.72 (n) *Offering deceptive inducements to purchase or deal—Special offers, savings and discounts.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, (1) representing that pictures being sold in the regular course of business at the usual and customary prices therefor are or will be sold only to a limited number of customers, or as a "special introductory offer" or "special advertising offer" to a "selected few"; or representing in any manner that a purchaser is receiving an advantage in price or other consideration not ordinarily available; (2) representing that any specified sum in excess of the actual cost of production is merely the "cost of production"; (3) representing that the picture to be made and delivered will be a reproduction or duplicate of the sample displayed to the customer unless in fact the picture thereafter delivered is of the same quality, design and workmanship as said sample; or (4) representing as the customary or regular prices or values for frames, prices and values which are in fact greatly in excess of the prices at which said frames are customarily offered for sale and sold in the normal and usual course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Non-standard character:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Qualities or properties:* § 3.71 (b 7) *Neglecting, unfairly or deceptively, to make material disclosure—Non-standard character:* § 3.71 (c 5) *Neglecting, unfairly or deceptively, to make material disclosure—Qualities or properties.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, concealing from or failing to disclose to customers at the time pictures are ordered that the finished picture, when delivered, will be so shaped and designed that it can only be used in a specially designed odd-style frame which can be procured only from respondent at prices fixed by him; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.72 (e) *Offering deceptive inducements to purchase or deal—Free goods:* § 3.72 (n) *Offering deceptive inducements to purchase or deal—Special offers, savings and discounts.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, using a "draw", "draw contest", or so-called "lucky" blanks, trade checks, certificates or coupons, or any other device, plan or scheme or any prize contest or special introductory or advertising offer, so as to represent, indicate or imply that any customer will obtain a financial advantage thereby or be entitled to receive any picture free or to receive a substantial discount or reduction in the price of any picture or pictures; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To purchase or support product or service—By withholding customer's property or rights.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, failing or refusing, in cases where a picture ordered has been completed and paid for, to deliver to the customer the completed picture or the original photograph or snapshot previously loaned by the customer for use in producing the picture; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Organization and operation:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantage or connections—Personnel or staff:* § 3.96 (b) *Using misleading name—Vendor—Individual or private business as professional person or association.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Klein, trading as United Art Studios, his representatives, etc., and among other things, as in order set forth, using the trade name "Art Studios" or any other fictitious name of similar import unless the respondent actually owns, operates, conducts or controls an organization or establishment of the character indicated and comprehended by the trade name so used; and from representing that respondent maintains or conducts a school of art where students are given instruction in art unless and until respondent has in his employ or under his control or direction artists operators or other persons skilled or acquiring skill in photographic technique or in the use of the air brush or paint brush, and in doing color work essential in the production of tinted or colored enlargements of photographs and snapshots; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Identity.* In connection with offer, etc., in commerce, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, and on the part of respondent Benjamin Kadet, trading as Kadet Art & Frame Company, and respondent Ada Kadet, their representatives, etc., and among other things, as in order set forth; representing or authorizing or cooperating in the representation that the business address of said respondents is that of the respondent Victor Klein or in anywise, cooperating with said respondent Victor Klein in misrepresenting the nature, character or extent of the business conducted by him; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, United Art Studios, et al., Docket 4924, June 25, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of June, A. D. 1943.

In the Matter of Victor Klein, Trading as United Art Studios and Benjamin Kadet and Ada Kadet, Trading as Kadet Art & Frame Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer

of the respondents Benjamin Kadet and Ada Kadet, and stipulations as to the facts entered into between the respondent Victor Klein, trading as United Art Studios and the respondent Benjamin Kadet, trading as Kadet Art & Frame Company, and the respondent Ada Kadet, an individual, and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provide, among other things, that without other evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, 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 the respondent Victor Klein trading as United Art Studios, or doing business under any other name or style, his representatives, agents and employees, directly or through any corporate or other device, in connection with the sale and offering for sale, and sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of tinted or colored photographic enlargements of photographs and snapshots and of frames therefor, do forthwith cease and desist from:

(a) Representing, directly or in any manner, that colored or tinted photographs or colored or tinted photographic enlargements are hand-painted or are paintings;

(b) Using the terms "paintings", "hand-painted", "oil paintings on canvas", or the word "painting", either alone or in conjunction with any other words or terms in any way to designate, describe or refer to tinted or colored pictures, photographs, or photographic enlargements, or for pictures produced from a photographic base or impression;

(c) Representing that pictures being sold in the regular course of business at the usual and customary prices therefor are or will be sold only to a limited number of customers, or as a "special introductory offer" or "special advertising offer" to a "selected few"; or representing in any manner that a purchaser is receiving an advantage in price or other consideration not ordinarily available;

(d) Representing that any specified sum in excess of the actual cost of production is merely the "cost of production";

(e) Representing that the picture to be made and delivered will be a reproduction or duplicate of the sample displayed to the customer unless in fact the picture thereafter delivered is of the same quality, design and workmanship as said sample;

(f) Representing as the customary or regular prices or values for frames, prices and values which are in fact greatly in excess of the prices at which said frames are customarily offered for sale and sold in the normal and usual course of business.

(g) Concealing from or failing to disclose to customers at the time pictures are ordered that the finished picture, when delivered, will be so shaped and designed that it can only be used in a specially designed odd-style frame which can be procured only from respondent at prices fixed by him;

(h) Using a "draw", "draw contest", or so-called "lucky" blanks, trade checks, certificates or coupons, or any other device, plan or scheme or any prize contest or special introductory or advertising offer, so as to represent, indicate or imply that any customer will obtain a financial advantage thereby or be entitled to receive any picture free or to receive a substantial discount or reduction in the price of any picture or pictures;

(i) Failing or refusing, in cases where a picture ordered has been completed and paid for, to deliver to the customer the completed picture or the original photograph or snapshot previously loaned by the customer for use in producing the picture;

(j) Using the trade name "Art Studios" or any other fictitious name of similar import unless the respondent actually owns, operates, conducts or controls an organization or establishment of the character indicated and comprehended by the trade name so used; and from representing that respondent maintains or conducts a school of art where students are given instruction in art unless and until respondent has in his employ or under his control or direction artists operators or other persons skilled or acquiring skill in photographic technique or in the use of the air brush or paint brush, and in doing color work essential in the production of tinted or colored enlargements of photographs and snapshots.

It is further ordered, That the respondents Benjamin Kadet, individually and trading as Kadet Art & Frame Company, or doing business under any other trade name or style, and the respondent Ada Kadet, an individual, their representatives, salesmen and employees, directly or through any corporate or other device, in connection with the offering for sale, and sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of tinted or colored photographs and snapshots and frames therefor, do forthwith cease and desist from:

Representing or authorizing or cooperating in the representation that the business address of said respondents is that of the respondent Victor Klein or, in anywise, cooperating with said respondent Victor Klein in misrepresenting the nature, character or extent of the business conducted by him.

It is further ordered, That all of said respondents shall, within sixty 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. 43-11124; Filed, July 10, 1943; 11:47 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Board, Federal Security Agency

[Regulations 3,[1] Amendment]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE[2]

EXTENSION OF TIME AND REVISION

This regulation, effective December 1, 1942, amends Regulations No. 3[3] (Part 403, Title 20, Code of Federal Regulations, 1940 Supp.), by amending § 403.711 *Extension of time and revision* of Regulations No. 3, as amended, as follows:

1. Paragraph (a) *Extension of time* of § 403.711 is amended by changing the second subparagraph thereof to read as follows:

Any party to an initial determination, a reconsidered determination, a revised determination of the Bureau in a remanded case (see § 403.709 (k)), a decision of a referee, or a decision of the Appeals Council may petition for an extension of time for filing a request for hearing or review or commencing a civil action in a district court, as the case may be, although the time for filing such request or commencing such action (see §§ 403.709 (b) and 403.710 (b) and section 205 (g) of the Act) has passed. Such petition may be filed with a referee or the Appeals Council if an extension of the time fixed by § 403.709 (b) for requesting a hearing before such referee is sought, and shall be filed with the Appeals Council in any other case. The petition shall be in writing and shall state the reasons why the request or action was not filed within the required time. For good cause shown a referee or the Appeals Council, as the case may be, may extend the time for filing such request or action.

2. Paragraph (b) *Revision for error* of § 403.711 is amended by changing the second subparagraph thereof to read as follows:

Either upon the referee's or the Appeals Council's own motion, as the case may be, or upon the petition of any party to a hearing, any decision of a referee provided for in § 403.709 (k) may be revised by such referee or the Appeals Council, and any decision of the Appeals Council provided for in § 403.710 (d) may be revised by the Appeals Council, when it clearly appears that there was an error of fact or law in such decision or that such decision was procured by fraud or misrepresentation. However, no decision as to the wages of an individual will be revised, except for the purposes provided in section 205 (c) (4) of the Act, after the fourth calendar

[1] 5 F.R. 1849.

[2] Under title II of the Social Security Act, as amended, effective January 1, 1940.

[3] For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Supp.)

year following the year in which wages were paid or are alleged to have been paid, unless a party's petition for such revision was filed prior to the expiration of such fourth year and 60 days thereafter.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C. sec. 405 (a), 1302)

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this 5th day of July, 1943.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

Approved: July 7, 1943.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 43-11116; Filed, July 10, 1943; 10:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Amdt. 1 to Supp. Dir. 1Q as amended February 15, 1943 [1]]

RATIONING OF TIRES, TIRE CASINGS, TIRE TUBES, ETC.

Supplementary Directive 1Q (§ 903.22) as amended February 15, 1943, is hereby amended in the following respects:

1. By amending paragraph (a) thereof by adding a new subparagraph designated (5) to read as follows:

(5) The importation by any person, for the personal use of such person, of tires, tire tubes and tire casings.

2. By amending paragraph (c) thereof by adding the following new subparagraphs designated (4), (5), (6), (7) and (8) respectively to read as follows:

(4) The importation for testing purposes of tires, tire tubes or tire casings by any manufacturer of camelback, tires, tire tubes or tire casings; and

(5) The importation of bicycle tires, tire tubes or tire casings manufactured in the continental United States, Canada or the British Isles; and

(6) The importation from the Dominion of Canada of tires, tire tubes or tire casings manufactured in the continental United States, Canada or the British Isles; and

(7) The importation of tires, tire tubes or tire casings by diplomatic representatives of any foreign Government, for their personal use or the use of members of their staffs; and

(8) The importation of tires, tire tubes or tire casings by commercial representatives of any foreign Government, for use in their official business.

(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 first day of July 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-11141; Filed, July 10, 1943; 12:02 p. m.]

[1] 8 F.R. 2013.

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under 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 Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-354]

VESCERA DISTRIBUTING COMPANY

Michael Vescera, doing business as Vescera Distributing Company, 456-60 North Salina Street, Syracuse, New York, is in the retail plumbing, heating, electrical and hardware supply business. Michael Vescera has been engaged in this business since 1925. Between June 18 and October 28, 1942, the respondent transferred six new electric domestic ranges having a total value of $940.25, in violation of Limitation Order L-23-b.

Between April 21 and October 30, 1942, the respondent sold four coal fired warm air furnaces and made forty-six sales of new plumbing and heating equipment having a value of $4975.74, in violation of General Limitation Order L-79. Respondent further advertised furnaces for sale in a newspaper having general public circulation over the statement that no priority was required. Respondent knew of the regulations and orders affecting him and his violations must be deemed wilful.

These wilful violations of General Limitation Order L-79 and Supplementary Limitation Order L-23-b as amended have diverted critical materials to uses unauthorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing: *It is hereby ordered,* That:

§ 1010.354 *Suspension Order S-354.* (a) Deliveries of material to Michael Vescera, whether doing business as Vescera Distributing Company, or otherwise, his or its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other order or regulation of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to Michael Vescera, whether doing business as Vescera Distributing Company or otherwise, his or its successors or assigns, of any material or product, the supply or distribution of which is governed by any Order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve Michael Vescera, whether doing business as Vescera Distributing Company or otherwise, from any prohibition, restriction, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on July 14, 1943, and shall expire on October 14, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 9th day of July 1943.

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

[F. R. Doc. 43-11092; Filed, July 9, 1943; 3:06 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-360]

GUARDIAN STEEL CORPORATION

Guardian Steel Corporation is a Michigan corporation doing business at 11675 East Eight Mile Road, Detroit, Michigan, and is engaged in the business of maintaining and operating a steel warehouse at that address. Guardian Steel Corporation filed with the War Production Board its PD-83-a steel warehouse statement dated September 13, 1941, representing that in 1941 its principal sources of supply were 22 different producers listed thereon, as a result of which it obtained a quota for 2802.6 tons of steel, whereas it received no steel from said listed producers during 1941. Having received no steel from any producers whatever in 1941, the respondent was not entitled to a steel warehouse quota.

In its PD-298 report dated April 21, 1942, the company represented it had customers orders for 204,288 pounds of steel on orders bearing preference rating A-1-a, whereas said orders were for 153,208 pounds of steel and 8 of the orders bore ratings of A-1-d.

On April 1, 1942 the company issued a purchase order to Great Lakes Steel Corporation for 100 tons of steel plate, extending thereto a preference rating of A-1-a, whereas the lowest rating received by it to support such extension was A-1-d. This act was in contravention of M-21-b, as amended February 28, 1942.

The furnishing of false information to the War Production Board, thereby obtaining a quota as a steel warehouse, and thereby obtaining deliveries, constituted violations of Priorities Regulation No. 1. The action of the company as above described has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.360 *Suspension Order S-360.* (a) Guardian Steel Corporation, its successors and assigns, shall not operate as a steel warehouse, as the same is defined in M-21-b-1, as amended June 26, 1943, unless prior written authority to do so has been obtained from the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Guardian Steel Corporation, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 14, 1943.

Issued this 9th day of July 1943.

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

[F. R. Doc. 43-11091; Filed, July 9, 1943; 3:06 p. m.]

PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

[Conservation Order M-28, as Amended July 10, 1943]

Section 970.1 *Conservation Order M-28* is hereby amended to read as follows:

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

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

(1) "Chlorinated hydrocarbon refrigerants" means trichloromono-fluoromethane, dichlorodifluoromethane, dichloromonofluoromethane, trichlorotrifluoroethane, and dichlorotetrafluoroethane.

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

(3) "Producer" means any person engaged in the production of chlorinated hydrocarbon refrigerants.

(4) "Contract agent" means any person engaged in the business of accepting orders for chlorinated hydrocarbon refrigerants on behalf of and as agent for a producer.

(5) "Supplier" means any person engaged in the business of distributing chlorinated hydrocarbon refrigerants to persons using the same for installation in a refrigerating or air conditioning "system". The term shall include an equipment manufacturer to the extent that he engages in the sale of such refrigerants to distributors or dealers handling "systems". "System" means any "system" as defined in General Limitation Order L-38.

(6) "Equipment manufacturer" means any person who uses chlorinated hydrocarbon refrigerants for charging new refrigerating or air conditioning systems manufactured by him.

(7) "Insecticide manufacturer" means any person who uses chlorinated hydrocarbon refrigerants in the production of insecticides.

(8) "User" means any person who installs chlorinated hydrocarbon refrigerants in a refrigerating or air conditioning system, other than an equipment manufacturer.

(9) "Comfort cooling system" means any air conditioning system of a type described on List A, made a part of this order.

(b) *Classification of uses of chlorinated hydrocarbon refrigerants.* The uses of chlorinated hydrocarbon refrigerants are hereby classified as follows:

Class I: Army, for use in new or existing refrigeration and air conditioning systems.

Class II: Navy, for use in new or existing refrigeration and air conditioning systems.

Class III: Maritime Commission or War Shipping Administration, for use in new or existing refrigeration and air conditioning systems.

Class IV: Maintenance and repair of all refrigeration and air conditioning systems except those owned and operated by the Army, Navy, Maritime Commission and War Shipping Administration. This class includes household refrigeration but excludes refrigeration equipment used solely for storing or dispensing carbonated or malt beverages and comfort cooling systems as defined in List A.

Class V: Charging new refrigeration and air conditioning systems in the field except those systems owned and operated by the Army, Navy, Maritime Commission and War Shipping Administration, and excluding comfort cooling systems.

Class VI: Charging new equipment by an equipment manufacturer, exclusive of comfort cooling systems. This class does not include charging systems for Army, Navy, Maritime Commission and War Shipping Administration.

Class VII: Maintenance and repair of comfort cooling systems and maintenance and repair of refrigeration equipment used solely for storing or dispensing carbonated or malt beverages. This class does not include systems owned and operated by Army, Navy, Maritime Commission or War Shipping Administration.

Class VIII: Inventory—Surplus refrigerants in excess of one month's anticipated requirements.

(c) *Certification of orders by users, and deliveries thereunder*—(1) *Orders must be certified.* On and after July 15, 1943, no user shall place an order with a supplier or any other person, and no supplier or other person shall accept such an order, for any chlorinated hydrocarbon refrigerants unless such order (or vendor's delivery receipt) is accompanied by a certificate endorsed thereon, or attached to it, showing the uses for which the refrigerants are required, and in substantially the following form:

The undersigned purchaser hereby certifies to the seller and to the War Production Board that he has no empty or surplus cylinders, and that, to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required during the next thirty days for use for the following classified purposes, as described in Conservation Order M-28:

Classification	*Quantity required*
(Here list classifications included in the purchase order)	(Here list quantity, in pounds, ordered for each classification)

Such certificate shall in every case be signed by the user or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board, as well as to the supplier, that the facts stated therein are true. No supplier shall make any delivery under such an order if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after July 15, 1943, no supplier shall deliver any chlorinated hydrocarbon refrigerants except pursuant to an order accompanied by such a certificate as provided for above.

(2) *Deliveries to be subject to restriction.* If and whenever any use shall be prohibited, as provided in (g) below, no user shall install or use any chlorinated hydrocarbon refrigerants for such a use, regardless of the purpose for which it was acquired.

(d) *Certification of orders by suppliers; records; deliveries by suppliers* (1) *Orders must be certified.* On or before July 15, 1943 and on or before the 10th day of each calendar month thereafter, each supplier who wishes to secure delivery of chlorinated hydrocarbon refrigerants through any contract agent during the next calendar month, shall place his order for such refrigerants with the contract agent. No supplier shall place such an order with a contract agent, and no contract agent shall

accept such an order unless it is accompanied by a certificate endorsed thereon or attached thereto showing the uses for which the refrigerants are acquired, and the supplier's deliveries during the preceding month, in substantially the following form (except that deliveries made prior to July 15, 1943, may be estimated).

The undersigned purchaser hereby certifies to the seller and to the War Production Board that to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required during the next calendar month for deliveries by him for the following classified purposes, as described in Conservation Order M-28; and that he made deliveries during the preceding month of ---------- as shown below:

Classification	Quantities required	Deliveries in preceding month
(Here list classifications included in purchase order.)	(Here list quantity, in pounds, ordered for each classification.)	(Here show quantities delivered in preceding month for each classification.)

Such certificate shall in every case be signed by the supplier or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board as well as to the contract agent, that the facts stated therein are true. No contract agent shall approve or request any such delivery if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after August 1, 1943, no contract agent shall approve or request delivery of any chlorinated hydrocarbon refrigerants to any supplier except pursuant to an order placed, and accompanied by such a certificate, as provided for above.

(2) *Records must be kept.* Each supplier shall keep records showing the quantities of chlorinated hydrocarbon refrigerants delivered by him during each month for the various uses as classified in paragraph (b) above and the quantities of such refrigerants allocated to him each month for deliveries in each of such classifications.

(3) *Deliveries by suppliers during July, 1943.* During the remainder of the month of July, 1943, only, each supplier shall give primary preference to deliveries for classifications I, II, III, and IV (without preference among such classes). If it appears that his available supply will exceed the amount estimated to be required for classifications I, II, III, and IV, then the residual supply shall be divided among classifications V and VI (without preference).

(4) *Deliveries by suppliers during August 1943 and subsequent months.* (i) During the month of August, 1943, and each succeeding calendar month, no supplier shall deliver for any use a greater quantity of refrigerants than is allocated to him during such month for that use, except as provided in (ii) below. A supplier shall rely upon the notification given him, by the contract agent with whom his order was placed, as to the quantities allocated the supplier for each of such uses during each calendar month, unless he knows or has reason to believe that such notification is incorrect, incomplete or false.

(ii) If a supplier has exhausted the quantity allocated him for classifications I, II, III, or IV during any calendar month, he may use his supply in classification VIII for the classification exhausted. If classifications IV and VIII become exhausted, he may then draw upon the supply allocated for classifications V or VI.

(iii) No supplier shall deliver during any month any such refrigerants allocated to him for delivery to or for use by the Army, Navy, Maritime Commission, or War Shipping Administration (Classes I, II and III) for use by any other person during that month; and no supplier shall deliver to or for use by any of such agencies any refrigerants which were allocated to him for civilian uses (Classes IV, V, and VI) during that month.

(iv) Any chlorinated hydrocarbon refrigerants allocated for classifications I through VII during any month and not delivered by the supplier during the month shall be transferred by him to classification VIII (Inventory), at the end of such month. If notice of his allocations for the following month has not been received by the first day of the month, the amount transferred to Class VIII (Inventory) from any classification may continue to be used for such classification; provided that the amount so used is restored to Class VIII, by deduction from the new allocation for that classification, as soon as notice of the new allocation for such month is received.

(e) *Certification of orders by contract agents, equipment manufacturers, and insecticide manufacturers*—(1) *By contract agents.* On or before the 20th day of each calendar month, commencing with the month of July, 1943, each contract agent who transmits orders for chlorinated hydrocarbon refrigerants from suppliers to a producer, for delivery during the next calendar month, shall place a written request for shipments, covering all of such orders, with the producer. No contract agent shall place such orders with a producer, and no producer shall accept such orders unless accompanied by the request with a certificate endorsed thereon or attached thereto, showing the uses for which the refrigerants are ordered, and deliveries made during the preceding month by suppliers placing orders through the agent, and in substantially the following form (except that deliveries prior to July 15, 1943 may be estimated):

The undersigned contract agent hereby certifies to the producer and to the War Production Board that he has received orders for shipment of the quantities of chlorinated hydrocarbon refrigerants covered by this request for shipments, for the following classified purposes as described in Conservation Order M-28; and that deliveries during the preceding month of ---------- were made as shown below:

Classification	Quantities requested	Deliveries in preceding month
(Here list classifications included in all purchase orders)	(Here list aggregate quantity in pounds ordered for each classification by suppliers)	(Here show aggregate quantities delivered in preceding month for each classification, as shown by suppliers' certificates)

Such certificate shall in every case be signed by the contract agent or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Production Board as well as to the producer, that the facts stated therein are true. No producer shall make any such shipment or delivery if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

(2) *By equipment and insecticide manufacturers.* On or before the 20th day of each calendar month, commencing with the month of July, 1943, each equipment manufacturer or insecticide manufacturer who wishes to secure delivery of chlorinated hydrocarbon refrigerants from a producer during the next calendar month shall place his order for such refrigerants with the producer. No such manufacturer shall place such an order with a producer, and no producer shall accept such an order unless it is accompanied by a certificate endorsed thereon or attached thereto, showing the uses for which the refrigerants are acquired, and the quantities used during the preceding month, in substantially the following form:

The undersigned purchaser hereby certifies to the seller and to the War Production Board that, to the best of his knowledge, information and belief, the quantities of chlorinated hydrocarbon refrigerants covered by this order will be required by him during the month of ---------- for the following purposes, according to the classifications described in Conservation Order M-28 (or for the production of insecticide for the Army or for the Navy); and that he used such refrigerants during the preceding month of ---------- as shown below:

Proposed use	Quantities required	Used in preceding month
(Here show whether proposed use is for insecticide, or for classifications under M-28, or for each.)	(Here list quantity, in pounds, ordered for each use, or classification.)	(Here show quantities used in preceding month for each.)

Such certificate shall in every case be signed by the equipment or insecticide manufacturer or his authorized official, either manually or as provided in Priorities Regulation No. 7. It shall constitute a representation to the War Pro-

duction Board, as well as the seller, that the facts stated therein are true. No producer shall make any delivery under such an order if he knows, or has reason to believe, that such certificate contains any false, inaccurate or incomplete statement. He may rely thereon if he does not know or have any reason to believe that a certificate is inaccurate, incomplete or false.

On and after August 1, 1943, no producer shall deliver any chlorinated hydrocarbon refrigerants to any equipment manufacturer or insecticide manufacturer except pursuant to an order placed, and accompanied by such a certificate, as provided for above.

(f) *Shipments by producers*—(1) *Statement of requested shipments.* On or before the 25th day of each calendar month, commencing with the month of July 1943, each producer shall file with the War Production Board a statement showing: the orders for chlorinated hydrocarbon refrigerants which have been transmitted to him by contract agents, or which have been placed with him by equipment and insecticide manufacturers, for delivery during the next calendar month, and the uses for which the refrigerants are ordered, as indicated by the certificates accompanying the orders; the quantity of such refrigerants which will be available for delivery by him, during such month; and his deliveries of such refrigerants to the suppliers and equipment and insecticide manufacturers, during the preceding calendar month (except that deliveries to suppliers prior to August 1, 1943, need not be shown by classifications).

(2) *Deliveries by producers.* On and after July 10, 1943, no producer shall deliver any chlorinated hydrocarbon refrigerants to any person, or for any use, except in accordance with specific directions from the War Production Board. Such directions will be issued primarily to insure the meeting of defense requirements, and of the more essential needs if and whenever all cannot be met. Such directions may specify the aggregate quantities of such refrigerants which shall be delivered by the producer during any calendar month (or other period) for any of the classifications of uses established by this order or for other requirements (including Lend-Lease, and the production of insecticide, separately, for Army and Navy use), or the pro ration of the available supply among all or any part of the various classifications and other requirements, or establish a reserve or emergency stock to be held by the producer. Such directions may also direct the producer to make such adjustments in his deliveries as may appear reasonable and appropriate to equalize the inventories held by suppliers, so as to more nearly assure all suppliers of a minimum working inventory whenever practicable. Directions issued under this order to a producer and directing deliveries to be made by him for specified uses or in specified quantities shall be deemed allocations of the refrigerants for the purposes specified and, subject to the provisions of this order, no producer, supplier, equipment manufacturer or insecticide manufacturer shall make or receive delivery for any other purpose.

(g) *Prohibited uses (List B), emergency cases.* (1) No user, supplier, contract agent, or producer shall deliver or cause to be delivered to the owner of any system, any chlorinated hydrocarbon refrigerants for use in, or for resale for use in any system of the types described on List B, made a part of this order. Such list may be changed from time to time (from month to month, or otherwise) by amendments to this order, as the War Production Board may consider necessary to assure sufficient supplies of such refrigerants in all areas and for the uses which are deemed most essential to the national defense.

(2) An authorization for an exemption from the terms of paragraph (g) (1) above may be allowed by the War Production Board when an air conditioning system must be operated (i) to avoid intolerable conditions in sealed or substantially airtight rooms or enclosures used for essential purposes, or (ii) to protect the life or health of a person under care of a licensed physician. An exemption from the requirement of paragraph (d) that a supplier's order must be placed by the 10th of the month preceding that in which delivery is required, may be allowed when the supplier demonstrates that, due to causes beyond his control, it will be impossible for a delivery in classifications I, II, III or IV to be met by him or any other supplier or user unless an exemption is allowed. Application for such an authorization may be made by or on behalf of the person affected by such restriction, by letter or telegram or other communication addressed to the General Industrial Equipment Division, War Production Board, stating facts sufficient to enable the Board to determine the necessity for such authorization. If granted, the authorization may be by letter or telegram, and shall be transmitted by the applicant to the person who will supply such refrigerants, and shall be deemed an authorization to any user or supplier to furnish or install the minimum operating charge necessary to maintain such system in adequate operation.

(h) *Notification of customers.* Any producer, contract agent, supplier, or person who is prohibited from or restricted in making deliveries of any chlorinated hydrocarbon refrigerants by the provisions of this order, and any producer who is prohibited from or restricted in making any such deliveries by any directions issued hereunder and received by him from the War Production Board, shall as soon as practicable notify each of his regular customers of the requirements of this order or of such directions; but the failure to give such notice shall not excuse any customer from the obligation of complying with any requirement of this order, or of any such directions applicable to such customer and of which he has notice.

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

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

(2) *Monthly reports.* Each person (including a producer, contract agent, supplier, equipment manufacturer, insecticide manufacturer, user, or owner of refrigerating or air conditioning systems) who has in his possession on the 15th day of any calendar month in excess of 500 pounds of any type of chlorinated hydrocarbon refrigerants, and any person who sold in excess of 2000 pounds of any type of such refrigerants during the preceding calendar month, shall file with the War Production Board, on or before the 20th day of each month, commencing with the month of July 1943, a report on Form WPB-3954 prepared in accordance with the instructions for such form.

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

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

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

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

Issued this 10th day of July 1943.

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

LIST A: "Comfort cooling system" means any system, of any size, operated or installed for the purpose of lowering the temperature and/or humidity of air in any building, room or other enclosure used as, or located in any of the following:

Amusement parks.
Animal hospitals.
Auditoriums.
Ballrooms, dancing studios and dance halls.
Bank and loan associations.
Bars, cocktail lounges, and beer parlors.
Bowling alleys.

Concert halls.
Funeral parlors.
Golf clubs, country clubs, and athletic clubs.
Hotels and apartment houses.
Moving picture houses.
Night clubs.
Office buildings and offices, public or private.
Railway, streetcar and bus stations and terminals.
Residential buildings and dwellings of all kinds.
Restaurants, cafeterias, and other places selling meats, food or beverages.
Schools.
Service establishments, such as laundries, cleaners and dyers, tailor shops, barber shops, "beauty" parlors, automobile sales and service shops, and repair shops of all kinds.
Skating rinks.
Stores, selling any kind of products, material or merchandise, at retail or wholesale (excluding manufacturing establishments).

The term "comfort cooling system" shall not include (i) any such system used to air condition a building, room or other enclosure used chiefly for purposes not listed above, or (ii) any system designed, necessary and used, in substantial part for the refrigeration and storage or processing of food, ice, or other materials or products requiring refrigeration, temperature control, or freedom from dust or other impurities, or (iii) such part of a system as may be necessary and used for the circulation of air, or necessary and used for raising the temperature of air during cold weather to a degree which is comfortable or tolerable for persons (comfort heating).

List B: Systems for which chlorinated hydrocarbon refrigerants shall not be delivered.

Systems:	*Effective date*
Comfort cooling systems	June 5, 1943
Skating rink systems	June 5, 1943
Refrigeration systems solely for storing or dispensing carbonated or malt beverages	July 10, 1943

[F. R. Doc. 43-11147; Filed, July 10, 1943; 12:01 p. m.]

PART 1046—SUPPLIERS

[Limitation Order L-63, as Amended July 10, 1943]

§ 1046.1 *Suppliers' Inventory Limitation Order L-63*—(a) *Definitions.* (1) "Supplies" means all the supplies listed below:

(i) Automotive supplies.
(ii) Aviation supplies.
(iii) Builders' supplies.
(iv) Construction supplies.
(v) Dairy supplies.
(vi) Electrical supplies.
(vii) Farm supplies.
(viii) Foundry supplies.
(ix) Grain elevator supplies.
(x) Hardware supplies.
(xi) Industrial supplies.
(xii) Plumbing & heating supplies.
(xiii) Refrigeration supplies.
(xiv) Restaurant supplies.
(xv) Textile mill supplies.
(xvi) Transmission supplies.
(xvii) Welding & cutting supplies.

even though such items or materials may be "consumers' goods" within the meaning of that term as used in Limitation Order L-219; but supplies shall not be deemed to include any of the items or materials set forth in List A.

(2) "Supplier" means any person (other than a producer) located in the 48 states or the District of Columbia, whose business consists, in whole or in part, of the sale from stock or inventory of supplies. "Supplier" includes wholesalers, distributors, jobbers, dealers, retailers, branch warehouses of producers and other persons performing a similar function.

(3) "Producer" means any person including any branch, division or section of any enterprise, which manufactures, processes, fabricates, assembles or otherwise physically changes any material.

(4) "Sales" means sales from stock, including consigned stocks and excluding direct shipments (i. e., excluding sales made by a supplier of supplies which such supplier has never received delivery of but has ordered from the producer thereof with instructions that they be shipped directly to the supplier's customer).

(5) "Seasonal lines" means any line of supplies in which a minimum of 40% of the supplier's total annual sales are made during a period of 90 days, or less.

(6) "Maximum permissible inventory" means

(i) In the case of a supplier located in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas, an inventory (owned or consigned to him) of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to the sales of such supplies at net sales figures, shipped from his inventory, during the four preceding calendar months.

(ii) In the case of a supplier located in the District of Columbia or any of the forty-eight states not enumerated in paragraph (a) (6) (i) above, an inventory (owned or consigned to him) of supplies of a total dollar value at cost (by physical or book inventory, at the option of the supplier) equal to sales of such supplies at net sales figures shipped from his inventory during the three preceding calendar months.

(b) *Limitation of supplier's inventories.* (1) Except as provided in paragraph (b) (3), (4), (5), and (6), no supplier shall accept any delivery of supplies from any person which will effect an increase in the inventories of the supplier above his maximum permissible inventory; and

(2) Except as provided in paragraphs (b) (3), (4), (5) and (6), no person shall make to any supplier any delivery of supplies which such person knows or has reason to believe will effect an increase in such supplier's inventory of supplies above the supplier's maximum permissible inventory.

(3) Any supplier, regardless of where located, shall be permitted to purchase and store an amount of seasonal lines equal to those which he purchased in the peak period of a comparable period of the previous year, but this peak period shall not exceed 120 days.

(4) A supplier may accept delivery of supplies which will increase his stock above the maximum permissible inventory, if such supplier's inventory of supplies is at the time of delivery less than his maximum permissible inventory and the delivery is of the minimum quantity of such supplies that can be commercially procured.

(5) A supplier may accept delivery of specific items of supplies when his stock of all items in the aggregate exceeds, or will by virtue of such acceptance exceed, his maximum permissible inventory, but only to the extent necessary to bring such supplier's inventory of those specific items (owned or consigned to him) up to a total dollar value equal to the sales of such items shipped from such supplier's inventories during the preceding month.

(6) The War Production Board may, from time to time, exempt specified suppliers or classes of suppliers from the provisions of this order, subject to such restrictions as the War Production Board may impose.

(7) The provisions of this order shall not apply to any supplier whose total inventory at cost, including consigned stocks, of all supplies is less than $35,000.

(c) *Provisions of other orders.* No provision of this order shall be construed to permit the accumulation of inventories of any item of material in contravention of the provisions of any other applicable order or orders issued by the War Production Board or heretofore issued by the Office of Production Management.

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

(e) *Records and reports.* (1) Each supplier (other than those suppliers who are exempt from the provisions of this order pursuant to paragraph (b) (6) or (7)) shall, on or before the twentieth day of each month make proper entry of inventory (book or physical at cost), sales of direct shipments, sales from stock, and total sales of each type of supplies as set forth in paragraph (a) (1) of this order, during the previous calendar month on Form WPB-825 (formerly PD-336). This form must be retained for a period of at least two years for inspection by representatives of the War Production Board.

(2) The War Production Board may at any time call for the submission of these reports.

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

(g) *Communications.* All communications concerning this order shall be addressed to War Production Board, Wholesale and Retail Trade Division, Industrial and Hardware Supplies Branch, Washington, D. C., Ref.: L-63.

Issued this 10th day of July 1943.

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

LIST A

NOTE: Paragraph (9) added July 10, 1943.

The types of material set forth below are not deemed to be supplies within the meaning of paragraph (a) (1). Accordingly, these materials may be excluded from the monthly report required by paragraph (e), and are not subject to the inventory restrictions required by paragraph (b), provided that sales of such materials are not included in computing maximum permissible inventory as defined in paragraph (a) (6).

(1) All General Steel Products listed in Schedule A of General Preference Order M-21-b-1 and all Merchant Trade Products listed in Schedule I of General Preference Order M-21-b-2.

(2) Materials made of aluminum, provided such materials were acquired by the supplier pursuant to allocation or other specific authorization of the War Production Board.

(3) Automotive replacement parts as defined in Limitation Order L-158, and Automotive replacement batteries as defined in Limitation Order L-180.

(4) Functional replacement parts for machinery and equipment: *Provided*, That in no event shall the supplier accept delivery of any such parts where his inventory thereof is, or will by virtue of such delivery become in excess of six times his sales of such parts during the second preceding calendar month;

(5) Machinery or equipment which is purchased by the supplier at a cost per unit in excess of $500;

(6) Any material which is subject to rationing by the Office of Price Administration;

(7) The following building materials: Portland and natural cement, lime, gypsum and gypsum products, bituminous roofing materials, concrete pipe, cut stone, sand and gravel, crushed stone, clay products, insulation board, acoustical materials, mineral wool, paving materials, concrete products, glass, lumber, wooden mill work.

(8) Domestic mechanical refrigerators, as defined in Limitation Order L-5-d.

(9) Bare or insulated wire or cable for electrical conduction made from copper or copper base alloy.

[F. R. Doc. 43-11142; Filed, July 10, 1943; 11:59 a. m.]

PART 1161—OIL BURNERS

[Limitation Order L-74, as Amended July 10, 1943]

§ 1161.1 *General Limitation Order L-74*—(a) *Definitions.* For the purpose of this order:

(1) "Oil burner" means any devise which is designed for burning fuel oil for furnishing heat. It includes, but is not limited to the following types:

(i) Mechanical, steam or air atomizer oil burner.

(ii) Vertical or horizontal rotary oil burner.

(iii) Mechanical vaporizing oil burner.

(iv) Pot type vaporizing oil burner.

It shall include any oil burner for any boiler burner unit or for any furnace burner unit, any oil burner used as part of any water heater and any combination oil and gas burner, but does not include any oil burner used as a part of any domestic cooking appliance or of any domestic heating stove as defined in L-23-c, or any oil burner used in connection with any locomotive scheduled under L-97, or any oil burner used as a part of any commercial cooking and food and plate warming equipment as defined in L-182.

(2) "Class A oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 5, No. 6 or heavier fuel oil, or which regardless of what grade fuel oil it burns, is designed or manufactured specifically for shipboard use or for heat processing.

(3) "Class B oil burner" means any oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 (except a Class C oil burner), No. 2, No. 3, or No. 4 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(4) "Class C oil burner" means any pot type vaporizing oil burner which is designed by the producer or approved by the Underwriters Laboratory to burn No. 1 fuel oil, but does not include any oil burner designed or manufactured specifically for shipboard use or for heat processing.

(5) "Fuel oil" means any liquid petroleum product commonly known as fuel oil, including Numbers 1, 2, 3, 4, 5, and 6, bunker C, diesel oil, kerosene, range oil, gas oil, or any other liquid petroleum product used for the same purposes as the above designated grades.

(6) "Approved order" means any order for:

(i) A Class A or Class C oil burner which:

(*a*) Has been ordered by or placed for the account of any claimant agency as defined in CMP Regulation 1, as such may be amended from time to time, or

(*b*) Has been ordered for use in a building or project authorized under P-55-b, or rated under Preference Rating Order P-55, or any order in the P-19 series, or

(*c*) Has been authorized by the War Production Board on Form WPB-2727, filed by the prospective purchaser with the War Production Board, Plumbing and Heating Division, Washington, D. C.

(ii) A Class B oil burner which has been authorized by the War Production Board on Form WPB-2727, filed by the prospective purchaser with the War Production Board, Plumbing and Heating Division, Washington, D. C.

(7) "Emergency replacement" means a replacement of an oil burner which has actually broken down and is beyond repair or which will be out of service during a period necessary to effect a repair.

(8) "Producer" means any person who manufactures, fabricates or assembles oil burners.

(b) *Restrictions on sales and deliveries.* No person shall sell or deliver, and no person or Claimant Agency shall order or accept delivery of any oil burner, either assembled or in sets of parts, (i) except pursuant to an approved order, and (ii) except for use in an area in which the delivery of fuel oil to new oil burner installations is not prohibited under the terms of Limitation Order L-56 or any order issued by the Petroleum Administration for War; unless the order for such oil burner is accompanied by a copy of the authorization received by the prospective user from the Petroleum Administration for War permitting the delivery of fuel oil for use in such oil burner.

(c) *Restrictions on manufacture of Class B oil burners.* Regardless of the terms of any contract, sale, other commitment, or any preference rating, no person shall manufacture, fabricate, or assemble any Class B oil burner except to fill an approved order; and then only to the extent that the already assembled stock of such person is insufficient to fill such order.

(d) *Production and delivery schedules.* (1) The War Production Board may at any time or from time to time require any producer to file a report showing his production and delivery schedule for oil burners during any period, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) The War Production Board, at its discretion, may require that any producer shall deliver any oil burners only in accordance with the schedule filed pursuant to paragraph (d) (1) of this order as such schedule may be approved or changed by the War Production Board. The War Production Board may, if it deems such action to be necessary or advisable:

(i) Direct the return or cancellation of an order on the books of a producer.

(ii) Direct changes in the delivery or production schedule of a producer.

(iii) Allocate orders placed with one producer to another producer.

(iv) Specify what proportion of the quantity of material authorized by the War Production Board to any producer is to be used in production for any Claimant Agency or person.

(v) Specify what proportion of the quantity of material authorized by the War Production Board to any producer is to be used in the manufacture, fabrication, or assembly of any class, type, or model of product covered by this order.

Each producer shall schedule (or reschedule, if necessary), his production and shall make deliveries in accordance with such specific written directions as may be issued from time to time by the War Production Board.

(3) The production and delivery schedules established by any such specific direction issued pursuant to (d) (2) above shall be maintained, subject to the provisions of Priorities Regulation 18, without regard to any preference ratings theretofore or thereafter assigned to particular contracts, commitments or purchase orders, and without regard to production schedules already in effect; and may be altered only upon specific written direction of the War Production Board. Any such schedule shall be deemed a frozen Schedule within the meaning of Priorities Regulation 18.

(4) If it becomes impossible for any producer to maintain production and delivery of any oil burners in accordance with any schedule approved by the War Production Board, he shall notify the War Production Board, and unless other-

wise directed he shall postpone production and delivery only to the extent required by the circumstances causing his failure to maintain production and delivery as reported to the War Production Board.

(e) *General exception.* Regardless of the terms of this order, any Class B oil burner (as defined by this order as in force prior to June 28, 1943) authorized under an appeal from L-74 as in force prior to June 28, 1943, may be manufactured, fabricated, assembled and delivered.

(f) *Emergency replacements.* In the case of an emergency replacement, any oil burner may be shipped and installed as a rental oil burner for a period not to exceed 30 days provided an approval for such rental is secured from a Field Office of the War Production Board. Such approval may be requested in any manner but shall be confirmed in writing, and may be granted in any manner, but the grant shall be confirmed in writing.

(g) *Reports.* Each manufacturer, dealer and distributor shall execute and file with the War Production Board a report on Form WPB-2854 by July 20, 1943, and such other reports as may be required from time to time, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Appeals.* Any appeals from the provisions of this order shall be filed on Form PD-500 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(i) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington, D. C., Ref: L-74.

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

Issued this 10th day of July, 1943.

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

[F. R. Doc. 43-11143; Filed, July 10, 1943; 11:59 a. m.]

PART 1210—INDUSTRIAL POWER TRUCKS

[Limitation Order L-112 as Amended July 10, 1943]

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

§ 1210.1 *General Limitation Order L-112*—(a) *Definitions.* For the purpose of this order:

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

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

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

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

(5) "Standard model" as applied to a manufacturer, means one model only of each type and capacity of industrial power truck listed in List A attached hereto, described in such manufacturer's catalogue or bulletin on July 10, 1942.

(6) "Approved standard model" means a standard model listed hereafter and from time to time by supplementary order or orders, as provided in paragraph (d) (2).

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

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

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

(b) *Restrictions on orders and deliveries*—(1) *New trucks.* (i) No manufacturer shall accept any order for a new industrial power truck unless such order is accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below. Orders so authorized shall be placed only with the supplier specified by the War Production Board.

(ii) No manufacturer shall hereafter deliver any new industrial power truck, except in fulfillment of an order (*a*) accepted before October 15, 1942, and rated A-9 or better on Form PD-1A or PD-3A or on a form in the PD-408 series, or (*b*) accepted on or after October 15, 1942, and accompanied by the authorization of the War Production Board provided for in paragraph (b) (3) below.

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

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

(iii) Any manufacturer, dealer or owner specified as a supplier in the authorization for a used truck shall accept any order placed with him for such truck (if the order is accompanied by the authorization), as if such order bore a preference rating, unless he is permitted to, and does, reject the same under the provisions of Priorities Regulation No. 1, § 944.2. However, nothing herein shall require the sale of any used industrial power truck by any person who acquired and holds such truck for his own use and not for resale.

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

(3) *Authorizations.* Application for authorization of the War Production Board required by paragraph (b) (1) and (2) shall be made by the purchaser on Form WPB 1319 (or PD-556) prepared in accordance with Instructions WPB 1319.5 for such Form. The War Production Board may grant such application unconditionally or upon specified conditions, including the requirement that the order be placed with a supplier named

by the War Production Board, or that the order shall only cover such model, type or size of truck as may be designated by such Board.

(c) *Conservation of material*—(1) *Restrictions upon use of copper.* Parts producers and manufacturers shall be governed by the provisions of paragraph (b) of Limitation Order L-106, (§ 933.9) as amended, in their use of copper products or copper base alloy products (as defined in that order) in the production of parts for industrial power trucks.

(2) No manufacturer shall begin the manufacture of any industrial power truck if such truck contains any of the following materials, or accept delivery of any of the following materials for use in the manufacture of any industrial power truck:

(i) Rubber in any form, except in tires, storage batteries, radiator hose or wire or cable insulation.

(ii) Protective plating in any form, except when necessary to the operation of functional parts.

(iii) Steel plate, where substitution of a less critical material is practicable.

(iv) Lead for counter weights, except that reclaimed lead may be used when required by space limitations.

(v) Steel battery trays, where steel battery boxes are provided.

Provided, however, That the restrictions of this subparagraph (2) shall not apply to parts in the manufacturer's stock which, as of July 10, 1942, were completed, or processed to the point where other use is impracticable: *And provided further,* That the restrictions of this subparagraph (2) shall not apply to the manufacture or delivery of repair and maintenance parts.

(3) *Other regulations.* Nothing in this paragraph (c) shall be construed to permit any manufacturer to sell, deliver or otherwise transfer, or any person to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts or finished parts or products in contravention of the terms of any regulation or order of the War Production Board.

(d) *Standardization of models.* (1) No manufacturer shall after July 10, 1942 begin the manufacture of any industrial power truck which is not a standard model. The design and structure of any standard model shall be only as specified or described in such manufacturer's catalogue or bulletin; except that electric fork trucks with capacities from 2,000 pounds to 6,000 pounds may be built in both center and end control types; and that alterations may be made in counter weights, die pullers (power winch), height of lift, voltage, battery capacity, explosion or fire prevention features, and the length or width or type of fork or ram: *Provided, however,* That nothing herein shall be construed to prevent any change required by the limitations of paragraphs (c) (1) and (c) (2) hereof, or any change which results in further conservation of critical materials.

(2) On and after August 15, 1942, no manufacturer shall begin the manufacture of any standard model which is not an approved standard model. Approved standard models for each manufacturer shall be only those industrial power trucks listed hereafter and from time to time by order or orders supplementary to this order. The provisions of paragraph (d) (1) hereof relative to changes in design and structure shall be applicable to approved standard models.

(3) On or before the 15th day of October and of each succeeding calendar month, every manufacturer shall file with the War Production Board a report on Form PD-385, which shall include (i) such manufacturer's proposed production schedules so far as then planned, but in any event for not less than the three calendar months following the filing of the report; and (ii) his proposed delivery schedules so far as then planned, but in any event for not less than the one calendar month following such filing. The production schedules for the three calendar months, and the delivery schedules for the one calendar month following the filing of the report shall be deemed to be approved by the War Production Board upon the receipt of the report by the War Production Board, unless the War Production Board shall otherwise direct. The War Production Board may, at any time, change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer, or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer; or direct the delivery of any industrial power truck so listed to any other person, at the established price and terms. No manufacturer shall produce or deliver any industrial power truck except in accordance with schedules approved or prescribed by the War Production Board, as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the War Production Board.

(e) *Ninety-day exemption of Army, Navy and Maritime Commission.* Until ninety days after July 10, 1942, this order shall not apply to deliveries to and for the use of the Army, Navy, Maritime Commission, or War Shipping Administration to the extent that industrial power trucks of a design or structure prohibited by the terms of this order are required by any applicable specifications of the Army, Navy, Maritime Commission, or War Shipping Administration. As used in this paragraph, the terms "Army," "Navy," "Maritime Commission," and "War Shipping Administration" shall not include any privately operated plant or shipyard, financed or controlled by any of those agencies, or operated on a cost-plus-fixed-fee basis.

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

(2) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after July 10, 1942. No person shall be held liable for damages or penalties for default, under any contract or order, which shall result directly or indirectly from his compliance with the terms of this order.

(3) [Revoked July 10, 1943.]

(4) [Revoked July 10, 1943.]

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

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

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

Issued this 10th day of July 1943.

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

LIST A

No lift, high platform	1,000 lbs. to 20,000 lbs.
No lift, low platform	1,000 lbs. to 20,000 lbs.
Low lift, high platform	2,000 lbs. to 20,000 lbs.
Low lift, low platform	2,000 lbs. to 20,000 lbs.
High lift, low platform	2,000 lbs. to 10,000 lbs.
Fork or ram	2,000 lbs. to 60,000 lbs.
Crane	2,000 lbs. to 20,000 lbs.
Tractor	[1] 1,500 lbs. to 6,000 lbs.
Motorized low lift	2,000 lbs. to 6,000 lbs.
Straddle trucks	10,000 lbs. to 30,000 lbs.

[1] Max. D.B.P.

[F. R. Doc. 43-11144; Filed, July 10, 1943; 11:59 a. m.]

PART 1210—INDUSTRIAL POWER TRUCKS

[Supplementary Limitation Order L-112-a as Amended July 10, 1943]

Section 1210.2 *Supplementary Limitation Order L-112-a,* as heretofore amended is hereby amended to read as follows:

In accordance with the provisions of § 1210.1 *General Limitation Order L-112,* which the following order supplements: *It is hereby ordered,* That:

§ 1210.2 *Supplementary Limitation Order L-112-a*—(a) *Approved standard models.* Pursuant to paragraph (d) (2) of Limitation Order L-112, approved standard models of industrial power trucks for each manufacturer named in this supplementary order shall be those models listed below for such manufacturer: *Provided, however,* That notwithstanding any other provision of Limitation Order L-112, as supplemented, no such model shall be manufactured which is not produced in accordance with the following restrictions:

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

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

TABLE I

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

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

Name of manufacturer and approved standard models	
Atlas Car & Mfg. Co	HP-3, 3-EA-62, 3-EA-17, 3-DWT-2, 2-WT-2
Automatic Transportation Co	LN-2, LN-3, LO-5, TLN-2, TLN-3, TLO-5, CHTF-2, THTF-L-4, THTF-L-6, THTF-L-6 (Ordnance Model), THTF-L-7, THTF-M-10, TN-4, TN-6, TW-4, TW-6- in platform lengths 36, 48, 60, and 72 inches and heights 6, 7, 9, and 11 inches, P-427, 2000# crane attachment
Baker-Raulang Co	E-2, E-3, E-5, H-2, H-3, H-5 JOMH-20, JOMH-40, JOMH-60, CXA, CXB, CXF
Barrett-Cravens Co	Power OX—in plaform lengths 48 and 60 inches, widths 19 and 25 inches, and heights 7, 9, and 11 inches.
Berry Motor Car Co	TT3-2NC, FHLT-2, FHLT-3
Buda Co	Chore Boy
Clark Equipment Co	Favorite, Tops, Plate, Elec-Plate, Stalwart-6025, Elec-Stalwart-6025, Clarkat, Standard, Mill
Crescent Truck Co	LA-3, NA-4, NA-6, LDLF, NBR-4, NDRE-4, NDRE-6, NCRE-4, NCRE-6, NCDE-4, NCTE-10, NTW
Dallas Machine & Locomotive Works, Inc.	PH-462-130, PH-562-130, PH-662-130, 4MH-4560, 4MH-5170, SMH-4560, SRH-5660, SRH-5770, SRH-5778, SRH-6078, SMH-5170, SRH-4560
Easton Car & Construction Co	HP-4, HP-6, LP-4, LP-6, LL-4, LL-6, LL6-10, TL6-10, TLC-4, TLC-6
Elwell-Parker Electric Co	EQ-4, EP-4-11, EP-6, GEP-6, EP-10, ELN-6, ELN-10, F-23, F-19, F-25, C-4, C-X, C-Z, 2000# crane attachment
Harry Ferguson, Inc	Moto-Tug-25, Moto-Tug-40
Hadley & Dye Aircraft Parts Co.	Model 101
W. F. Hebard Equipment Co	A-3-Victory, A-14-Victory, J-233
"HH" Manufacturers	1646, 1646TV, 2NC, 2NHD, 2GHD, C-2T, C-34
Howell Industrial Truck Co	112, 30, 90, 80-FC, 5
Lansing Co	Models J and R
Lewis-Shepard Co	EFTT3, EFTT4, GFTT3, GFTT4
Lift Trucks, Incorporated	EHN-3000# in platform lengths 38, 44, 50, and 62 inches, EHW-3000#, EHW-4000#, EHW-6000# in platform lengths 44, 50, 62, and 74 inches. All in 6, 7, 9, and 11 inch platform heights.
MacDonald Truck Co	A, B, C
Mercury Manufacturing Co	A-1007, A-1006, A-1020, A-1001, A-1017, A-1018, A-1360, A-1480, A-1540, A-540, Banty
Moto-Truc Co	NMSD-1, WE-1, MT-1, MT-3 MT-5, MT-6—Moto Truck platform in widths 20 and 26½ inches; lengths 36, 48, 60, and 90; heights 6, 7, 9, and 11 inches
Nutting Truck & Caster Co	SCT, SLT, STT
Prescott Iron Works, Inc	Model B
Rocky Mountain Steel Products, Inc.	Pony Express-24 volt, Pony Express-32 volt, Pony Express-Gas
Ross Carrier Co	20-H, 18-H, 16-H, 15-H, 12-H, 70-5445, 70-6051, 90-6544, 90-6556, 90-7056, 90-7968, 90-10868
Silent Hoist Winch & Crane Co.	A, AX, AY, DY, CK
Superior Grinding & Motor Parts Co.	STD, HD, TRX
Towmotor Co	LT-40, LT-44, LT-50, LT-56, LT-62, LT-72
Vaughan Motor Co	TAW
Willamette Hyster Co	Karry Krane, Hyster-20, Hyster-75, Space Saver, M-4560, M-5766, MH-4566, MH-5778, MH-57-108, M-6370, MH-6378
Wright-Hibbard Industrial Electric Truck Co., Inc.	RBH and TRC in platform widths of 18 or 24 inches, platform lengths of 42 or 53 inches and lowered heights of 6½, 9, or 11 inches in 4000# capacity
Yale & Towne Mfg. Co	K20-4, K20-6, KM-4L, K23-E4, K23-E6, K26-S10, K22-4, KM-4H, K-25, K-33, KN30-2M, K41-II, K41-III, K41-V, K42-3-7-65, K42-SH6-78, K42-G10-5½-78, C2-T
Yard-Man, Incorporated	C-Truck-Man

Issued this 10th day of July 1943.

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

[F. R. Doc. 43-11145; Filed, July 10, 1943; 11:59 a. m.]

PART 3037—ELECTRIC FUSES

[Interpretation 1 to General Limitation Order L-161]

The following interpretation is hereby issued with respect to § 3008.1, Limitation Order L-161:

Paragraph (b) (2) of Order L-161 prohibits the use, in the assembly of an electric fuse or a component part of an electric fuse, of any copper or copper base alloy, except as a conductor of electric current. Questions have arisen as to whether the following parts of a renewable electric fuse are conductors of electric current:

(1) A metal exterior threaded end attached to the fibre of a renewable electric fuse tube; and

(2) A washer used to hold the fuse link in a renewable electric fuse.

The successful operation of the fuse does not depend upon the current carrying ability of such metal ends and washers. The metal ends and washers come in contact with the current carrying part of the fuse and have an electrical potential present, but they do not carry or conduct the current. Therefore, the use of copper or copper base alloy in any metal exterior threaded end attached to the fibre of a renewable electric fuse tube and in a washer used to hold the fuse link of a renewable fuse is prohibited.

Issued this 10th day of July 1943.

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

[F. R. Doc. 43-11146; Filed, July 10, 1943; 11:59 a. m.]

PART 3087—ELECTRICAL INDICATING INSTRUMENTS

[Interpretation 1 of Limitation Order L-203]

The following interpretation is hereby issued with respect to § 3087.1, Limitation Order L-203:

Paragraph (a) (4) (iv) of Limitation Order L-203 defines an "approved order" as including: "Any order for less than 500 identical electrical indicating instruments which conform to approved United States Army or Navy specifications specified on the order". This means specified by the Army or Navy. This may occur on direct Army or Navy procurements, or in respect to purchase orders for instruments which are ultimately for the account of the Army or Navy—e. g., instruments to be installed as components in an end product being manufactured under an Army or Navy prime contract which requires that instruments going into that end product conform to Army or Navy specifications.

The end use of the instruments must be for the account of the Army or Navy. The provision does not mean, therefore, that any person may make any purchase order an "approved order" merely by specifying Army or Navy specifications thereon. The provision applies only to purchase orders placed by or for the ultimate account of the Army or Navy, where the Army or Navy has prescribed the specification in the first instance.

Issued this 10th day of July 1943.

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

[F. R. Doc. 43-11148; Filed, July 10, 1943; 12:00 p. m.]

PART 3118—CONSUMERS' GOODS INVENTORIES

[Consumers' Goods Inventory Limitation Order L-219 as Amended July 10, 1943 [1]]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of consumers' goods for defense, for private account, and for export; and the following order, limiting consumers' goods receipts and providing for inventory reports, is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3118.1 *Consumers' Goods Inventory Limitation Order L-219—(a) Definitions.* For the purposes of this order:

(1) "Consumers' goods" means goods suitable in form and type for sale to individual ultimate consumers for personal or household use, including but not limited to goods on List B, attached to Order L-219. Consumers' goods do not include producers' goods such as farm implements, goods used in rendering personal services such as shoe repairing, or goods sold for consumption on the vendor's premises such as fountain and restaurant fare. Consumers' goods shall not include any food or beverage for human or animal consumption, or any fuel oil, gasoline, motor oil, grease, or allied petroleum products.

(2) "Mercantile inventory" means the stock of consumers' goods held for sale by a person engaged in marketing such goods, including goods he has purchased for resale, goods he has manufactured for sale, stock consigned to him for sale, and stocks held by him on memorandum for sale.

(i) Mercantile inventory shall not include factory inventory. "Factory inventory" is an inventory of consumers' goods which are stored by the manufacturer of such goods at, or in the immediate vicinity of the place where their manufacture was completed, and which are not being offered for sale to individual ultimate consumers, or to independent dealers who sell to individual ultimate consumers, and who in most instances carry in stock less than $200 worth of consumers' goods of all kinds, at cost value. Nothing contained in this subparagraph shall be construed as indicating that such independent dealers are controlled merchants.

(ii) Stocks on consignment or on memorandum for sale are to be included in the inventory of the person actually holding them for sale, and in such case are to be excluded from the inventory of the owner. Stocks on consignment or on memorandum to a person not holding them for sale are to be included in the inventory of the owner.

(iii) Goods in transit may be either included in or excluded from inventory: *Provided,* That in all computations, records, reports, and other matters pursuant to this order, they are consistently treated by the merchant in accordance with his prior accounting or income tax return practice. Goods shall cease to be considered in transit not later than one business day after they are delivered to a merchant on his premises, to his warehouse, or to a commercial warehouse for his account; except that dutiable imported consumers' goods may be considered in transit until the import duty is paid.

(iv) Goods are held for sale and are considered as part of "inventory" even though they are not currently offered for sale, but are stored in a warehouse or elsewhere, with a view to sale at some future time, e. g., seasonal goods during the off season and goods held for speculative purposes. Goods held on the "layaway" plan pending payment of the purchase price may be included in or excluded from inventory: *Provided,* That in all computations, records, reports and other matters pursuant to this order, they are consistently treated by the merchant in accordance with his prior accounting or income tax practice.

(3) "Merchant" means any person engaged in retailing, wholesaling, jobbing or otherwise marketing consumers' goods, either of his own or another's manufacture, who maintains a mercantile inventory.

(4) "Controlled merchant" means any merchant, not in any of the exempt categories established by paragraph (b), who:

(i) On or after November 30, 1942, either had a mercantile inventory of consumers' goods having a cost value of $50,000 or more at the beginning of any quarter of his federal income tax years, or, during the twelve months preceding the beginning of any quarter of his federal income tax years, had net sales of consumers' goods of $200,000 or more.

(ii) Any merchant who is or becomes a "controlled merchant" within the foregoing definition shall cease to be a "controlled merchant" if, at the beginning of each of any four consecutive quarters thereafter, his mercantile inventory has a cost value of less than $50,000 and in addition, he has failed during the preceding twelve months to make net sales of consumers' goods of $200,000.

(5) "Net sales" means the amount of a merchant's gross sales of goods in dollars, including sales of goods shipped direct from a vendor to the merchant's customer, less all returns, allowances, rebates, discounts and other proper deductions. In the case of a merchant who is also engaged in manufacturing, his net sales shall not include any sales made, as a manufacturer, out of his factory inventory.

(6) "Cost value" or "cost" of goods received, sold or in inventory means the value in dollars of such goods computed by any single method of valuation which

[1] Underscored portions indicate changes from L-219, as amended March 26, 1943. Changes in Lists and Appendices are indicated by appropriate notes.

the merchant uses consistently and which meets the requirements of generally accepted accounting practice for determining the asset value of goods, e. g., income tax practice. Goods held for sale on consignment and on memorandum are to be valued at not less than the amount which the person holding them for sale would be obligated to remit to the owner if all of them were sold. Incoming transportation costs and workroom charges shall also be included in the value of goods on consignment or on memorandum if they are included in the cost value of comparable purchased goods in the inventory of the person holding them for sale. Retail merchants who consistently employ what is known as the "retail method" of pricing inventories may reduce their inventories to cost by the method prescribed for federal income tax purposes.

(7) "Inventory year" of a merchant means the recurrent twelve calendar month period beginning either December 1, January 1, or February 1, of each year, whichever corresponds with the beginning date of a quarter of his federal income tax year. An inventory year is designated by the number of the calendar year in which most of its months fall. For example, whichever of the inventory years commencing December 1, 1942, January 1, 1943, and February 1, 1943, is selected by a merchant, is his 1943 inventory year within the meaning of this order. Each inventory year shall consist of four "quarterly periods" of three calendar months each, except for the following options: Any merchant who keeps his books of account on the basis of an annual fiscal period divided into four periods of thirteen weeks each may adopt an inventory year of four thirteen-week "quarterly periods", each divided into a four-week "month", a five-week "month" and a four-week "month", in that order. Any merchant who keeps his books of account on the basis of an annual fiscal period divided into thirteen periods of four weeks each may adopt an inventory year of four "quarterly periods", in which the first "quarterly period" shall consist of sixteen weeks, divided into a five-week "month", a six-week "month" and a five-week "month", in that order, and the second, third and fourth "quarterly periods" shall each consist of twelve weeks, divided into three four-week "months". Any merchant who keeps his accounts on the basis of either of these types of fiscal year may use a date other than December 1, January 1, or February 1 as the first day of his inventory year: *Provided*, That the date selected is as near as possible to that beginning date of a quarter of his federal income tax year which falls nearest one of those three dates.

(8) "Base period" means a period of three inventory years, commencing with the beginning date of the merchant's 1939 inventory year. Ordinarily, this date will be December 1, 1938, January 1, 1939, or February 1, 1939. Any controlled merchant who lacks records for part or all of the base period so computed shall use as his special base period all the complete consecutive quarterly periods between December 1, 1938, and February 1, 1942, for which he has records. If the number of such quarterly periods is less than four, additional periods shall be taken from his 1942 inventory year sufficient to complete a single year. This treatment of inventory and sales data for such special base period shall conform as strictly as possible to the treatment of inventory and sales data for the base period prescribed in Appendix A attached to Order L-219. If a going business has changed owners since the commencement of the period which, but for such change, would have been its base period, and if the current owner possesses or can obtain the necessary data concerning his predecessor's operations, he shall compute the normal inventory of such business as if he had been its owner throughout. A controlled merchant who is unable to establish a base period, including 1942, of at least four consecutive quarterly periods, shall apply to the War Production Board for instructions, stating his monthly sales and inventories.

(9) "Normal inventory" means a mercantile inventory at the beginning of a quarterly period with a cost value no larger in relation to a merchant's projected sales during that quarterly period than he would carry at the beginning of that quarterly period when following his normal base period merchandising practices. In no event shall the normal inventory figure used by a merchant in determining his inventory limit exceed a figure correctly computed from his past inventory and sales experience by the method described and illustrated in Appendix A attached to Order L-219, and employed on Forms PD-689 and PD-690.

(10) "Normal receipts" as used in paragraphs (d), means the dollar amount of consumers' goods at cost value which a merchant will need during any quarterly period to complete his anticipated sales during that quarterly period and to begin his next succeeding quarterly period with his normal inventory, less the cost value of the mercantile inventory which he has at the beginning of the quarterly period. Except for merchants who elect, under paragraph (l), to use the "retail method", the normal receipts of a merchant shall be a figure correctly computed from the merchant's previous experience with respect to sales and cost of goods sold by the method described and illustrated in Appendices A and C attached to Order L-219 and employed on Form WPB-1621 (formerly Form PD-690). However, if the normal receipts figure thus computed is less than one-third of the cost of goods sold by the merchant during the preceding quarterly period, then he may use as his normal receipts figure an amount not exceeding one-third of the cost of goods sold during the preceding quarterly period.

(i) Nothing in this paragraph shall be construed as permitting a merchant whose mercantile inventory at the beginning of any quarterly period is greater than his inventory limit to receive during such quarterly period an amount of consumers' goods in excess of his "allowable receipts" calculated in accordance with paragraph (d).

(11) "Cost of goods sold" means the cost value of goods removed from mercantile inventory by sale, spoilage, shrinkage reserve, consignment to another person or other proper deduction in accordance with generally accepted accounting practice consistently used by the merchant, plus the cost value of goods shipped direct from a vendor to the merchant's customers.

(12) "Receipts of consumers' goods" means the cost value of consumers' goods acquired by a merchant by purchase, consignment, memorandum, or otherwise, in such a way and to such an extent that they became part of the merchant's mercantile inventory, plus the cost value of consumers' goods shipped direct from a vendor to the merchant's customers. For the purposes of this order consumers' goods manufactured by a merchant are to be considered receipts by him when they first become part of his mercantile inventory. Examples are:

(i) Consumers' goods become mercantile inventory when they are transferred from factory inventory to a stock-carrying branch warehouse inventory.

(ii) Consumers' goods which are held at or in the immediate vicinity of the place where their manufacture was completed become mercantile inventory when the manufacturer first offers them for sale to individual ultimate consumers or to independent dealers as provided in paragraph (a) (2) (i) of this order.

(13) "Frozen goods" means those consumers' goods in the mercantile inventory of a controlled merchant which he is selling at a substantially less rapid rate than normal, due to governmental regulations which specifically restrict the sale of those consumers' goods, such as typewriters and automobile tires, to preferred classes of persons based upon special need.

(14) "Footwear", as used in paragraphs (b) (4) and (i) (2), means the following items, regardless of the materials of which they are made: all types of shoes, including athletic shoes, slippers, moccasins, sandals, rubbers, rubber boots, sneakers, waders, arctics, overshoes, galoshes, and the like. "Footwear" does not include hosiery, leggings, or spats.

(b) *Exemption of certain types of business.* The provisions of paragraph (d) and paragraph (e) of this order shall not apply to any merchant in any of the following exempt categories.

(1) Any merchant more than fifty per cent of whose aggregate net sales of all kinds of goods during his most recently completed inventory year were sales of goods listed on List A.

(2) Any merchant engaged in retailing, wholesaling, jobbing, or otherwise marketing consumers' goods entirely out-

side the forty-eight States and the District of Columbia.

(3) Any governmental corporation, including any United States Army or Marine Corps post exchange, any United States Navy or Coast Guard ship's service department and any War Shipping Administration training organization ship's service activity.

(4) Any merchant 90% or more of whose aggregate net sales of all kinds of goods during his most recently completed inventory year were sales of footwear.

(c) *Calculation of inventory limit.* (1) As used in paragraph (d) and paragraph (e), the "inventory limit" of a controlled merchant at the beginning of any quarterly period of his inventory year shall mean his normal inventory as of the beginning of that quarterly period plus the percentage of such normal inventory to which he is entitled as tolerance, computed by the method described and illustrated in Appendix B attached to Order L-219, and employed on Form PD-690. Except for merchants who elect under paragraph (l) to use the "retail method", the percentage of tolerance shall be as follows: With respect to mercantile inventories in the Eastern and Central Time Zones the percentage of tolerance shall be 10% beginning with the second quarterly period of the 1943 inventory year. With respect to mercantile inventories in the Mountain and Pacific Time Zones the percentage of tolerance shall be 15% beginning with the second quarterly period of the 1943 inventory year.

(2) The War Production Board may issue specific instructions increasing the normal inventory figure of a controlled merchant. It may also issue specific instructions increasing or decreasing the percentage of tolerance of a controlled merchant. A request for an increased normal inventory figure or an increased percentage of tolerance, or both, may be made by filing Forms WPB-1620, WPB-1621, and WPB-1622 (formerly Forms PD-689, PD-690 and PD-691, respectively), accompanied by a letter in triplicate stating the reasons which he considers warrant such an increase.

(d) *Restrictions on receipts of consumers' goods.* (1) Except as provided in paragraph (d) (4), (which specifies certain quarterly periods in which the following restrictions do not apply), no controlled merchant whose mercantile inventory at the beginning of any quarterly period of his inventory years is greater than his inventory limit shall have receipts of consumers' goods during the quarterly period which in dollar amount exceed his "allowable receipts". He shall correctly calculate his allowable receipts as follows:

(i) He shall multiply his normal receipts computed as provided in paragraph (a) (10), by the appropriate percentage selected from the following table, in accordance with the method described and illustrated in Appendix E attached to Order L-219, and employed on Form WPB-1621, formerly Form PD-690:

If the merchant's mercantile inventory exceeds his normal inventory by:	*His allowable receipts of consumers' goods shall be the following percentage of his normal receipts:*
0 to and including 25%	100%
26% to and including 50%	75%
51% to and including 100%	50%
Over 100%	40%

(2) Except as provided in paragraph (d) (4), a controlled merchant whose mercantile inventory is greater than his inventory limit at the beginning of any quarterly period of his inventory years shall not receive more than one-third of his allowable receipts for such quarterly period during the first month of that quarterly period, and he shall not receive more than two-thirds during the first two months of that quarterly period.

(3) The War Production Board may issue specific instructions increasing or decreasing the allowable receipts of a controlled merchant. A request for increased allowable receipts may be made by filing Form WPB-1620, formerly Form PD-689; Form WPB-1621, formerly PD-690; and Form WPB-1622, formerly PD-691, accompanied by a letter in triplicate stating the reasons which he considers warrant such an increase.

(4) With respect to a merchant who became a controlled merchant on or after July 10, 1943, none of the restrictions on receipts referred to in paragraphs (d) (1) and (d) (2) shall become effective until the beginning of the fourth quarterly period of his 1943 inventory year. With respect to a merchant who became a controlled merchant prior to July 10, 1943, none of the restrictions on receipts referred to in paragraphs (d) (1) and (d) (2) shall apply to the first quarterly period of his 1943 inventory year and until the beginning of the fourth quarterly period of 1943 he shall not be restricted under paragraph (d) (1) to less than 100 per cent of his normal receipts.

(e) *Special reports.* Whenever a controlled merchant is required to make a report to the War Production Board, as provided in paragraph (e) (1), he shall fill out such report in duplicate, mail one copy to the War Production Board and retain the other copy in his possession.

(1) Any controlled merchant having a mercantile inventory which is greater than his inventory limit at the beginning of any quarterly period of his inventory years, shall make each of the following reports to the War Production Board, except that: If he became a controlled merchant prior to July 10, 1943, he need not make such reports for the first quarterly period of 1943, and if he became a controlled merchant on or after July 10, 1943, he need not make such reports for any quarterly period prior to the fourth quarterly period of 1943.

(i) A report on Form WPB-1621, formerly Form PD-690, on or before the twenty-fifth day of the first month of such quarterly period, together with Form WPB-1620, formerly Form PD-689. (Form WPB-1620, formerly Form PD-689, is to be submitted once only, at the time of the first filing of Form WPB-1621, formerly Form PD-690.)

(ii) A report on Form WPB-1962, formerly Form PD-713, on or before the twenty-fifth day of the second month of such quarterly period.

(iii) A report on Form WPB-1962, formerly Form PD-713, on or before the twenty-fifth day of the third month of such quarterly period.

(iv) A report on Form WPB-1621, formerly PD-690, on or before the twenty-fifth day of the first month of the following quarterly period.

(f) *Corporate combinations and similar enterprises*—(1) *Consolidated inventories and reports.* Except as otherwise provided in paragraphs (g) and (h), every person affected by this order shall, when computing the quantity of his sales, his mercantile inventories, his receipts, and other matters pursuant to this order, include the sales, mercantile inventories, receipts and other matters of all stores, branches, divisions and sections of his enterprise and of any other enterprise under common ownership or control with his enterprise. Moreover, the reports relating to such sales, inventories and other matters shall be consolidated and shall include the sales, inventories and other matters of all branches, divisions, or sections of all enterprises under common ownership or control without regard to corporate or other distinctions between such enterprises. Concessions and leased departments shall be treated as enterprises separate from the business of the merchant whose premises they occupy, unless under common ownership or control with such business.

(2) *Intra-company and inter-company sales.* In all computations and reports pursuant to this order, transactions within the enterprise of a single person or between stores, branches, divisions or sections of enterprises subject to common ownership or control, shall not be counted as sales or as receipts of goods, even though designated on the books of such enterprise or enterprises as sales or receipts, with the following exceptions:

(i) If one or more establishments, belonging to a group of establishments under common ownership or control, engage in manufacturing and their records are consolidated under this order, the consumers' goods manufactured by such establishments are to be considered receipts (as defined in paragraph (a) (12))

by that group of establishments when such goods first become part of its mercantile inventory.

(ii) If, pursuant to paragraph (g) or paragraph (h), establishments under common ownership or control are treated as separate entities for the purpose of this order, transfers of consumers' goods from one such establishment to another are to be deducted from the mercantile inventory of the transferor, and counted as receipts by the transferee, but the transferor shall not include in his net sales the amount of money, credit or property received in exchange for such goods.

(g) *Separate accounting for company stores.* (1) If any person, as an incident of his principal business, carries on a business enterprise consisting of one or more company stores, commissaries, industrial stores, or other similar type of business enterprise marketing consumer goods chiefly to the employees of such person and their families, then that person shall determine whether such incidental enterprise is a controlled merchant as defined in paragraph (a) (4) of this order and not exempt under paragraph (b) when separately considered.

(2) If such incidental enterprise is, in itself, a controlled merchant, then, even though the principal business of that person may consist of sales of goods on List A, such person shall keep the records, report the inventories, and restrict the receipts of goods of such incidental enterprise as a separate entity. Such person shall exclude the sales, inventories, and receipts of goods of such incidental enterprise from computations and other matters respecting his principal business.

(h) *Separate accounting for ownership groups.* If a controlled merchant consists of a number of establishments, each of which would be a controlled merchant if considered separately, which are substantially independent with respect to merchandising, buying, warehousing, selling, advertising, management, and accounting, and in the operation of which the controlled merchant does not practice centralized buying for, centralized storage for, or interchange of stocks among the constituent establishments, such controlled merchant may elect by written notice to the War Production Board, mailed before February 1, 1943, to keep the records, report the inventories, and restrict the receipts of goods of each such constituent establishment as a separate entity.

(i) *Segregation of goods*—(1) *Consumers' goods.* Any merchant who is engaged in marketing both consumers' goods and other goods may include such other goods with consumers' goods in calculating inventories, sales, receipts of goods, and all other matters under this order if such other goods are consistently included and if their exclusion would be impracticable. The exclusion of such goods from consumers' goods may be considered impracticable only when such exclusion would require the compilation of data respecting the base period which that merchant does not already have available and which could be compiled, if at all, only by re-examining his original records of sales, purchases and inventories during the base period.

(2) *Footwear.* On or after June 1, 1943, a controlled merchant who sells footwear, but who is not exempt under paragraph (b) (4), may, except for the purpose of determining whether he is a controlled merchant, exclude the dollar amount of such footwear in calculating inventories, sales, receipts of goods, and all other matters under this order: *Provided,* That he makes such exclusion of footwear consistently in his base period and current computations. If it is impracticable for him to make such exclusion of footwear, he may apply, by letter in triplicate, to the War Production Board for instructions, setting forth any method by which he believes such exclusion may be made with reasonable accuracy.

(j) *Consistency in accounting.* In the valuation of inventories, in the computation of net sales and costs of goods sold, and in all other matters of accounting under this order, unless otherwise specifically authorized by the War Production Board, a merchant must use those accounting methods and figures which are in accordance with his books of account or his income tax returns, which meet the requirements of generally accepted accounting practice for the particular purpose, and which he has consistently employed since the beginning of his base period. If, since that date, there has been a material change or inconsistency in his accounting practice affecting valuation of inventories, computation of his net sales, cost of goods sold, or other matters of accounting under this order, or if his customary accounting methods do not meet the requirements of accepted accounting practice, he shall apply by letter to the War Production Board for specific instructions concerning the adjustments, if any, to be made, stating in such letter the nature of the change or inconsistency, or the variance from accepted practice.

(k) *Inter-relation with Suppliers' Inventory Limitation Order L-63.* Nothing in this order shall be construed to relieve any person of the duty of complying with § 1046.1, Suppliers' Inventory Limitation Order L-63. Any controlled merchants who market supplies, as defined in Order L-63, and who are not exempt from this order by virtue of paragraph (b) (1), shall not only comply with any restrictions of Order L-63 applicable to their operations but shall also comply with the provisions of this order without distinction between those consumers' goods which are supplies and other consumers' goods.

(l) *Optional use of the "retail method."* Any retail merchant who employed during his base period what is known as the "retail method" of pricing inventories may elect to value his mercantile inventory and to compute his allowable receipts at retail, rather than at retail reduced to "cost" or "cost value," on the following conditions:

(1) He shall employ a percentage of tolerance two per cent lower than he would otherwise be entitled to use under the provisions of paragraph (c) (1).

(2) He shall consistently value his goods at retail wherever the provisions of this order specify the use of "cost value" or "cost," except for the purpose of determining whether he is a controlled merchant under paragraph (a) (4).

(3) His normal receipts at retail shall be a figure correctly computed from the merchant's previous experience with respect to sales and mark-downs by the method described and illustrated in Appendix D attached to Order L-219, and employed on Form WPB-1621, formerly Form PD-690. However, if the normal receipts figure thus computed is less than one-third of the sum of his net sales and markdowns during the preceding quarterly period, then he may use as his normal receipts figure an amount not exceeding one-third of the sum of his net sales and markdowns during the preceding quarterly period.

(i) Nothing in this paragraph shall be construed as permitting a merchant whose mercantile inventory at the beginning of any quarterly period is greater than his inventory limit to receive during such quarterly period an amount of consumers' goods in excess of his allowable receipts calculated in accordance with paragraph (d).

(iii) [Revoked July 10, 1943]

(4) His markdowns at retail used in computing his normal receipts at retail shall not be a greater percentage of his projected sales than his markdown percentage in the corresponding quarterly period of the preceding inventory year.

(m) *Special deductions*—(1) *"Frozen goods."* Except for the purpose of determining whether he is a controlled merchant, a controlled merchant may deduct from the cost value of his mercantile inventory on hand at the beginning of any current quarterly period an amount in dollars equal to either of the following:

(i) The cost value on that date of his mercantile inventory of any kind of "frozen goods" which he has had in his mercantile inventory more than four months, minus the cost value of the "frozen goods" of that kind sold by him during the immediately preceding quarterly period, or

(ii) The appropriate percentage, selected from the list below, of the total cost value of the "frozen goods" in his mercantile inventory at the beginning of the second quarterly period of the 1943 inventory year. Such total cost value shall be determined by a physical count taken at, or as near as possible to the beginning of the second quarterly period of his 1943 inventory year.

Time of deduction	*Percentage to be deducted*
Beginning 2nd quarterly period 1943	85
Beginning 3rd quarterly period 1943	70
Beginning 4th quarterly period 1943	55
Beginning 1st quarterly period 1944	40
Beginning 2nd quarterly period 1944	25
Beginning 3rd quarterly period 1944	10
Beginning any quarterly period thereafter	No deduction

(2) *Notice of "frozen goods" deductions.* Any controlled merchant who makes a deduction under either of the foregoing plans shall notify the War Production Board in writing, within twenty-five days after the beginning of the quarterly period, of the plan which he has adopted. A controlled merchant may use either of the two plans, but not both, and having once selected one of the two plans, may not change to the other plan in a subsequent quarterly period.

(3) *Military and naval apparel.* Except for the purpose of determining whether he is a controlled merchant, a controlled merchant licensed by the United States Army exchange service or by the United States Navy may exclude from his current computations, provided he does so consistently, his current receipts, sales and inventories of those articles of apparel, and only those, bearing the labels "made and sold under the authority of the United States Navy", or labels properly authorized by the Army exchange service, War Department, and prescribed for articles for the regulation Army officers' uniforms.

(n) *Special transactions.* (1) Any controlled merchant whose receipts are restricted under paragraph (d), but whose actual receipts are not in excess of his allowable receipts, may exchange consumers' goods with other persons without including the goods so acquired in computing his receipts of consumers' goods: *Provided,* That:

(i) If, during the quarterly period in which the exchange occurs, his monthly or quarterly receipts up to the date of the exchange have been less than his allowable receipts for the period, he shall include in his receipts of consumers' goods for that quarterly period the amount, expressed in dollars, of any consideration which he pays or contracts to pay to the person with whom he makes the exchange to compensate such person for the difference in dollar value between the consumers' goods exchanged, and

(ii) If, during the quarterly period in which the exchange occurs, his monthly or quarterly receipts up to the date of the exchange equal his allowable receipts for the period, he may not deliver consumers' goods less valuable than those he receives in exchange, if the difference between the values of the goods exchanged, expressed in terms of dollars, exceeds five percent (5%) of the dollar value of the goods delivered.

(2) If a merchant whose receipts are restricted under paragraph (d), but whose actual receipts are not in excess of his allowable receipts, transfers any portion of his mercantile inventory by sale (other than by way of exchange) effected outside his ordinary method of doing business, he may, while his receipts continue to be thus restricted, apply to the War Production Board, by letter, in triplicate, for an increase of his allowable receipts to the extent of the amount, expressed in dollars, of the consideration he received from such special sales. In making such application he shall state the dollar amount of such sales for which he has not already been granted increased allowable receipts. In addition, he shall state with respect to each such special sale the date of the sale, the goods sold, the amount, expressed in dollars, of the consideration he received, the purchaser's name, address and field of business operation.

(3) A controlled merchant shall not include in his net sales, to be used in calculating his projected sales during succeeding quarterly periods, the amount of consumers' goods transferred, by exchange or otherwise, to other persons in special transactions effected outside his ordinary method of doing business.

(4) Nothing in this paragraph shall be construed to prohibit any controlled merchant, whose inventory was not greater than his inventory limit at the beginning of any quarterly period, from making exchanges of consumers' goods.

NOTE: Paragraphs (3) and (4) redesignated July 10, 1943.

(o) *Miscellaneous reports.* Merchants shall execute and file with the War Production Board such reports and answers to questionnaires as the War Production Board may from time to time request, including reports concerning the sales and inventories of subsidiaries, branches or sales units, or of separate retailing or wholesaling divisions, or of particular departments or lines of merchandise.

(p) *Records.* (1) Every merchant shall preserve those records concerning his operations necessary to determine whether he is a controlled merchant.

(2) Every controlled merchant shall preserve his records concerning sales and inventories during the base period until further notice. Complete and accurate records kept on Form WPB-1620, formerly PD-689, will satisfy this requirement.

(3) Every controlled merchant shall prepare and preserve for a period of at least two years accurate and complete records concerning his sales, inventories, cost of goods sold, and receipts of goods in such form that the extent of his compliance with this order can readily be ascertained. Complete and accurate records kept on Forms WPB-1620 and WPB-1621, formerly Forms PD-689 and PD-690, respectively, and such other forms as are issued from time to time will satisfy this requirement.

(q) *Miscellaneous provisions*—(1) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

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

(3) *Appeals.* Any person subject to any requirement of this Order, who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal by filing Forms WPB-1620, WPB-1621 and WPB-1622, formerly Forms PD-689, PD-690 and PD-691, respectively, accompanied by a letter in triplicate, referring to the particular provisions of this Order from which he appeals, and stating fully the grounds of his appeal.

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

(5) *Communications to the War Production Board.* All reports, when ordered to be filed, and all communications concerning this order shall, unless otherwise directed, be sent to the War Production Board, Wholesale and Retail Trade Division, 350 Fifth Avenue, New York 1, N. Y. Ref.: L-219.

Issued this 10th day of July 1943.

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

LIST A—LINES OF GOODS (WHETHER OR NOT CONSUMERS' GOODS) QUALIFYING MERCHANTS FOR EXEMPTION

NOTE: Item "Tobacco products * * *" added; "Supplies * * *" amended July 10, 1943.

Antiques.
Coal, fuel oil, gasoline and miscellaneous heat or power fuel.
Coffins, burial caskets, and burial vaults.
Farm machinery and equipment, and attachments and repair parts therefor.
Coffins, burial caskets, and burial vaults.
Foods and confections.
Grain.
Hay.
Ice.
Jewelry having a selling price of $200 or more per piece.
Lumber and building materials, except hardware.
Motor oil and grease.
Motor vehicles and motor vehicle replacement parts.
Non-alcoholic beverages.
Rubber tires.

Second-hand goods.
Stock food.
Seeds for farm use.
Tobacco products, such as cigarettes, cigars, chewing and smoking tobacco.
Typewriters.
"Consumers' goods" imported into the United States.
Supplies, as defined in § 1046.1 *Suppliers' Inventory Limitation Order L-63*, concerning which the merchant is required to keep and actually keeps records on Form WPB-825, formerly Form PD-336.

LIST B

NOTE: First paragraph added July 10, 1943.

Consumers' goods shall be considered as including the commodities listed below, but this list is not intended to be exhaustive, and all items coming within the definition contained in paragraph (a) (1) shall be considered consumers' goods for the purpose of the order.

Women's, misses', wearing apparel.
Women's, misses' accessories.
Baby goods.
Men's and boys' clothing.
Men's and boys' furnishings.
Work clothing.
Footwear.
Hosiery, underwear, negligees and robes.
Gloves, handbags and millinery.
Aprons, house dresses and uniforms.
Furs.
Corsets and brassieres.
Lace, trimmings, and ribbons.
Notions.
Toilet articles and toiletries (such as cosmetics, shaving equipment and soaps).
Clocks and watches.
Jewelry and silverware.
Umbrellas.
Art, needlework and yarns for home use.
Paper and paper products, stationery, books.
Giftwares.
Piece goods (silks, velvets, rayons and synthetics, woolens, cottons, linens, mixtures, wash goods and linings).
Drugs and drug sundries.
Sporting goods and cameras.
Toys and games.
Luggage and other leather goods.
Garden supplies and seeds for garden use.
Motor vehicles, replacement parts, and accessories.
Tires.
Typewriters.
Linens, including towels.
Domestics (muslins, sheetings, etc.).
Blankets, comforters and spreads.
Furniture, bedding and domestic floor coverings.
Draperies, curtains and upholstery.
Lanterns, lamps and shades.
Chinaware and glassware.
Major household appliances, including mechanical refrigerators, washing machines and cooking appliances.
Small electrical appliances, light bulbs, fixtures and dry cells.
Radios, phonographs, records and supplies.
Hardware and tools for home use.
Kitchenware, cutlery and miscellaneous housewares.
Musical instruments, pianos and sheet music.
Window shades, blinds and wallpaper.
Brushes, brooms and mops.
Soaps and household cleaning and sanitation materials.
Paints, varnishes, waxes and polishes.
Christmas ornaments and supplies.
Wheeled goods.
School supplies.
Antiques.
Coal.
Flowers and plants.
Smoking equipment.
Second-hand consumers' goods.

APPENDIX A—COMPUTATION OF A NORMAL INVENTORY

NOTE: Appendix A amended in its entirety July 10, 1943.

1. Computation of the normal quarterly inventory-sales ratio, using the fourth quarterly period ratio as an example.

A. Add the mercantile inventories for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example.

1939 Beginning 4th quarterly period inventory ..... $.....
1940 Beginning 4th quarterly period inventory ..... $.....
1941 Beginning 4th quarterly period inventory ..... $.....

Total A ..... $.....

B. Add the net sales for the quarterly periods of the base period years corresponding to the quarterly period for which the normal inventory is being computed.

Example.

1939 sales 4th quarterly period ..... $.....
1940 sales 4th quarterly period ..... $.....
1941 sales 4th quarterly period ..... $.....

Total B ..... $.....

C. Divide Total A by Total B, computing to three decimal places.

$\frac{\text{Total A}}{\text{Total B}}$ = normal inventory-sales ratio for all fourth quarterly periods.

II. Computation of projected sales, using the fourth quarterly period of 1943 as an example.

A. First, compute the *Sales Trend Ratio* as follows: Divide the net sales during the second preceding quarterly period by the net sales during the quarterly period of the previous year corresponding to the second preceding quarterly period, computing to three decimal places.

Example.

$\frac{\text{Sales 2nd quarterly period 1943}}{\text{Sales 2nd quarterly period 1942}}$ = Sales trend ratio for 4th quarterly period 1943

B. Second, compute the *Sales Projection Ratio* as follows: (1) If the sales trend ratio is between .900 and 1.100, such ratio is the sales projection ratio to be used in calculating a merchant's projected sales.

Example. If the sales trend ratio is 1.050, the sales projection ratio is also 1.050. If the sales trend ratio is .950, the sales projection ratio is also .950.

(2) If the sales trend ratio is less than .900, determine the sales projection ratio in the following manner:

Add to the sales trend ratio one-half the difference between the sales trend ratio and .900 to obtain the sales projection ratio.

Example. Suppose the sales trend ratio is .784

Sales trend ratio = .784
Add, ½ difference between .900 and the sales trend ratio $\frac{.900-.784}{2}$ = .058

Sales projection ratio for 4th quarterly period 1943 = .842

(3) If the sales trend ratio is greater than 1.100, determine the sales projection ratio in the following manner:

Subtract from the sales trend ratio one-half the difference between the sales trend ratio and 1.100 to obtain the sales projection ratio.

Example. Suppose the sales trend ratio is 1.368.

Sales trend ratio = 1.368
Subtract, ½ Difference between sales trend ratio and 1.100 $\frac{1.368-1.100}{2}$ = .134

Sales projection ratio for 4th quarterly period 1943 = 1.234

C. Third, compute *Projected Sales* as follows: Multiply the sales projection ratio for the quarterly period by the net sales during the corresponding quarterly period of the preceding year.

Example. Sales projection ratio 4th quarterly period 1943 × sales 4th quarterly period 1942 = projected sales 4th quarterly period 1943.

III. Computation of the normal inventory, using the fourth quarterly period of 1943 as an example.

Multiply the projected sales during the quarterly period by the normal inventory-sales ratio for that quarterly period.

Example. Projected sales 4th qt. '43 × normal inventory-sales ratio for all 4th qts. = normal inventory beginning 4th qt. '43.

IV. Computation of percentage by which mercantile inventory exceeds normal inventory.

NOTE: This percentage is based on the excess of mercantile inventory over *normal* inventory, *not* the excess over inventory limit.

If the mercantile inventory at the beginning of any quarterly period exceeds the normal inventory at the beginning of the same quarterly period, divide the mercantile inventory by the normal inventory, computing to two decimal places. Then subtract 1.00 from the result. Drop the decimal point from the figure thus obtained to secure the percentage by which the mercantile inventory exceeds the normal inventory.

Example. Suppose the mercantile inventory at the beginning of the 4th quarter '43 is $273,124
And the normal inventory at the beginning of the 4th quarter '43 is 198,635
Divide the mercantile inventory $\frac{273,124}{198,635}$ = 1.375
By the normal inventory

When, as here, the 3rd decimal is 5 or over, increase the second decimal by 1 ..... 1.38
Subtract 1.00 from the result 1.00

Drop the decimal point from the figure thus obtained ..... .38
Percentage by which the mercantile inventory exceeds the normal inventory at the beginning of the 4th quarter '43 ..... 38%

APPENDIX B—COMPUTATION OF INVENTORY LIMIT

NOTE: Appendix B amended in its entirety July 10, 1943.

1. Computation of the inventory limit using as an example the fourth quarterly period of 1943 of a merchant in the Eastern Time Zone operating on the cost method.

A. Compute the tolerance by multiplying the normal inventory for the beginning of the quarterly period by the appropriate percentage of tolerance.

Example. Normal inventory beginning 4th qt. '43 × .10 = Tolerance beginning 4th qt. '43.

B. Add the tolerance thus secured to the normal inventory.

Example.

Tolerance beginning 4th quarterly period '43 ..... $.....
Normal inventory beginning 4th quarterly period '43 ..... $.....

Inventory Limit beginning 4th qt. '43 ..... $.....

APPENDIX C—COMPUTATION OF NORMAL RECEIPTS AT COST VALUE ON THE BASIS OF PROJECTED SALES

NOTE: Appendix C amended in its entirety July 10, 1943.

I. Computation of the cost of projected sales for a quarterly period, using the fourth quarterly period of 1943 as an example.

A. Divide the cost of goods sold during the corresponding quarterly period of the preceding year by the net sales during the corresponding quarterly period of the preceding year.

Example. Cost of goods sold 4th qt. '42÷Net Sales 4th qt. '42=Cost ratio for 4th qt. '43.

B. If such data are not available, use the cost of goods sold and net sales on the most recent federal income tax return.

Example. Cost of goods sold during taxable year 1942÷Net sales during taxable year 1942=Cost ratio for any qt. of '43.

C. Multiply the projected sales for the quarterly period computed in accordance with Appendix A, by the cost ratio for the quarterly period.

Example. Cost ratio × projected sales 4th qt. '43=Cost of projected sales for 4th qt. '43.

II. Computation of normal receipts for a quarterly period, using the fourth quarterly period of 1943 as an example.

A. Add the cost of projected sales for the quarterly period to the cost value of a normal inventory at the beginning of the next quarterly period.

Example.

Cost of projected sales 4th qt. '43 ____ $_____
Normal inventory beginning 1st qt. '44 ____ $_____

Total A ____ $_____

B. Subtract from the sum thus secured the mercantile inventory on hand at the beginning of the current quarter.

Total A ____ $_____
(Minus) Mercantile inventory beginning 4th qt. '43 ____ $_____

Normal receipts during 4th qt. '43 ____ $_____

APPENDIX D—COMPUTATION OF NORMAL RECEIPTS AT RETAIL VALUE USING PROJECTED SALES

Note: Appendix D amended in its entirety July 10, 1943.

1. Computation of normal receipts for a quarterly period, using the fourth quarterly period of 1943 as an example.

A. Add the projected sales and the projected markdowns for the quarterly period to the normal inventory at retail value at the beginning of the next quarterly period.

Example.

Projected sales 4th qt. '43 ____ $_____
Projected Markdowns at Retail 4th qt. '43 ____ $_____
Normal Inventory at Retail Beginning 1st qt. '44 ____ $_____

Total A ____ $_____

B. Subtract from the sum thus secured the mercantile inventory, at retail, on hand at the beginning of the quarterly period.

Example.

Total A ____ $_____
(Minus) Mercantile inventory at retail value beginning 4th qt. '43 ____ $_____

Normal Receipts at retail during 4th qt. '43 ____ $_____

APPENDIX E—CALCULATION OF ALLOWABLE RECEIPTS

NOTE: Appendix E added July 10, 1943.

I. Every merchant whose receipts during a quarterly period are restricted (see paragraphs (d) and (d) (4) to determine whether your receipts are restricted), shall calculate his allowable receipts for such quarterly period as follows:

A. Calculate the normal inventory, the normal receipts, and the percentage by which the mercantile inventory exceeds the normal inventory according to the instructions in Appendix A, Sections I, II and III, Appendix C, and Appendix A section IV, respectively.

B. Using the table set forth in paragraph (d) (1) (i) of this Order determine the allowable receipts in the manner illustrated below:

1. If the mercantile inventory exceeds the normal inventory by less than 26% of the normal inventory, the merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 100% of his normal receipts figure, i. e., his allowable receipts equal 100% of his normal receipts figure.

Example. A merchant's mercantile inventory is 15% greater than his normal inventory. His normal receipts figure for the quarterly period is $210,000.

Since the percentage of inventory excess is less than 26%, such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 100% of $210,000 or $210,000, i. e., his allowable receipts equal $210,000.

2. If the mercantile inventory exceeds the normal inventory by more than 25% but less than 51%, the merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 75% of his normal receipts figure, i. e., his allowable receipts equal 75% of his normal receipts figure.

Example. A merchant's mercantile inventory is 35% greater than his normal inventory. His normal receipts figure for the quarterly period is $755,000.

Such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 75% of $755,000, or $566,250, i. e., his allowable receipts equal $566,250.

3. If the mercantile inventory exceeds the normal inventory by more than 50% but less than 101%, the merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 50% of his normal receipts figure, i. e., his allowable receipts equal 50% of his normal receipts figure.

Example. A merchant's mercantile inventory is 68% greater than his normal inventory. His normal receipts figure for the quarterly period is $175,000.

Such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 50% of $175,000, or $87,500, i. e., his allowable receipts equal $87,500.

4. If the mercantile inventory exceeds the normal inventory by more than 100%, such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 40% of his normal receipts figure, i. e., his allowable receipts equal 40% of his normal receipts figure.

Example. A merchant's mercantile inventory is 120% greater than his normal inventory. His normal receipts figure for the quarterly period is $432,000.

Such merchant may receive consumers' goods during the quarterly period not exceeding in dollar amount 40% of $432,000, or $172,800, i. e., his allowable receipts equal $172,800.

[F. R. Doc. 43-11149; Filed, July 10, 1943; 12:01 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 22 to CMP Reg. 1]

SPECIAL ALLOTMENTS

The following direction is hereby issued with respect to § 3175.1, CMP Regulation 1.

(a) *Purpose.* (1) This direction outlines the way in which a manufacturer of Class A products who does not receive allotments from his customers in time to permit him to make full use of them, may apply for a special allotment.

(2) Special allotments will not be granted except in extraordinary cases of urgent need where a clear showing is made that failure to make the allotment will actually cause an interruption of production to the detriment of the war effort and that the applicant has made a diligent effort to obtain allotments from his customers and has been unable to do so. The showing of these facts must be set up in the letter of transmittal covering the application.

(3) Usually manufacturers applying for a special allotment will be either those who are several steps removed from a prime consumer and where unavoidable delay is involved in passing allotments down or those engaged in long cycle operations whose customers are not able to furnish them with advance allotments.

(4) Special allotments will not be granted to prime consumers.

(b) *How to apply for special allotments.* Applications for special allotments should be made on Form CMP-4B (revised June 9, 1943). The following variations from the instructions for preparing the form must be observed:

(1) Mark the application "Special Allotment Procedure" in Item 3 of the heading.

(2) Insert in Item 4 of the heading the description of the A product covered by the application.

(3) The applicant must show in Section B his total anticipated production schedule for the Class A product covered by the application to be produced from third and fourth quarter allotments.

(4) The applicant must show in Section C his total requirements during the third and fourth quarters to fill the total anticipated production schedule shown in Section B.

(5) Section D must be filled out in accordance with the instructions.

(6) The applicant must show in Section E the quantity of controlled materials for which a special allotment is required which will be the difference between the quantities shown in Section C and the quantities shown in Section D.

(7) All other information called for on the CMP-4B application, including shipment by preference ratings and Claimant Agencies (Section A), must be given by the applicant. The application should be filed with the War Production Board Ref: Special Allotment Procedure, and must be accompanied by a letter of transmittal explaining fully why the applicant feels he is entitled to special treatment.

(8) In those cases where the applicant has been instructed by a particular Claimant Agency or Industry Division to file an application for a special allotment he should indicate the name of the Claimant Agency or Industry Division in Item 1 of the heading.

(c) *Conditions on use of special allotments.* Conditions on the use of special allotments will be imposed in the letter of transmittal accompanying Form CMPL-150 on which the special allotment will be made. Among the conditions will be the following:

(1) A consumer receiving a special allotment must not use any allotment received from his customers to purchase controlled materials or Class A products needed in manufacturing the Class A product covered by the special allotment. This restriction applies only to the quarter or quarters covered by the special allotment.

(2) Authorized controlled material orders placed, or allotments made, on the basis of allotments received from customers (including SO orders received) prior to receiving the special allotment need not be changed, but the consumer receiving the special allotment must deduct from it the quantity of

such orders and allotments for the same quarter.

(3) A manufacturer receiving a special allotment must not deliver any Class A product made out of controlled materials covered by the allotment to any customer unless the customer furnishes the manufacturer with an allotment and an authorized production schedule.

(4) A consumer receiving a special allotment must, not later than the fifth day of each calendar month following receipt of the special allotment, return to the Claimant Agency or Industry Division making the special allotment all allotments received from his customers for the manufacture of the Class A product covered by the special allotment, and must report allotments received and used prior to receipt of the special allotment. The return of allotments and reports must be made on Form CMP-28.

(d) *Confined to third and fourth quarters.* This special allotment procedure will be used only for third and fourth quarter allotments.

Issued this 10th day of July 1943.

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

[F. R. Doc. 43-11151; Filed, July 10, 1943; 12:01 p. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Amdt. 2 to CMP Reg. 5, as Amended May 14, 1943]

Section 3175.5 *CMP Regulation No. 5* is amended as follows:

1. By changing the second sentence of paragraph (b) (2) to read as follows:

The terms shall also include such items as hand tools purchased by the employer for sale to his employees for use only in his business, in those cases where they would constitute operating supplies under established accounting practice if issued to employees without charge.

(NOTE: The effect of this amendment is to allow an employer to purchase such items as hand tools for resale to his employees although he has not customarily done so in the past.)

2. By changing "II Radio communications" appearing under the general heading "Conduct of the following businesses or activities" to "I Radio communications."

3. By striking the item "I Analytical, research, testing and control laboratories" appearing under the general heading "Conduct of the following businesses or activities."

4. By adding the item "II Identification plates, emblems, badges, pin tickets and tags." under the general heading "Miscellaneous Products."

Issued this 10th day of July 1943.

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

[F. R. Doc. 43-11150; Filed, July 10, 1943; 12:01 p. m.]

PART 3207—INDUSTRIAL TYPE INSTRUMENTS, CONTROL VALVES AND REGULATORS: SIMPLIFICATION

[Interpretation 1 of Limitation Order L-272 and Schedules Thereto]

The following interpretation is hereby issued with respect to Limitation Order L-272 and schedules thereto:

At several points in the simplification schedules to Limitation Order L-272 the manufacture of instruments of certain types, or special items, features or devices on instruments, is permitted only where required by Army, Navy, Maritime Commission or War Shipping Administration specifications, as indicated in each instance. For example, Schedule IV, paragraph (b) (4) (ii), requires the elimination of brass cases for gauges, "except where required by Army or Navy specifications". Again, Schedule V, paragraph (b) (3) (i), eliminates the 3½-inch size regulator, "except where required by Navy, Maritime Commission, or War Shipping Administration specifications."

Wherever such a provision appears in the order, or schedules thereto, it means that for the exception to be operative the specification must be required by the named service branch or Federal Agency: To illustrate, a gauge with brass case may be furnished for delivery on a direct Navy procurement, or for delivery on a purchase order for gauges which are ultimately for the account of the Navy (e. g., to be installed as a component in an end product being manufactured under a prime contract of the Navy), provided in either instance that the Navy, in its direct procurement or its prime contract, requires gauges conforming to Navy specifications which prescribe a brass case. The end use of the gauge, or other instrument, must be for the account of the service branch or agency whose required specifications are excepted.

Such an exception does not mean, therefore, that a manufacturer may produce the prohibited instruments or items simply by manufacturing them in conformity with the service or agency specifications mentioned, and thereafter deliver them against any orders. Nor does it mean that any customer may procure such prohibited instruments or items by prescribing the permitted specifications on his order. The exception applies only to manufacture and delivery on orders placed by or for the ultimate account of the Army, Navy, Maritime Commission or War Shipping Administration, where the particular service or agency has actually specified use of the specification in the first instance.

This interpretation applies to all provisions in the several schedules to Limitation Order L-272 which make reference to Army, Navy, Maritime Commission or War Shipping specifications.

Issued this 10th day of July 1943.

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

[F. R. Doc. 43-11152; Filed, July 10, 1943; 12:01 p. m.]

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES [1]

[Limitation Order L-201 as Amended July 10, 1943]

AUTOMOTIVE TIRE CHAINS, TRACTOR TIRE CHAINS, AND CHAIN PARTS

Limitation Order L-201 as amended December 5, 1942 (§ 3274.76)[1] is hereby amended in its entirety to read as follows:

[1] Formerly Part 3078, § 3078.1.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel, copper, molybdenum, and other materials required in the production of tire chains, tractor tire chains, chain parts, and emergency unit chains, for use on passenger automobiles and commercial vehicles for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3274.76 *Limitation Order L-201*—(a) *Definitions.* For the purposes of this order:

(1) "Tire chain" means a complete metal chain assembly, whether or not reinforced, produced for use on a tire of a passenger automobile, farm tractor or a commercial vehicle for the purpose of increasing the traction of the tire.

(2) "Chain parts" means cross chains, locks, hooks, straps, plates, repair links, and side chains, whether or not any of the foregoing are reinforced, produced for use in repairing tire chains.

(3) "Emergency unit chain" means a chain assembly of the strap-on or single-chain type containing not more than two cross-chains per unit.

(4) "Passenger automobile" means any passenger vehicle propelled by an internal combustion engine and having a seating capacity of less than eleven persons.

(5) "Light truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of less than 9,000 pounds, as authorized by the manufacturer thereof, or the chassis therefor.

(6) "Medium and/or heavy motor truck" means a complete motor truck or truck-tractor with a gross vehicle weight rating of 9,000 pounds or more, as authorized by the manufacturer thereof, or the chassis therefor.

(7) "Truck trailer" means a complete semi-trailer or full trailer having a load-carrying capacity of 10,000 pounds or more, as authorized by the manufacturer thereof, and designed exclusively for the transportation of property or persons, or the chassis therefor.

(8) "Passenger carrier" means a complete motor coach for passenger transportation having a seating capacity of not less than eleven persons.

(9) "Of-the-highway motor vehicle" means a motor truck, truck-tractor and/or trailer, operating off the public highway, normally on rubber tires and specially designed to transport materials, property, or equipment, on mining, construction, logging or petroleum development projects, or a farm tractor.

(10) "Commercial vehicle" means any light, medium or heavy motor truck, truck-tractor, truck trailer, off-the-highway motor vehicle or passenger carrier.

(11) "Consumer" means the owner or operator of the vehicle for which tire chains, chain parts, or emergency unit chains are required, or the user of such tire chains, chain parts or emergency unit chains, for any other purpose.

(b) *Limitations on types and sizes of tire chains, chain parts and emergency unit chains.* (1) No producer shall

manufacture any tire chains, chain parts or emergency unit chains containing any metal other than low carbon steel, or any tire chains, chain parts or emergency unit chains which are metallically plated.

(2) No producer shall manufacture any tire chains or chain parts except for use on farm tractor tires or on tires of the sizes specified in paragraph (b) (4) below. All chains and chain parts for passenger automobiles or commercial vehicles must be of the types designated A, C, G, and M in Tire Chain Specifications No. 7140, copyrighted by The Chain Institute, Inc., Chicago, Illinois, and published July 1, 1940.

(3) No producer shall manufacture emergency unit chains either of standard weight or reinforced, except for the tire sizes specified in paragraph (b) (4) below.

(4) Tire sizes for which production is authorized shall be limited to the following:

(i) For passenger automobiles: 6.00–16; 6.50–16; 7.00–16; 7.50–16. After August 1, 1943, no producer shall manufacture any tire chains or chain parts for use on tires sized 6.00–16 except of the type known as "6.00–16 light car special."

(ii) For commercial vehicles except farm tractors: 6:50–20/32x6; 7.00–20; 7:50–16; 7.50–17; 7.50–20/34x7; 8:25–20; 9.00–20; 9.75–20.

(iii) For farm tractors: As required.

(c) *Production of specially sized equipment.* Notwithstanding the provisions of paragraphs (b) (2), (b) (3), and (b) (4) above, tire chains, chain parts, and emergency unit chains, in types and sizes other than those enumerated respectively in paragraphs (b) (2) and (b) (4), may be produced when specially ordered for delivery by the producer direct to the ultimate consumer.

(d) *Limitations on production*—(1) *For passenger automobiles.* Between April 1, 1943, and March 31, 1944, no producer shall use in the production of tire chains, chain parts or emergency unit chains for passenger automobiles more than 16 percent of the total weight of metals contained in all of the tire chains, chain parts, and emergency unit chains (whether for passenger automobiles or commercial vehicles) sold by him during the period beginning April 1, 1941, and ending March 31, 1942: *Provided,* That not more than 60 percent of the material so authorized may be used in the production of tire chains of the sizes authorized for passenger automobile tires in paragraph (b) (4) (i) of this order, the balance to be used in the production of chain parts or emergency unit chains for passenger automobile tires.

(2) *For commercial vehicles.* Between April 1, 1943, and March 31, 1944, no producer shall use in the production of tire chains, chain parts, or emergency unit chains for commercial vehicles, more than 24 percent of the total weight of metals contained in all the tire chains, chain parts, and emergency unit chains (whether for passenger automobiles or commercial vehicles) sold by him during the period beginning April 1, 1941, and ending March 31, 1942: *Provided,* That not more than 60 percent of the material so authorized may be used in the production of tire chains of the sizes authorized for commercial vehicle tires in paragraph (b) (4) (ii) of this order, the balance to be used in the production of chain parts or emergency unit chains for commercial vehicle tires.

(3) *For farm tractors.* Between April 1, 1943, and March 31, 1944, no producer shall use in the production of tire chains and chain parts for farm tractors more than 50 percent of the total weight of metals contained in all tire chains and chain parts for farm tractors sold by him during the period beginning April 1, 1940, and ending March 31, 1942.

(4) In fixing production quotas as provided for in paragraphs (d) (1), (d) (2), and (d) (3) above, production during the base period on orders for delivery to, or for the account of, persons described in paragraph (e) below shall not be included.

(5) Each producer may schedule production of the quantity of automotive and tractor tire chains and parts which he is allowed to produce by paragraphs (d) (1), (d) (2), and (d) (3) of this order, irrespective of, and without regard to, other orders for chain bearing higher preference ratings: *Provided,* That the production of automotive and tractor tire chains and parts under this order shall not be permitted:

(i) To delay the production and delivery of any order for chain rated AAA; or

(ii) To delay the production or delivery more than thirty days beyond the required delivery date of any order for chain for delivery to or for the use of the Army, Navy, Maritime Commission, or War Shipping Administration.

(e) *Exceptions to applicability of this order.* With the exception of the restrictions contained in paragraph (b) (1), the restrictions of this order shall not apply to tire chains, chain parts, or emergency unit chains sold to or produced under contracts or orders for delivery to or for the account of:

(1) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, and the Treasury Department under Treasury Procurement Supply (TPS) contract.

(2) The government of any of the following countries: Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its dominions, crown colonies and protectorates, and Yugoslavia.

(3) Any contract or purchase order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(f) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board.

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

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

(i) *Communications.* All reports, appeals, and other communications concerning this order shall be addressed to: War Production Board, Tools Division, Washington, D. C., Ref.: L-201.

Issued this 10th day of July 1943.

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

[F. R. Doc. 43-11153; Filed, July 10, 1943; 12:00 m.]

PART 937—ZINC

[General Preference Order M-11-l as Amended July 12, 1943]

Section 937.13 *General Preference Order M-11-l* is hereby amended to read as follows:

§ 937.13 *General Preference Order M-11-l.* (a) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Zinc dust" means all grades of zinc dust produced from ores, concentrates, metallic zinc, or from scrap, dross, or other primary or secondary material.

(2) "Producer" means any person producing zinc dust and any person who has zinc dust produced for him under a toll agreement.

(3) "Toll agreement" means any agreement by which title to material remains vested in a person other than the one processing the material.

(4) "Dealer" means any person who receives physical delivery of zinc dust and sells or holds the same for resale without change in form.

(c) *Restrictions*—(1) *Deliveries by producers and dealers.* No producer shall ship or deliver zinc dust to any person except on presentation by that person of an allocation certificate issued by the War Production Board. Upon

accepting an allocation certificate, the producer shall endorse thereon the amounts of zinc dust which he agrees to ship under such certificate in the calendar month covered by the certificate. No producer shall endorse an allocation certificate for zinc dust or make any shipment thereunder if, by so doing, the total endorsements, or shipments, under the certificate will exceed the amounts authorized by such certificate. No dealer shall ship or deliver zinc dust to any person except as provided in paragraph (f) of this order.

(2) *Acceptance of deliveries.* No person shall accept any delivery of zinc dust from a producer or dealer otherwise than in accordance with the provisions of this order.

(3) *Toll agreements.* Unless specifically authorized in writing by the War Production Board, no person shall produce any zinc dust under any existing or future toll agreement.

(d) *Allocation certificates.* The War Production Board will issue allocation certificates for zinc dust on or about the first of each month. An allocation certificate will authorize shipments by producers of specified amounts of zinc dust during the calendar month for which it is issued to the holder of the certificate. The certificate must be presented to the producer for endorsement as provided in paragraph (c) (1) of this order. A producer need not accept a new order although supported by an allocation certificate if his entire production for the month is committed under contract and he has reason to believe that other allocation certificates will be presented during the month by the person or persons to whom his production is committed in amounts at least equal to his production. Dealers shall not make any shipment of zinc dust to any person holding an allocation certificate for the applicable month.

(e) *Applications for allocation certificates.* Any person wishing to apply for an allocation of zinc dust from a producer for any month shall file an application on Form WPB-2020 (PD-755), or such other form as the War Production Board may prescribe, with the War Production Board, Zinc Division, Washington, D. C., Ref: M-11-1, not later than the fifteenth of the month preceding the month in which the allocation of zinc dust is desired.

(f) *Exceptions.* Notwithstanding any provisions of this order:

(1) *Small order exceptions.* Any producer or dealer may ship and deliver zinc dust to any other person without an allocation certificate for the zinc dust: *Provided,* That such other person shall certify to the producer or dealer in writing at the time of delivery;

(i) That the total amount of zinc dust delivered to such other person from all sources (inclusive of the amount then being delivered) has not exceeded 75 pounds in the month in which delivery is being made;

(ii) That no allocation certificate for zinc dust for that month has been issued to him by the War Production Board; and

(iii) The end use to which the zinc dust is to be put.

(2) *Deliveries to Metals Reserve Company.* Any person may ship, sell, and deliver zinc dust to the Metals Reserve Company, without an allocation certificate, preference rating or any specific authority from the War Production Board: *Provided, however,* That such material is purchased for the sole purpose of stockpiling or redistribution.

(3) *Special directions.* The War Production Board may, from time to time, issue special directions to any person as to the source, destination, or amounts of zinc dust to be shipped and delivered by any producer or dealer or received by any person, and the War Production Board may also specifically direct the manner and quantities in which such zinc dust may be processed.

(4) *Zinc dust for export.* Zinc dust may be shipped or delivered for export by any producer without an allocation certificate if shipment or delivery is to be made pursuant to an export license duly issued by the Board of Economic Warfare.

(g) *Interdepartmental shipments.* The provisions of paragraph (c) of this order shall apply not only to shipments and deliveries from one person to other persons, including affiliates and subsidiaries, but also to shipments or deliveries of zinc dust from one branch, division, or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(h) *Reports.* Each producer of zinc dust shall file monthly on Form WPB-2021 (PD-758), or such other form as prescribed by the War Production Board, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, a report of his production, shipments and inventory of zinc dust. All producers and users of zinc dust shall file, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, such other reports with the War Production Board at such times and in such manner and form as it may prescribe, showing such information as the War Production Board may from time to time require.

(i) *Communications.* All applications, statements or other communications filed pursuant to this order or concerning the subject matter hereof, should be addressed to: War Production Board, Zinc Division, Washington, D. C., Ref: M-11-1.

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

Issued this 12th day of July 1943.

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

[F. R. Doc. 43-11178; Filed, July 12, 1943; 10:14 a. m.]

PART 1050—DISTILLED SPIRITS

[General Preference Order M-69, as Amended July 9, 1943 [1]]

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

§ 1050.1 *General Preference Order M-69*—(a) *Definitions.* (1) "Distilled spirits" means ethyl alcohol of 190 proof or higher produced from corn or grain.

(2) "High wines" means spirits distilled at less than 190 proof from corn or grain.

(3) "Producer" means any person engaged in the operation of a distillery.

(4) "Distillery" means any distillery which has equipment and facilities to convert corn or grain into distilled spirits or high wines.

(b) *Restrictions on operations of distilleries.* No producer shall, except as specifically authorized or directed by the War Production Board, operate any part of his distillery except for the production of distilled spirits: *Provided, however,* That the War Production Board, on a proper showing by a producer that the equipment and facilities of his distillery, or of any part of his distillery, cannot be converted or adapted to the production of distilled spirits, may authorize the operation thereof for the production of high wines.

(c) *Restrictions on use.* No producer, except as specifically authorized or directed by the War Production Board shall use, bottle or barrel for beverage purposes or otherwise allocate or appropriate to such purposes any distilled spirits produced on or after February 20, 1942, or any high wines produced on or after November 1, 1942.

(d) *Directions and restrictions respecting delivery.* (1) The War Production Board will from time to time issue authorizations or directions to each producer to deliver specified quantities of distilled spirits to designated persons for designated non-beverage purposes. Except as specifically authorized or directed by the War Production Board, no producer shall deliver to any person distilled spirits produced on or after February 20, 1942: *Provided, however,* That if at any time all deliveries theretofore authorized or directed by the War Production Board have been made or provided for, a producer may deliver such distilled spirits for non-beverage purposes to the persons and in the quantities permitted by General Preference Order M-30, as amended from time to time.

(2) The War Production Board will from time to time issue authorizations and directions to each producer to deliver specified quantities of high wines to designated persons for redistillation into distilled spirits. Except as specifi-

[1] This document is a restatement of Amendment 1 to M-69 as amended October 13, 1942, which appeared in the FEDERAL REGISTER of July 10, 1943, page 9443, and reflects the order in its completed form as of July 9, 1943.

cally authorized or directed by the War Production Board, no producer shall deliver high wines produced on or after November 1, 1942 to any person for any purpose. No producer shall deliver high wines produced before that date unless all deliveries theretofore directed by the War Production Board shall have been made or provided for.

(3) No person shall accept delivery of distilled spirits or high wines if such person knows or has reason to believe that the said delivery is made in violation of the restrictions of this paragraph (d).

(e) *Alterations of existing equipment and facilities.* Except as specifically authorized or directed by the War Production Board, no producer whose distillery has equipment and facilities for the production of distilled spirits shall alter such equipment and facilities in any way so as to impair the capacity of such distillery to produce distilled spirits.

(f) *Directions as to use of materials.* War Production Board may from time to time issue directions to producers as to the kinds of raw materials which may be used in the production of distilled spirits or high wines.

(g) *Notification of customers.* Producers of distilled spirits and high wines shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any such person from complying with the terms hereof.

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

(2) *Intra-company transactions.* The prohibitions and restrictions of this order with respect to deliveries of distilled spirits and high wines, shall apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

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

(4) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of material conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by addressing a letter to the War Production Board, Chemicals Division, Washington, D. C., Ref: M-69, setting forth the pertinent facts and the reasons he considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(5) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington, D. C. Ref: M-69.

(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 9th day of July 1943.

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

[F. R. Doc. 43-11179; Filed, July 12, 1943; 10:14 a. m.]

PART 1112—OFFICE MACHINERY

[General Limitation Order L-54-c, as Amended July 12, 1943]

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

§ 1112.4 *General Limitation Order L-54-c*—(a) *Definitions.* For the purposes of this order:

(1) "Office machinery" means machinery, including attachments thereto, of the type included in Lists I and II attached to this order as they may be amended from time to time.

(2) "New" office machinery means office machinery which has not been delivered to any person acquiring it for use. The term shall not describe any machine which has been delivered for trial, loan, rental or demonstration at any time prior to March 14, 1942. "Used" office machinery means office machinery other than new office machinery.

(3) "Restricted office machinery" means:

(i) Any new office machinery included in List I.

(ii) Any used office machinery included in List I which is in, or which hereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, and the manufacture of which was completed after December 31, 1940, and

(iii) Any used punched card tabulating machinery which is in, or which hereafter comes into, the possession of its manufacturer for any purpose other than mere repair or reconditioning, regardless of its age.

(4) "Manufacturer" means any person manufacturing new office machinery or sets or parts, to the extent that he is engaged in such manufacture, and shall include majority-owned sales, distribution, and manufacturing subsidiaries.

(5) "Dealer" means any wholesaler, retailer or other distributor of restricted office machinery other than a sales or distribution subsidiary of a manufacturer, and shall include any person, firm or corporation normally receiving restricted office machinery on consignment.

(6) "Delivery" means any physical transfer of restricted office machinery, and includes transfers for trial, loan, rental, demonstration or other use.

(7) "Army", "Navy" and "Maritime Commission" mean the War Department, the Navy Department, and the Maritime Commission, respectively, but shall not include any privately operated plant, shipyard, training school, or other enterprise controlled or financed by the Army, Navy, Maritime Commission, or any other agency of the United States Government, nor any plant or shipyard privately operated on a cost-plus-fixed-fee basis under the control or direction of the Army, Navy, Maritime Commission, or any other agency of the United States Government.

(8) "Lend-Lease purchaser" means any person requesting authorization to receive delivery of restricted office machinery for export to any country, the government of which is entitled to the benefits of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States."

(9) "Sets of parts" means parts for office machinery produced at plants in the United States for shipment to foreign countries for assembly into new office machinery of the types included in List I.

(10) "Dollar value" means

(i) With respect to assembled new office machinery, the retail list price of such machinery to customers located in the United States;

(ii) With respect to sets of parts, the retail list price to customers located in the United States of the number of units of assembled machinery into which such sets of parts can be assembled.

(11) "Form WPB-1638" means

(i) Form PD-638 as revised January 1, 1943, or as revised April 26, 1943, approved by the War Production Board prior to August 11, 1943;

(ii) Form WPB-1638 (formerly PD-638) as revised April 26, 1943, or later, approved by the War Production Board subsequent to August 11, 1943.

(12) "Form WPB-2798" means

(i) Form PD-423 approved by the War Production Board prior to August 11, 1943;

(ii) Form WPB-2798 approved by the War Production Board subsequent to August 11, 1943.

(b) *Restrictions on production*—(1) *List I items.* No manufacturer shall manufacture any of the kinds of new office machinery included in List I or sets of parts therefor in excess of the following limitations, whichever fixes the smaller amount:

(i) No manufacturer shall manufacture any kind of new office machinery included in List I or sets of parts therefor in excess of that quantity sufficient to fill orders approved by the War Production Board on Form WPB-1688 and WPB-2798 certificates and to enable such manufacturer to maintain an inventory of such kind of machinery and sets of parts therefor not to exceed the combined dollar value of such kind of machinery shipped to his customers and of sets of parts therefor exported during the preceding three calendar months, recalculated the first of each month.

(ii) During the nineteen-month period beginning June 1, 1942, and ending December 31, 1943, no manufacturer shall manufacture any kind of new office machinery included in List I or sets of parts therefor of a combined dollar value in excess of a quota computed by multiplying the percentage specified opposite each kind of such machinery included in List I by the total dollar value of such kind of new office machinery billed to customers during the calendar year 1941 plus the dollar value of the sets of parts exported during the calendar year 1941. Any special authorization to produce new office machinery or sets of parts granted by appeal or otherwise between June 1, 1942, and July 12, 1943, shall be included within the limitations of this subdivision (ii) and shall not be in addition thereto.

(2) *Alternate calculation.* The customary practice of some manufacturers has been to lease substantially all of particular kinds of new office machinery, and for that reason they may not be able to calculate the basis of the restrictions imposed by paragraphs (b) (1) (i) and (b) (1) (ii) in terms of dollar value. In that case, they shall use, instead of dollar value, the number of units of such machinery assembled and number of sets of parts exported during the periods provided in such subparagraphs and shall be subject to all of the restrictions imposed by such subparagraphs calculated on such unit basis. For the purposes of this paragraph, the number of sets of parts exported shall mean the number of units of new office machinery into which such sets of parts were ultimately assembled.

(3) *Future quotas.* The quantity of any kind of new machinery on List I which may be manufactured after December 31, 1943, will from time to time be authorized by amendment to this order.

(4) *List II items.* No manufacturer shall fabricate, cause to be fabricated, or contract to purchase, parts for the assembly of any new office machinery included in List II and no manufacturer shall assemble any new office machinery included in List II.

(5) *Repair and service parts.* The restrictions upon the manufacturer of new office machinery contained in this paragraph (b) shall not apply to the manufacture of parts to be used to service or repair any kind of office machinery included in Lists I and II.

(6) *Discontinued new office machinery.* No manufacturer shall fabricate parts for any new office machinery or assemble any new office machinery of any kind which he has elected to deliver free of all restrictions pursuant to paragraph (g) of this order.

(7) *Special authorizations.* Notwithstanding the restrictions of paragraph (b) or paragraph (f) of this order, the War Production Board may from time to time in writing specifically authorize one or more manufacturers to fabricate, to cause to be fabricated, to contract to purchase, to assemble, or to manufacture in any manner, specified quantities of parts or machinery restricted by paragraph (b) or paragraph (f) or both.

(c) *Restrictions on delivery*—(1) *General restrictions.* Regardless of the terms of any contract of sale or purchase, or other commitment, or of any preference rating, or any preference rating order, no manufacturer or dealer shall deliver any restricted office machinery or sets of parts therefor (other than machines which may be delivered free of restrictions pursuant to an election under paragraph (g) of this order) except upon receipt of and pursuant to the terms of Form WPB-2798 (respecting deliveries to the Army, Navy or Maritime Commission or sets of parts for export) or Form WPB-1688 (respecting deliveries to all other persons) approved by the War Production Board.

(2) *Sequence of deliveries.* Except when specifically directed otherwise in writing by the War Production Board, the sequence of deliveries of machines authorized on Forms WPB-2798 and WPB-1688 shall be determined by the delivery dates specified on such forms. If a form specifies a delivery date prior to the date on which it is received by the supplier named therein, the form shall be treated by the supplier as calling for delivery on the day when it was received by him. If a supplier receives two or more forms specifying the same delivery date for identical machines, he shall make delivery of the machines in the order in which the forms were received by him.

(3) *Intracompany deliveries.* Without further authorization, a manufacturer may for the purpose of redelivery, but not for use, deliver restricted office machinery from one branch, division or section of his enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, to another branch, division or section of the same enterprise, including majority-owned sales, distribution and manufacturing subsidiaries, except that he may not deliver to a subsidiary, branch, or other outlet located outside the United States, its territories, and possessions.

(4) *Delivery to dealers and returns to manufacturers.* Without further authorization, dealers may return restricted office machinery to any manufacturer willing to accept the same and manufacturers may accept all such restricted office machinery from dealers. Without further authorization, manufacturers or dealers may deliver restricted office machinery to dealers in the following instances only:

(i) To fill an order approved by the War Production Board on Form WPB-2798 or WPB-1688 already received by such dealer or to replace restricted office machinery delivered by such dealer from his inventory to fill an order approved by the War Production Board on any such form, *Provided,* That such dealer has furnished to the manufacturer or to the other dealer a photostat, or other certified copy, of the approved Form WPB-2798 or WPB-1688, as provided in Priorities Regulation No. 5.

(ii) To store or display such restricted office machinery on the dealer's premises in the United States, its territories and possessions, provided that the restricted office machinery so stored or displayed is in the absolute control and ownership of the manufacturer or delivering dealer and may be removed, transferred or shipped by such manufacturer or delivering dealer at any time in his discretion.

(5) *Deliveries under Utilities Order U-5.* The issuance of an authorization on Form WPB-2798 or on Form WPB-1688 to deliver a time stamp machine, a time recording machine, or collateral equipment shall constitute a preference rating of AA-5 or higher within the meaning of § 4504.1, Utilities Order U-5, for the particular items authorized to be delivered.

(6) *Special authorizations.* Notwithstanding the restrictions of paragraph (c) of this order, the War Production Board may from time to time in writing specifically authorize one or more manufacturers or dealers, or both, to deliver specified quantities of restricted office machinery.

(d) *Special procedures and information.* (1) Private contractors engaged in construction work for the Army, Navy, Maritime Commission or Defense Plant Corporation, and private operators of any plant, shipyard, training school or other enterprise controlled or financed, on a cost-plus-fixed-fee basis or otherwise, by the Army, Navy, Maritime Commission or any other agency of the United States Government shall, when requesting restricted office machinery on Form WPB-1688, furnish a certification by the Government inspector assigned to the project (1) that no Government equipment is available for use in lieu of the equipment requested, (2) that the contractor or operator has no equipment available from any other source for use in lieu of the equipment requested, and (3) that the equipment requested is to be used exclusively by the contractor's or operator's private personnel for the duration of the project on work which the contractor is required to perform under the terms of his contract.

(2) Lend-Lease purchasers shall accompany their applications on Form WPB-1688 with a formal recommendation by the Lend-Lease Administration that such request be granted.

(3) Any person, other than the Army, Navy, Maritime Commission or any Lend-Lease purchaser, wishing to export restricted office machinery from the United States (except to Canada) must

first obtain from the Office of Export Control, Board of Economic Warfare, Washington, D. C., an export license and a written recommendation of the Board of Economic Warfare that the War Production Board authorize such export. Such person shall thereafter make application to the War Production Board on Form WPB-1688 which application shall be accompanied by such written recommendation of the Board of Economic Warfare. The War Production Board will not consider any application for authority to export unless accompanied by such written recommendation of the Board of Economic Warfare.

(4) Any person (other than the Army, Navy, Maritime Commission or a person under contract with the United States Government to perform work in Canada and wishing to export restricted office machinery for that purpose) wishing to export restricted office machinery or sets of parts to Canada must make application on Form WPB-1688 or WPB-2798, respectively, to the Administrator of the Office Machinery Equipment and Supplies, Wartime Prices and Trade Board, Ottawa, Canada, who will in turn forward to the War Production Board such applications as he may recommend for approval.

(e) *Sets of parts.* (1) No person shall deliver any sets of parts for export from the United States unless the War Production Board has authorized such delivery on Form WPB-2798. Application for authority to export sets of parts shall be made on Form WPB-2798 and shall indicate therein or by accompanying letter the number of units of new office machinery into which such sets of parts can be assembled, the model numbers of such machinery and the retail price of such machinery to customers located in the United States. Nothing in this order shall be construed to authorize any exportation without an export license.

(2) No manufacturer manufacturing and delivering sets of parts for export shall directly or indirectly import any new office machinery of the kind listed in List I, except by permission of the War Production Board in writing.

(f) *Restrictions on types, styles, models, specifications, and use of materials*—(1) *Elimination of models.* The War Production Board may, from time to time, in writing order the cessation of production or delivery of any model, style, or type of office machinery, including attachments or repair parts thereof.

(2) *Issuance of schedules.* The War Production Board may, from time to time, issue schedules establishing simplified practices with respect to the types, sizes, forms, materials, or specifications of office machinery. After the effective date of any such schedule, no new office machinery shall be fabricated or assembled, except such as conforms to the issued schedule and except as specifically permitted by such schedule.

(g) *Election to cease manufacture and to deliver without restrictions.* Any manufacturer who prefers to cease manufacture of any particular kind, model or type of new office machinery and to obtain authorization to deliver his existing stock of such machinery free of the restrictions of this order, rather than to continue manufacture and delivery of such machinery subject to the terms of this order, may at any time prior to August 11, 1943, make application for authorization to make unrestricted delivery. Such application must set forth the kind, model or type of new office machinery to which the application relates, the model or style numbers of such machinery, the applicant's inventory of such machinery as of the date of the application and the total dollar value of such inventory. Such authorization shall extend to the manufacturer to whom it is addressed and to any dealer possessing stocks of such kind, model or type of machine; and such manufacturer shall notify his dealers of any authorization received under this paragraph.

Nothing in this paragraph (g) shall be construed to entitle any applicant to disregard any provisions of this order until specific authorization of the War Production Board in writing is received by such applicant and then only to the extent of, and subject to the conditions contained in, such authorization.

(h) *Bureau of the Budget approval.* Form WPB-2798, Form WPB-1688, and the form of application for authorization to make unrestricted delivery of new office machinery contained in paragraph (g) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

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

(k) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(l) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Service Equipment Division, Washington, D. C., Ref.: L-54-c.

Issued this 12th day of July 1943.

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

LIST I: Maximum production quotas for the period June 1, 1942, to December 31, 1943:

Description of machinery	*Percent of total 1941 billings*
1. Accounting machines, bookkeeping machines, and billing machines (accounting principle). Also continuous forms handling machines typewriter principle, having carbon paper handling devices constructed as an integral part of the machine, and collateral equipment, except autographic registers	130
2. Adding machines	83
3. Addressing machines, including but not limited to embossing machines for plates, and stencil-cutting machines embodying typewriter principle	163
4. Calculating and computing machines:	
Rotary	141
Others	131
5. Duplicating machines, including but not limited to ink ribbon, gelatin, spirit, stencil and reproducing typewriter principle machines and Multilith and Davidson duplicators:	
Gelatin	185
Offset and relief	201
Spirit	219
Stencil	116
6. Machines and collateral equipment intended for use for dictating purposes	13
7. Microfilm machines designed for office functions	49
8. Office composing machines (changeable type, changeable horizontal and vertical spacing, uniform impression)	232
9. Payroll denominating machines	430
10. Punched card tabulating and accounting machines and collateral equipment	140
11. Time recording machines and collateral equipment, except watchmen's clocks	163
12. Time stamp machines and collateral equipment	122

LIST II

1. Autographic registers.
2. Cash (registering) machines.
3. Change making machines.
4. Check cancelling machines.
5. Check cutting machines.
6. Check dating machines.
7. Check endorsing machines.
8. Check numbering machines.
9. Check protecting machines.
10. Check signing machines.
11. Check sorting machines.
12. Check writing machines.
13. Coin counting machines.
14. Coin sorting machines.
15. Coin wrapping machines.
16. Currency counting machines.
17. Envelope contents folding machines.
18. Envelope handling machines.
19. Envelope mailing machines.
20. Envelope opening machines.
21. Envelope sealing machines.
22. Envelope stuffing machines.
23. Mail room folding machines.
24. Perforating machines (marking and cancelling).
25. Postal permit mailing machines.
26. Post office cancelling machines.
27. Shorthand writing machines.
28. Stamp affixing machines.

[F. R. Doc. 43-11176; Filed, July 12, 1943; 10:14 a. m.]

PART 3209—PUBLIC SANITATION SERVICES—MAINTENANCE, REPAIR AND OPERATING SUPPLIES

[Revocation of Supplementary Preference Rating Order P-141-a]

Section 3209.2 *Supplementary Preference Rating Order P-141-a* is hereby revoked.

Issued this 12th day of July 1943.

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

[F. R. Doc. 43-11180; Filed, July 12, 1943; 10:14 a. m.]

PART 3261—WELDING AND PLATING EQUIPMENT

[General Limitation Order L-298]

RESISTANCE WELDING EQUIPMENT

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

§ 3261.1 *General Limitation Order L-298*—(a) *Definitions.* For the purpose of this order:

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

(2) "Resistance welding" means that process for the localized consolidation or joining of metals under pressure and heat, wherein the heat is generated within the metallic parts to be consolidated or joined by the resistance of those parts to the passage of an electric current.

(3) "Resistance welding equipment" means equipment manufactured for use in the operation of joining metals by the resistance welding process and includes resistance welding machines, resistance welding controls, and resistance welding electrodes.

(4) "Manufacturer" means any person engaged in the business of producing, fabricating or assembling resistance welding equipment, and shall include sales and distribution outlets owned by any such person.

(5) "Dealer" means any person engaged in the business of purchasing resistance welding equipment for resale.

(6) "Order" means any commitment or other arrangement for the delivery of resistance welding equipment whether by purchase, lease, rental or otherwise.

(7) "Army, Navy, Maritime Commission or War Shipping Administration" does not include any privately operated plant or shipyard financed by, or controlled by, any of those agencies or operated on a cost-plus-fixed-fee basis.

(8) "Used resistance welding equipment" means resistance welding equipment that has been delivered to an ultimate consumer.

(b) *Operations reports.* Each manufacturer shall, on or before the 15th day of each month, commencing with the month of August, 1943, file with the War Production Board an operations report on Form WPB-2830, showing orders for new and rebuilt resistance welding equipment and repair parts unfilled, received, shipped and cancelled during the preceding month, in accordance with instructions accompanying the form: *Provided,* That this paragraph (b) shall not apply to orders for electrical circuit breakers or indicating or recording apparatus used with resistance welding equipment, or repair parts for such circuit breakers or indicating or recording apparatus.

(c) *Authorization of purchase orders required.* (1) On and after July 27, 1943, no manufacturer or dealer shall accept an order for, or deliver any new resistance welding equipment unless the order or delivery is specifically authorized by the War Production Board on Form WPB-2752. Application for an authorization, and for a preference rating if none has been previously assigned, is to be made by the purchaser by filing Form WPB-2752, in duplicate, with the War Production Board as explained in the instructions which accompany the form.

(2) The provisions of paragraph (c) (1) shall not apply to (i) any order of $200 or less for resistance welding equipment; (ii) any order for resistance welding electrodes; (iii) any order for resistance welding equipment for direct use by the Army, Navy, Maritime Commission or War Shipping Administration or for incorporation in or attachment to any resistance welding equipment to be used directly by such agencies; (iv) any order bearing a preference rating assigned under Preference Rating Order P-19-h; *Provided* That, notwithstanding paragraph (g) (4) of Priorities Regulation 3, the certificate applying or extending such rating shall state the source of the rating; or (v) any order placed by a manufacturer of, or dealer in, resistance welding equipment.

(d) *Registration of idle equipment.* (1) Whenever any used resistance welding equipment (other than portable gun welders and resistance welding electrodes) has been idle for a period of ninety (90) consecutive days ending on or after July 12, 1943, without having had its ownership changed, the owner of the equipment shall register it, within thirty (30) days after the ninety (90) day period, by filing Form WPB-2732 with the War Production Board. For the purpose of this subparagraph (d) (1) used resistance welding equipment shall be deemed to be idle for a period of ninety (90) consecutive days unless, during any such period, it has been employed for welding operations for more than one hundred twenty (120) hours in the aggregate.

(2) Within five (5) days after any used resistance welding equipment registered under paragraph (d) (1) has been sold, the seller shall register such change of status by filing with the War Production Board Form WPB-2732 as explained in the instructions which accompany the form.

(e) *Miscellaneous provisions*—(1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except as otherwise expressly provided herein.

(2) *Reporting provisions.* The reporting requirements of paragraphs (b) and (d) and the form of application prescribed in paragraph (c) have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

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

(5) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C., Ref: L-298.

Issued this 12th day of July 1943.

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

[F. R. Doc. 43-11177; Filed, July 12, 1943; 10:14 a. m.]

PART 3020—HEAT EXCHANGERS

[General Limitation Order L-172, as Amended July 9, 1943]

Correction

In the document appearing on page 9451 of the issue for Saturday, July 10, 1943, the paragraph designated (h) should be designated (4).

Chapter XI—Office of Price Administration

PART 1312—LUMBER AND LUMBER PRODUCTS

[MPR 348,[1] Amdt. 5]

LOGS AND BOLTS

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

1. Section 2 (a) (4) is amended to read as follows:

(4) Pulpwood covered by any regulation on pulpwood.

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

(b) *Transactions covered by the regulation.* This regulation covers all purchases of logs and bolts subject to this Regulation by plants which convert logs or bolts into finished or unfinished wood or chemical products. It also covers all sales of logs and bolts to these plants. In addition, it applies to all sales and purchases of logs or bolts used for a commercial purpose without processing, such as mine props, posts, fender logs, and the like except when they are covered by another maximum price regulation. When dollars-and-cents maximum prices are listed in an appendix to this Regulation, every transaction involving logs of those grades and species in the area shall be subject to those maximum prices.

3. A new section 2 (d) is added as follows:

(d) *Unprocessed logs.* In the case of sales or purchases of logs for use without further processing, such as for mine props, posts, fender logs, and the like, except those covered by a specific price regulation, the purchasing mine, mill or other user of those logs shall be deemed to be a "buying plant" for the purposes of this Regulation.

This amendment shall become effective July 14.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11096; Filed, July 9, 1943; 4:05 p. m.]

PART 1340—FUEL

[RPS 88, Corr. to Admt. 79]

PETROLEUM AND PETROLEUM PRODUCTS

Section 1340.159 (c) (6) (v) is deleted and the following note is added in lieu thereof:

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Labors Act of 1942.

Issued this 9th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11097; Filed, July 9, 1943; 4:01 p. m.]

PART 1367—FERTILIZERS

[Rev. MPR 108,[1] Amdt. 1]

NITROGENOUS FERTILIZER MATERIALS

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

Revised Maximum Price Regulation 108 is amended in the following respects:

1. Section 1367.26 (b) is amended to read as follows:

(b) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given to the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

2. Section 1367.29 (a) is amended to read as follows:

(a) For deliveries in the District of Columbia, and in all states except Washington, Oregon, California, Montana, Wyoming, Idaho, Nevada, Utah, Colorado and Arizona.

3. Section 1367.30 is added to read as follows:

§ 1367.30 *Appendix B: Maximum prices of nitrogenous fertilizer materials delivered in the Territory of Puerto Rico.* (a) For deliveries in the Territory of Puerto Rico.

(1) *Sales by domestic fertilizer manufacturers to consumers.* The maximum price for a cash sale of a nitrogenous fertilizer material by fertilizer manufacturers, direct or through agents, to a consumer shall be:

(i) The manufacturer's weighted average landed cost at Puerto Rican port, of each material, such average cost to be calculated as of July 1, October 1, January 1, and April 1, for all of the lots of each material received by him during the quarter-annual period last preceding the date of calculation; or, if none was received in that period, the cost for the latest quarter-annual period in which material was received.

(ii) An additional amount equal to the fertilizer manufacturer's expenditure, if any, for transportation of the nitrogenous fertilizer material within the Territory to the fertilizer manufacturer's plant or warehouse or direct to the buyer's delivery point.

(iii) An additional 50 cents per ton if the nitrogenous fertilizer material is stored in and delivered from the fertilizer manufacturer's plant.

(iv) An additional $1.50 per ton for grinding castor cake or unground fish scrap if such grinding is done by the fertilizer manufacturer.

(v) Plus the actual cost of bags used, and $1.00 per ton when such nitrogenous fertilizer material is received in bulk by the fertilizer manufacturer and resold in bags.

(vi) An additional amount equal to the cost of governmental tax tags, if any, and the attaching thereof, or governmental tonnage or inspection tax, but no license cost or registration fee.

(vii) In addition a maximum margin of: $4.00 per ton if the cost (subdivisions (i) through (vi)) is less than $40.00 per ton; $5.00 per ton if such cost is $40.00 or more but less than $50.00 per ton; $6.00 per ton if such cost is $50.00 or more but less than $60.00 per ton; $7.00 per ton if such cost is $60.00 or more but less than $70.00 per ton; $8.00 per ton if such cost is $70.00 or more per ton.

(viii) An additional 50 cents per ton if the nitrogenous fertilizer material is stored in, and delivered from a warehouse owned or operated by a fertilizer manufacturer or agent.

(ix) An additional amount equal to the actual transportation expense incurred in making delivery from a fertilizer manufacturer's plant or warehouse or from the buyer's delivery point, to the consumer.

(2) *Sales by domestic fertilizer manufacturers or dealers.* The provisions of § 1367.29 (a) (2) shall apply.

(3) *Sales by domestic dealers to consumers.* The provisions of § 1367.29 (a) (3) shall apply.

(b) *Credit sales.* In the case of credit sales, credit terms shall not be more onerous on Spring season sales than those in effect and applicable to such dealer or consumer for the period from February 16, 1942, to February 20, 1942, inclusive, and for Fall season sales, credit terms shall not be more onerous than those in effect and applicable to such dealer or consumer for the period from October 1, 1941, to October 15, 1941, inclusive.

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

[1] 8 F.R. 3670, 5163, 5565, 6356.

[1] 8 F.R. 3053.

(c) *Less than maximum prices.* Lower prices than those set forth in § 1367.29 may be charged, demanded, offered, paid or received.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11098; Filed, July 9, 1943; 4:03 p.m.]

PART 1377—WOODEN CONTAINERS

[MPR 424]

TIGHT COOPERAGE STOCK AND SAWED TIGHT COOPERAGE

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1377.301 *Maximum prices for tight cooperage stock and sawed tight cooperage.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 424 (Tight Cooperage Stock and Sawed Tight Cooperage), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1377.301, issued under Pub. Laws 421 and 729, 77th Cong.; E. O. 9250, 7 F.R. 7871

MAXIMUM PRICE REGULATION 424—TIGHT COOPERAGE STOCK AND SAWED TIGHT COOPERAGE

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.
1. Prohibition against dealing in tight cooperage stock and sawed tight cooperage at prices above the maximum.
2. Less than maximum prices.
3. Transactions and products covered.
4. Definitions.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

5. Maximum prices for tight staves and headings.
6. Maximum prices for tight cooperage.
7. Maximum prices for cooperage dowels.
8. Products not specifically priced.
9. Delivered prices.
10. Prohibited practices.

ARTICLE III—MISCELLANEOUS

11. Adjustable pricing.
12. Application for adjustment and petition for amendment.
13. Records.
14. Registration and licensing.
15. Enforcement.
16. Relation to other regulations.
17. Appendix A
18. Appendix B

Article I—Prohibitions and Scope of Regulation

SECTION 1. *Prohibition against dealing in tight cooperage stock and sawed tight cooperage at prices above the maximum.* On and after the effective date of this regulation, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive in the course of trade or business, any tight cooperage stock or sawed tight cooperage, at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer or attempt to do any of these things.

SEC. 2. *Less than maximum prices.* Nothing in this regulation shall prevent the sale of the products covered at less than maximum prices.

SEC. 3. *Transactions and products covered*—(a) *Transactions covered.* This regulation covers any and all sales and purchases, whether from a factory, warehouse, or dealer, by any person, whether manufacturer, dealer, wholesaler or user, of any of the products covered by this regulation.

(b) *Products covered.* The term "tight cooperage stock" as used in this regulation covers all staves, headings, and cooperage dowels both finished and unfinished, including sawed, bucked, rived and split, produced primarily for use in making liquid tight barrels and kegs of a bilged type and all staves and headings produced as a result of such primary production, as defined in the grading rules of the Associated Cooperage Industries of America, Inc., or in this regulation or by general or individual specifications. Coverage is limited to production in the following states: Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

The term "sawed tight cooperage" as used in this regulation covers all barrels and kegs made entirely of sawed staves and headings covered by this regulation; except, however, that barrels and kegs made of stock covered by this regulation and produced in the area west of and including New Mexico, Colorado, Wyoming, South Dakota and North Dakota shall not be subject to the terms of the regulation.

SEC. 4. *Definitions*—(a) *Sap clear white oak oil grade stock* is tight sap oil grade white oak with the sapwood removed.

(b) *No. 2 grade stock* is of a quality lower than No. 1 grade which can be coopered into a barrel which will hold hot grease. The grading rule oil inspection applies except that the following imperfections are allowed: mold and discoloration if sound; small, sound, tight knots on the quarter; streaks; straight checks that will pull up in coopering; cat faces that do not extend through the piece; a reasonable number of sound worm holes; straight grub holes that can be easily plugged.

(c) *No. 3, dog, copper or metal barrel stock* is of a quality lower than No. 2 grade. Dead culls are not included, but any stock that can be coopered in the regular manner without breaking is included.

(d) *Dead culls* include any badly warped or twisted stock; stock which contains dote or rot or any other stock which cannot be coopered.

Article II—Maximum Prices and Terms of Sale

SEC. 5. *Maximum prices for tight staves and headings*—(a) *Factory or mill sales.* In direct factory sales, that is, sales made by the producing factory, the maximum prices, f. o. b. mill or railhead, for sawed tight staves and headings are those contained in the Tables II to V, inclusive, of Appendix A. Actual transportation cost may be added for the distance in excess of 25 miles from the mill to the railhead. Except, however:

(1) On shipments of sawed tight staves and/or headings of 6,000 pounds or less from a producing factory, a mark-up of 10 percent may be added to the maximum prices contained in the schedules;

(2) When staves and headings are sawed in the Southern Area and finished in the Upper Area, the maximum price shall be the Upper Area price, or the Southern Area price plus transit freight, whichever is the lower;

(3) When staves and headings are sawed in the Upper Area and finished in the Southern Area, the maximum price shall be the Upper Area price.

(b) *Warehouse sales.* In warehouse sales the maximum prices for tight staves and headings shall be the maximum f. o. b. producing factory price plus the warehouseman's average percentage mark-up on the same items in March 1942 plus average inbound freight from the producing factory to the warehouse. As used in this regulation a "warehouse sale" is a sale in which shipment or delivery is made from an established storage or distribution place located and operated independently of the producing mill or factory. No shipment from a stave or heading mill or finishing plant may be considered a "warehouse sale".

Average inbound freight is to be weighted by the quantity in the warehouse at the time of making the computation. The average must be figured at least once each month.

As used in this regulation the term "warehouseman" is one who maintains an established storage or distribution place, located and operated independent-

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

ly of a producing mill or factory and from which shipments of cooperage stock are made.

(c) *Sales by dealers or merchants.* In sales by dealers or merchants the maximum prices for tight staves and/or headings of more than 6,000 pounds shall be the maximum f. o. b. producing factory price contained in the schedule plus a mark-up of 7 percent of the f. o. b. factory price.

On shipments of 6,000 pounds or less a dealer's or merchant's maximum price shall be the maximum f. o. b. producing factory price contained in the schedule plus a mark-up of 7 percent of the f. o. b. factory price. This mark-up is in addition to the 10 percent mark-up provided for such sales in section 5 (a) (1).

As used in this regulation the term "dealer or merchant" is one who, although he does not take actual physical possession, buys, takes title to, resells, and assumes credit risks and responsibility for grade and count. No producer may qualify as a dealer or merchant under this regulation of products which he has produced in the rough.

SEC. 6. *Maximum prices for tight cooperage*—(a) *Factory or mill sales.* (1) The maximum prices, f. o. b. factory, for sawed tight cooperage covered by this regulation shall be the maximum price in the area where the cooperage plant is located for the finished staves and headings used in the barrel plus the mark-ups shown below plus extra charges for materials and services as specified in Table I of Appendix B. The cooperage allowance for barrels of 30 gallons or over shall be the mark-up shown below or $1.60, whichever is greater.

PERCENTAGE MARK-UPS ON BARRELS

Bourbon barrels. The mark-up shall be 50% of the maximum price of the staves and headings used in the barrel.

Barrels of grades over sap clear oil grade and under bourbon. The mark-up shall be 65% of the maximum price of sap clear oil grade staves and headings.

Barrels of sap clear oil grade and under. The mark-up shall be 65% of the maximum price of the No. 1 grade in the type and species used.

Barrels with single or loose wood heads or heads other than wood. The mark-up over actual material cost shall be the same as shown for standard two crozed head barrels.

(2) Cooperage producers located in the states of Connecticut, Delaware, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and Wisconsin shall use the maximum prices of staves and headings in the Upper Area for the purpose of computing cooperage prices under paragraph (a) (1) of this section.

(b) *Warehouse sales.* In warehouse sales the maximum prices for tight cooperage covered by this regulation shall be the maximum f. o. b. producing factory price plus the warehouseman's average percentage mark-up in March 1942 plus average inbound freight actually paid or incurred by the warehouseman (computed in accordance with section 5 (b)). A warehouse sale is defined in section 5 (b).

(c) *Sales by dealers or merchants.* In sales by dealers or merchants the maximum prices for sawed tight cooperage covered by this regulation shall be the maximum f. o. b. producing factory price plus the seller's average percentage mark-up on such sales in March 1942. Sales by dealers or merchants are defined in section 5 (c).

SEC. 7. *Maximum prices for cooperage dowels.* The maximum prices f. o. b. factory, for cooperage dowels are those contained in Table VI of Appendix A.

SEC. 8. *Products not specifically priced.* Tight cooperage and cooperage stock not specifically priced in this regulation are nevertheless covered by the regulation. Any person desiring to sell on the domestic market any product covered by the regulation for which he cannot determine a f. o. b. mill price under the regulation shall make application to the Lumber Branch, Office of Price Administration, Washington, D. C., for a price. The application must contain a complete description of the product to be priced, the applicant's March 1942 selling price of the product if he sold such product at that time, his requested selling price and his method of arriving at this price. Products may be sold and delivered at the requested selling price, pending approval of a price by this Office subject, however, to adjustment to the price finally approved. Prices not disapproved within 20 days from the receipt of application are approved until specifically revoked.

SEC. 9. *Delivered prices.* If delivery is by common carrier the actual transportation costs paid or incurred by the seller may be added to the basic maximum prices. If shipment is by truck, owned or controlled by the seller, actual transportation costs may be added to the basic maximum prices. Such transportation cost may not exceed 80% of the common carrier charge for the same shipment. This provision is subject to the exception contained in section 5 (a) regarding free delivery of staves and headings from mill to railhead located within 25 miles of the mill.

SEC. 10. *Prohibited practices.* Any practice which is a device to get the effect of a higher-than ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price. This applies to changes in discount practices, devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying agreements, trade understandings and the like.

Article III—Miscellaneous

SEC. 11. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 12. *Application for adjustment or petition for amendment*—(a) *Government contracts.* The term "government contracts" is here used to include any contract with the United States or any of its agencies, or with the government or any governmental agency of any country whose defense the President deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States". It also includes any subcontract under this kind of contract. Any person who has made or intends to make a "government contract" and who thinks that a maximum price established in this regulation is impeding or threatening production of products which are essential to the war program and which are or will be the subject of the contract, may file an application for adjustment in accordance with Procedural Regulation No. 6,[1] issued by the Office of Price Administration.

(b) *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1[2] issued by the Office of Price Administration.

SEC. 13. *Records.* All person making sales covered by this regulation must keep records which will show a complete description of the products sold, the name and address of the buyer, the date of the transaction, and the price. Buyers must keep similar records, including the name and address of the seller. These records must be kept for two years for inspection by the Office of Price Administration.

SEC. 14. *Registration and licensing.* A license is necessary to make sales of the commodities or to provide the services for which maximum prices are established by this regulation. Licenses are automatically granted to all producers making sales. Registration may later be required. Persons desiring to sell as warehousemen, dealers or merchants must file their qualifications with the Lumber Branch, Office of Price Administration, Washington, D. C., within 30 days from the date of issuance of the regulation and be specifically licensed. Licenses will be granted by letter to warehousemen, dealers or merchants who qualify under the definitions set forth in the regulation. Licenses may be suspended for violations in connection with the sale of any commodity which sellers are licensed to sell, and persons whose licenses are suspended

[1] 7 F.R. 5037, 5664.

[2] 7 F.R. 6961; 8 F.R. 3313, 3533.

may not sell any of such commodities during the period of suspension.

SEC. 15. *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided by the Emergency Price Control Act of 1942.

SEC. 16. *Relation to other regulations*—(a) *General Maximum Price Regulation.*[3] Any sale or delivery covered by this Maximum Price Regulation is not subject to the General Maximum Price Regulation.

(b) *Second Revised Maximum Export Price Regulation.*[4] The maximum prices for export sales of tight cooperage and cooperage stock are governed by the Second Revised Maximum Export Price Regulation.

SEC. 17. *Appendix A: Basic maximum prices for sawed tight cooperage stock.* The maximum prices, f. o. b. mill or railhead, for sawed tight cooperage stock are those shown in the following tables:

[3] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4848, 4978, 6047, 6962.

[4] 8 F.R. 4132, 8987, 7662.

TABLE 1—STOCK PRODUCING AREAS

Southern area:	Upper area:
Alabama	Illinois
Arkansas	Indiana
Florida	Kentucky
Georgia	Maryland
Louisiana	Missouri
Mississippi	North Carolina
Oklahoma	Ohio
South Carolina	Pennsylvania
Texas	Tennessee
	Virginia
	West Virginia

TABLE II—SAWED TIGHT COOPERAGE STAVES, ROUGH, AIR DRIED AND LISTED[1]

Per M staves, grading rule average width f. o. b. mill or railhead

Southern producing area						To make a finish stave length	Upper producing area					
Over 30" through 36"	26" through 30"	Over 22" to 26"	Over 18" through 22"	Over 15" through 18"	15" and under		Over 30" through 36"	26" through 30"	Over 22" to 26"	Over 18" through 22"	Over 15" through 18"	15" and under
¾"	⅝" to ¾"	⅝"	⅝"	½" to ⅝"	½"	Standard thickness when planed one side[1]	¾"	⅝" to ¾"	⅝"	⅝"	½" to ⅝"	½"
						White oak types:						
$205.00	$123.00					Bourbon (green)	$215.00	$131.00				
152.50	92.00	$83.00	$73.00	$61.00	$43.00	Wine grade	160.00	97.00	$87.00	$76.50	$64.00	$45.00
113.75	68.25	61.75	52.00	43.50	29.25	Sap clear, oil grade	121.25	73.25	65.75	55.50	46.50	31.25
87.50	52.50	47.50	40.00	33.50	22.50	Tight sap #1	95.00	57.50	51.50	43.50	36.50	24.50
82.00	47.00	42.00	36.00	30.00	20.00	Wide sap #1	89.50	52.00	46.00	39.50	33.00	22.00
82.00	47.00	42.00	36.00	30.00	20.00	Red oak #1	89.50	52.00	46.00	39.50	33.00	22.00
82.00	47.00	42.00	36.00	30.00	20.00	Chestnut oak #1	89.50	52.00	46.00	39.50	33.00	22.00
77.00	45.00	40.00	35.00	30.00	20.00	Gum and gum mixed[2] #1	84.50	50.00	41.00	38.50	33.00	22.00
60.00						Oak, all species #2	67.50					
50.00						Gum and gum mixed[2] #2	57.50					
40.00						Oak, all species, dogs or copper	47.50					
35.00						Gum and gum mixed[2] dogs	42.50					
	49.50					Ash, pork grade		54.50				
	33.50					Ash #2		38.50				

[1] Except bourbon.
[2] Includes singly or mixed: Red gum, sweet gum, black gum, sap gum, tupelo, ash, basswood, beech, birch, cottonwood, cypress, elm, hackberry, hickory, locust, maple, poplar, sycamore.

NOTES

1. For air dried bourbon staves add to the green price per M, 34" to 36", $10.00; 30", $6.00.
2. Maximum price for all oil grade on bourbon inspection is $7.50 per M under the tight sap maximum price in the producing area.
3.

	Add Percent	Deduct Percent
For staves ⅛" thicker than above standards	12½	
For staves ⅛" thinner than above standards		12½
For staves ¼" thicker than above standards	25	
For staves ¼" thinner than above standards		25

TABLE III—MAXIMUM PRICES OF FINISHED SETS OF STAVES, INCLUDES KILN DRYING, PLANING ONE SIDE, JOINTING AND BUNDLING (COMBINING TABLE II, INCLUDING NOTE 1)

[F. o. b. mill or railhead]

Southern producing area					Stave length	Upper producing area				
34" through 36"	30"	24"	21" through 22"	16" through 17"		34" through 36"	30"	24"	21" through 22"	16" through 17"
79½" through 81"	68"	56"	48"	39"	Bilge measurement	79½" through 81"	68"	56"	48"	39"
					White oak types:					
$4.87	$2.90				Bourbon	$5.05	$3.03			
3.75	2.31	$1.85	$1.47	$1.16	Wine grade	3.88	2.39	$1.91	$1.52	$1.20
3.05	1.93	1.55	1.21	.96	Sap clear, oil grade	3.18	2.01	1.61	1.26	1.00
2.21	1.36	1.10	.85	.67	Tight sap #1	2.34	1.44	1.15	.89	.71
2.11	1.27	1.02	.80	.63	Wide sap #1	2.24	1.35	1.07	.84	.67
2.11	1.27	1.02	.80	.63	Red oak #1	2.24	1.35	1.07	.84	.67
2.11	1.27	1.02	.80	.63	Chestnut oak #1	2.24	1.35	1.07	.84	.67
2.02	1.24	.99	.79	.63	Gum and gum mixed[1] #1	2.15	1.32	1.05	.83	.67
1.71					Oak, all species, #2	1.85				
1.53					Gum and gum mixed[1] #2	1.67				
1.35					Oak, all species, dogs	1.49				
1.26					Gum and gum mixed[1] dogs	1.40				
	1.31				Ash (pork grade)		1.39			
	1.06				Ash #2		1.14			

[1] See table II for species.

NOTES

1. For finishing sets of staves up to 34" through 36" length in sets other than the above standard bilge measurements, multiply the actual inch bilge measurement:
   A. On bourbon, wine and sap clear grades by .0123 cent.
   B. On grades allowing sap on by .0077 cent.
   Price to nearest cent, ½ being figured to next higher cent.
2. For planing 2 sides, add .004 cent per linear foot of staves.
3. For unplaned staves, deduct .004 cent per linear foot of staves.

TABLE IV—SAWED TIGHT COOPERAGE HEADING, ROUGH, SQUARE, AIR DRIED AND LEVELED[1]

[Per set, f. o. b. mill or railhead]

Southern producing area					To make a finished circled head	Upper producing area				
19" through 21"	16" to 19"	13" to 16"	9" to 13"	Under 9"		19" through 21"	16" to 19"	13" to 16"	9" to 13"	Under 9"
¾"	⅝"	⅝"	½"	½"	To finish when planed one side[1]	¾"	⅝"	⅝"	½"	½"
					White oak types:					
$1.00	$0.61				Bourbon (green)	$1.03	$0.63			
.78	.48	$0.42	$0.24	$0.10	Wine	.83	.62	$0.45	$0.25	$0.17
.64	.39	.34	.19	.13	Sap clear, oil grade	.69	.43	.37	.20	.14
.51	.31	.27	.15	.10	Tight sap #1	.60	.35	.30	.17	.11
.44	.25	.22	.11	.08	Wide sap #1	.49	.29	.25	.13	.09
.44	.25	.22	.11	.08	Red oak #1	.49	.29	.25	.13	.09
.44	.25	.22	.11	.08	Chestnut oak #1	.49	.29	.25	.13	.09
.40	.23	.21	.11	.08	Gum and gum mixed[2] #1	.45	.27	.24	.13	.09
.33					Oak, all species, #2	.68				
.30					Gum and gum mixed[2] #2	.35				
.25					Oak, all species, dogs	.30				
.22					Gum and gum mixed,[2] dogs	.27				
	.27				Ash, pork grade		.31			
	.13				Ash, #2		.17			

[1] Except bourbon.

[2] See table 11 for species.

NOTES

1. For air dried bourbon heading, add to the green price per set, 19" through 21", .05; 16" to 19", .03.
2. Maximum price for all oil grade on bourbon inspection is 5¢ per set under the tight sap maximum price in the producing area.
3. For heading ⅛" thicker than above standards — Add 12½ percent
   For heading ⅛" thinner than above standards — Deduct 12½ percent
   For heading ¼" thicker than above standards — Add 25 percent
   For heading ¼" thinner than above standards — Deduct 25 percent

TABLE V—FINISHING SAWED TIGHT COOPERAGE HEADING PER SET

SOUTHERN AND UPPER AREAS

[Includes kiln drying, planing one side, jointing, doweling, flagging and circling]

	19" through 21"	16" to 19"	13" to 16"	11" to 13"	9" to 11"	under 9"
Sap clear grades	$0.50	$0.43	$0.33	$0.30	$0.21	$0.17
Sap on grades	.35	.30	.21	.21	.17	.12

NOTES

1. To compute the price per set for planing 2 sides, add $.0035 for each inch of diameter of a single head, using the nearest inch, ½" being figured to next higher inch.
2. To compute the price per set for unplaned heading, deduct $.0035 for each inch of diameter of a single head using the nearest inch, ½" being figured to the next higher inch.

TABLE VI—MAXIMUM PRICES FOR COOPERAGE DOWELS F. O. B. MILL OR RAILHEAD

	Per bushel
5/16" size	$2.50
¼" size	2.95

SEC. 18. *Appendix B: Extra charges for sawed tight cooperage.* The additions shown in the following table may be added to the stave and heading cost plus the mark-up as provided in section 6 in determining the f. o. b. mill price for sawed tight cooperage.

TABLE I—MAXIMUM PRICES FOR EXTRA CHARGES ON TIGHT COOPERAGE

	Over 20 gal. per hoop	20 gal. and under per hoop
Hoops:		
16 gauge	$0.07	$0.035
17 gauge and lighter	.06	.03

Galvanized, all sizes, all gauges, .04 per hoop.

	Over 20 gal.		20 gal. and under	
	First cost	Second cost (including driving)	First cost	Second cost (including driving)
Lining:				
Silicate of soda	$0.05	$0.15	$0.02½	$0.07½
Paraffine or asphalt	.15	.10	.07½	.05
Glue	.15	.25	.07½	.12½

NOTE: Prices for special linings must be approved by OPA.

	Over 20 gal.	20 gal. and under
Miscellaneous:		
Varnishing barrels	$0.10	$0.05
Painting barrels, one color	.15	.07½
Painting barrels, two colors	.20	.10
	All size barrels	
Varnishing hoops ... per hoop	$0.00½	
Vent holes ... per barrel	.01½	
Boring any holes other than one bung and vents:		
2" and less ... per hole	.02	
Over 2" through 3" ... per hole	.03	
Over 3" through 4" ... per hole	.06	
Over 4" ... per hole	.07½	
Boring for wooden threaded bung and installing	.05	
Furnishing and installing screwed metal flanges and bungs with gaskets, one each ¾" and 2", including boring bungs	.50	
Hoop fasteners (3 to each hoop) ... per barrel	.05	
Branding (hot) ... per barrel	.05	
Bung strap ... each	.01	

	30 gal. and over	Up to 30 gal.
Water kegs and coolers:	*Each*	*Each*
Single hinged lid complete for railroad water keg	$0.05	$0.40
Railroad water keg handles	.05	.05
Solid double lid complete with knob for single coolers	1.50	1.00
Solid triple lid complete with knob for double cooler	1.00	1.00
		Per set
Handle and 2 ears complete for well buckets		.10
Handle, ball, mouthpiece and stopper complete for harvest kegs		.05

NOTE: Equipment not included in this list of extras, furnished on barrels and kegs included in this schedule, may be furnished at ceiling prices plus extra charge as made in March 1942, or totally during March 1942 whichever applies. Such prices, and a description of the extra must be filed with the Lumber Branch, OPA.

Effective date. The effective date of this regulation is April 3, 1943.

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

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11099; Filed, July 9, 1943; 4:04 p. m.]

PART 1381—SOFTWOOD LUMBER

[Rev. MPR 26,[1] Amdt. 1]

DOUGLAS FIR AND OTHER WEST COAST LUMBER

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

Section 23, Table 1, Footnote 14 is amended by deleting the last sentence of the footnote and substituting in its place the following sentence:

In computing maximum prices under Maximum Price Regulation 215,[2] Distribution Yard Sales of Softwood Lumber, the addition may be included as part of the basic f. o. b. mill maximum price for Douglas fir boards.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11100; Filed, July 9, 1943; 4:01 p. m.]

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

[1] 8 F.R. 7570.

[2] 8 F.R. 3783, 5565, 6446.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amdt. 95]

MACHINES AND PARTS, AND MACHINERY SERVICES

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

Maximum Price Regulation 136, as amended, is amended in the following respects:

1. Section 1390.10 (b) is amended to read as follows:

(b) *Seller's price based on lower manufacturer's price*—(1) *Price.* Notwithstanding any other provisions of this regulation, the maximum price for the sale by a seller, other than a manufacturer, of any machine or part for which he had a price in effect on the base date (October 1, 1941, for machines and parts listed in Appendix A and March 31, 1942, for machines and parts listed in Appendix B), which was based on a manufacturer's price which was lower than the price the manufacturer had in effect on that date shall be determined as follows: The seller shall first divide the price the manufacturer had in effect to him on the base date by the manufacturer's price upon which his price was based. The seller shall then multiply the price he had in effect to a purchaser of the same class on the base date by this percentage. No adjustment may be made under this subparagraph until the Office of Price Administration approves such adjustment in writing.

(2) *Report.* A seller, other than a manufacturer, who desires to increase his price for a machine or part in accordance with subparagraph (1) shall file a report with the Office of Price Administration in Washington, D. C. This report shall contain the following information:

(i) The name and address of the manufacturer of the machine or part.

(ii) A description of the machine or part.

(iii) The maximum price or prices determined in accordance with subparagraph (1) and the class of purchasers to which each price applies.

(iv) The seller's price or prices in effect on the base date (October 1, 1941, for machines and parts listed in Appendix A and March 31, 1942, for machines and parts listed in Appendix B) and the date such price or prices became effective.

(v) The price the manufacturer had in effect to the seller on the base date and the date such price became effective.

(vi) The price to the seller upon which his base date price was based and the period during which such price was effective.

2. Section 1390.34 is amended by amending the phrase "Mechanical rubber goods (as defined in Maximum Price Regulation No. 149)" to read "Mechanical rubber goods (the maximum prices of which are established by Maximum Price Regulation No. 149)".

This amendment shall become effective July 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: All report and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11101; Filed, July 9, 1943; 4:04 p. m.]

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

[1] 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 6452, 6682, 6899, 6964, 6965, 6937, 6973, 8010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8422, 8479, 8520, 8562, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270, 3314, 3370.

PART 1434—MATCHES

[MPR 365,[1] Amdt. 1]

WOOD MATCHES

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

Maximum Price Regulation No. 365 is amended in the following respects:

1. Section 12 (a) (6) is amended to read as follows:

(6) "Strike-anywhere" match means a wood splint match, normally strikeable on any surface, but does not include special waterproof matches prepared and developed exclusively for the use of the armed forces.

2. In Appendix A (b) (1) the first sentence is amended to read as follows:

(1) The distributors maximum delivered prices for full cases shall be 115% of the actual price charged by the manufacturer; the distributor's maximum price for less-than-case quantities shall be 120% of the actual price charged by the manufacturer.

3. In Appendix B (b) (1) the first sentence is amended to read as follows:

(1) The distributor's maximum delivered price for full cases shall be 115% of the actual price charged by the manufacturer; the distributor's maximum delivered price for less-than-case quantities shall be 120% of the actual price charged by the manufacturer.

This amendment shall be come effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681.)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11094; Filed, July 9, 1943; 4:03 p. m.]

[1] 8 F.R. 4721.

PART 1499—COMMODITIES AND SERVICES

[Order 70 Under SR 15 to GMPR]

U. S. INDUSTRIAL CHEMICALS, INC.

Order No. 70 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation; Docket No. GF3-3315.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1370 *Adjustment of maximum prices for warehouse services sold by U. S. Industrial Chemicals, Inc.* (a) U. S. Industrial Chemicals, Inc., of Curtis Bay, Baltimore, Maryland, may sell and supply to Defense Supplies Corporation the services of handling and storing alcohol and acetone at charges not higher than those set forth below:

(1) *For storage:* 1¢ per barrel per month, based on the total storage capacity of all tanks used during such month; plus ¾¢ per barrel per month, based on the average quantity in storage during such month, whenever U. S. Industrial Chemicals, Inc. assumes a warehouseman's liability with respect to the alcohol and acetone. Such average quantity shall be calculated by adding together the number of gallons shown on all reports filed with Defense Supplies Corporation during each month and dividing the total by the number of such reports.

(2) *For handling:*

To or from tank, barge, or tanker: 2½¢ per barrel for handling into storage and 2½¢ per barrel for handling out of storage;

To or from tank car: 4¢ per barrel for handling into storage and 4¢ per barrel for handling out of storage;

To or from tank truck: 5¢ per barrel for handling into storage and 5¢ per barrel for handling out of storage.

(3) *For conversion of premises:* A charge not exceeding the actual direct cost of labor and materials, if any, in making the premises suitable for the storage of alcohol and acetone: *Provided,* That no charge shall be made for materials unless U. S. Industrial Chemicals, Inc. provides by contract with Defense Supplies Corporation that all materials for which such a charge is made shall be

subject to removal or sale by Defense Supplies Corporatiton upon termination of the contract.

(4) *For cost of alcohol tax unit bonds:* A charge not exceeding the actual premiums paid on all Alcohol Tax Unit Bonds which the warehouseman is required by law to obtain in order to store alcohol.

(b) *Reports.* U. S. Industrial Chemicals, Inc. shall file, with the Storage and Terminals Section, Transportation Division, Office of Price Administration, Washington, D. C., quarterly profit and loss statements of the operations covered by this order. Such statements shall be filed on forms to be furnished by the Office of Price Administration within sixty days after the end of each quarter. The first report shall be filed for the quarter ending September 30, 1943.

(c) *Definitions.* As used in this Order No. 70, the term "barrel" means 42 wine gallons.

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

(e) This Order No. 70 may be revoked or amended by the Price Administrator at any time.

(f) This Order No. 70 (§ 1499.1370) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 70 (§ 1499.1370) shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 9th day of July, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11095; Filed, July 9, 1943; 4:01 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 31,[1] Amdt. 3]

TAX ON TRANSPORTATION OF PROPERTY IMPOSED BY REVENUE ACT OF 1942

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

Section 1305.36 (b) (7) is hereby revoked.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11103; Filed, July 9, 1943; 4:07 p. m.]

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

[1] 7 F.R. 9894, 8 F.R. 1312, 3702.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 280,[1] Amdt. 23]

MAXIMUM PRICES FOR SPECIFIC FOOD PRODUCTS; MILK

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

Section 1351.801 (a) is amended to read as follows:

(a) *Fluid milk and milk products.* Fluid milk and cream sold at wholesale other than in glass or paper containers to stores, hotels, restaurants and institutions; cheeses in so far as their sales are not covered by Maximum Price Regulation No. 289 or Maximum Price Regulation No. 268; condensed milk; evaporated milk in so far as its sale is not covered by Maximum Price Regulations Nos. 289, 237, or 238; all powdered skim milk for animal feed, all powdered butter milk for animal feed, all condensed milk for animal feed, and any other animal feed processed from cows' milk and composed of milk ingredients constituting more than 50 per cent in weight or volume; edible casein; malted milk powder; and any other food commodity which is processed from cows' milk and composed of milk ingredients constituting more than 50 per cent in weight or volume, excluding ice cream (which is covered by the General Maximum Price Regulation) and excluding any other commodity so composed of milk ingredients in so far as its sale is covered by some other regulation.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11105; Filed, July 9, 1943; 4:07 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

[MPR 339,[1] Amdt. 4]

WOMEN'S RAYON HOSIERY

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

Maximum Price Regulation 339 is amended in the following respects:

[1] F.R. 5196, 7566, 6357, 7196, 7399, 7670, 8065, 8180.

1. In § 1401.101 (a) (5), the next to the last sentence, beginning with the words "It is important to note", is deleted.

2. Section 1401.101 (b) (5) is amended to read as follows:

(5) In § 1401.107 marking requirements are set forth which will provide purchasers with information as to ceiling prices for the various classes of sellers for each kind of hosiery. In § 1401.108 provision is made for information which must be furnished to persons other than ultimate consumers.

3. Section 1401.107 (a) is revoked, and paragraph (b) is redesignated paragraph (a).

4. Section 1401.107 (a) (2) (ii) (*g*) is amended to read as follows:

(*g*) The words "extra-long" on all hosiery 34" in length, or longer.

5. Section 1401.107 (a) (2) (ii) (*h*) is revoked and subdivision (*i*) is redesignated subdivision (*h*).

6. In § 1401.107 (a) (2) (iv), the first paragraph and the example are amended to read as follows:

(iv) *Description of marking.* Information required by subdivision (ii) (*a*) and (*c*) above must be marked on the welt within an outlined space or block having dimensions no less than ¾" x 1½" in the case of a transfer or no less than ⅔" x ¾" in the case of a label or ticket. No other printing or lettering is permitted within the space or block except the name, brand or registration number of the manufacturer. Two examples are set forth below:

Ceiling 92¢ Grade A-45 gauge	Ceiling-W-35¢ Grade A-260 ndls.

7. Section 1401.107 (a) (2) (v) (*c*) is redesignated § 1401.107 (b) and is amended to read as follows:

(b) *Correcting marking.* If a seller receives hosiery which has been previously marked incorrectly or marked with a retail ceiling price which is not appropriate, he must correctly re-mark the hosiery by the use of a transfer, ticket or label firmly attached to the welt of the hosiery. However, a wholesaler selling to a purchaser of a different class from that for which his hosiery is marked, need not re-mark if the purchaser agrees by letter to re-mark the hosiery prior to sale at retail. Before the wholesaler may deliver such hosiery he must mail a copy of his purchaser's letter to the Office of Price Administration, Washington, D. C.

8. Section 1401.111 (a) is amended to read as follows:

[1] 8 F.R. 2330, 3215, 4922, 6049.

(a) "Rayon hosiery" means any women's completely finished full-length hosiery of less than 45 inches in length, the leg of which is made in whole or in part of rayon, except hosiery in which the leg is made of rayon in combination with silk, wool or nylon. The term includes misses' hosiery.

9. The first line of Table I (i) in § 1401.115 (b) (11), containing the figures for 39 gauge, is amended to read as follows:

(11) *Table I: Yarn fineness and minimum course requirements for full-fashioned hosiery*—(i) *Maximum fineness of yarns permitted:*

Gauge	Leg yarn denier	Welt		Heel and sole reinforcing yarn (denier)	Toe reinforcing yarn (cotton count)
		Rayon denier	Cotton count		
39	100	125	80/2 ply	100	90/2 ply

10. The first line of Table I (ii) in § 1401.115 (b) (11), containing the figures for 39 gauge, is amended to read as follows:

(ii) *Minimum total courses:*

Gauge:	*Minimum total courses required for specified deniers knit in conventional "legger-footer" construction*
39 (a) 150 denier	1190
(b) 100 denier	1310

11. In Table II (i) of § 1401.115 (b) (12), two lines are added at the beginning of the Table to read as follows:

(i) *Maximum fineness of yarns permitted:*

Needle count	Leg yarn denier	Welt		Heel and toe yarn
		Rayon denier	Cotton count	
176–188	150	150	50/2	36/2
200	150	150	50/2	40/2

12. In Table II (ii) of § 1401.115 (b) (12), two lines are added at the beginning of the table to read as follows:

(ii) *Minimum total courses:*

Needle count:	*Minimum total courses required*
176–188	792
200	852

13. Section 1401.115 (b) (15) is added to read as follows:

(15) *Continuous filament acetate rayon full-fashioned hosiery.* Hosiery in which the leg yarn is made of continuous filament acetate rayon must meet all of the specifications set forth herein with the following exceptions:

(i) The standard length on which the courses are based is 30½ inches; acetate hosiery finishing more than 30½ inches in length will also be considered Grade A.

(ii) The minimum permissible length shall be 29 inches, but a stocking of this length must be made with full number of courses.

(iii) The minimum total courses may be no more than 75 courses less than the minimum established for each gauge in paragraph (11), Table I (ii).

14. Section 1401.116 is amended to read as follows:

§ 1401.116 *Appendix C: Schedules of maximum prices*—(a) *Tables of maximum prices for full-fashioned "cut and sewn" and semi-fashioned hosiery.*

TABLE 1—SALES BY MANUFACTURERS

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. CONTINUOUS FILAMENT								
1. 39 gauge:								
(a) to Class I purchaser	$5.90	$5.40	$5.01	$4.59	$3.94	$3.60	$2.95	$2.70
(b) to Class II purchaser	6.05	5.55	5.14	4.72	4.04	3.70	3.02	2.77
(c) to Class III purchaser	6.15	5.65	5.23	4.80	4.10	3.77	3.07	2.82
2. 42 gauge:								
(a) to Class I purchaser	6.20	5.55	5.27	4.72	4.14	3.70	3.10	2.77
(b) to Class II purchaser	6.35	5.70	5.40	4.84	4.24	3.80	3.17	2.85
(c) to Class III purchaser	6.45	5.80	5.48	4.93	4.30	3.87	3.22	2.90
3. 45 gauge:								
(a) to Class I purchaser	6.70	5.95	5.70	5.06	4.47	3.97	3.35	2.97
(b) to Class II purchaser	6.85	6.10	5.82	5.18	4.57	4.07	3.42	3.05
(c) to Class III purchaser	6.95	6.20	5.91	5.27	4.64	4.14	3.47	3.10
4. 48 gauge:								
(a) to Class I purchaser	7.20	6.45	6.12	5.48	4.80	4.30	3.60	3.22
(b) to Class II purchaser	7.35	6.60	6.25	5.61	4.90	4.40	3.67	3.30
(c) to Class III purchaser	7.45	6.70	6.33	5.69	4.97	4.47	3.72	3.35
5. 51 gauge:								
(a) to Class I purchaser	7.70	6.95	6.54	5.91	5.14	4.64	3.85	3.47
(b) to Class II purchaser	7.85	7.10	6.67	6.03	5.24	4.74	3.92	3.55
(c) to Class III purchaser	7.95	7.20	6.76	6.12	5.30	4.80	3.97	3.60

TABLE 1—SALES BY MANUFACTURERS—Continued

(i) REGULAR CONSTRUCTIONS—continued

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. CONTINUOUS FILAMENT—continued								
6. 54 and 57 gauge:								
(a) to Class I purchaser	$8.65	$7.60	$7.35	$6.71	$5.77	$5.27	$4.32	$3.65
(b) to Class II purchaser	8.85	8.10	7.62	6.83	6.00	5.49	4.42	4.05
(c) to Class III purchaser	9.00	8.25	7.65	7.01	6.00	5.50	4.50	4.12
7. 60 gauge and higher:								
(a) to Class I purchaser	9.65	8.00	8.20	7.50	6.44	5.94	4.82	4.45
(b) to Class II purchaser	9.85	9.10	8.37	7.73	6.67	6.07	4.92	4.55
(c) to Class III purchaser	10.00	9.25	8.50	7.85	6.67	6.17	5.00	4.62
B. CONTINUOUS FILAMENT (OUTSIZE)								
1. 39 gauge, 14–14 ½" head:								
(a) to Class I purchaser	6.40	5.65	5.44	4.80	4.27	3.77	3.20	2.82
(b) to Class II purchaser	6.55	5.89	5.67	4.93	4.37	3.87	3.27	2.90
(c) to Class III purchaser	6.65	6.00	5.65	5.01	4.44	3.94	3.32	2.95
15–15 ½" head:								
(a) to Class I purchaser	6.90	6.15	5.80	5.23	4.60	4.10	3.45	3.07
(b) to Class II purchaser	7.05	6.30	5.90	5.35	4.70	4.20	3.52	3.15
(c) to Class III purchaser	7.15	6.40	6.08	5.44	4.77	4.27	3.57	3.20
16" head or wider:								
(a) to Class I purchaser	7.40	6.65	6.20	5.65	4.94	4.44	3.70	3.32
(b) to Class II purchaser	7.55	6.80	6.42	5.78	5.04	4.54	3.77	3.40
(c) to Class III purchaser	7.65	6.90	6.50	5.85	5.10	4.60	3.82	3.45
2. 42 gauge, 14–14½" head:								
(a) to Class I purchaser	6.70	6.05	5.60	5.05	4.47	3.97	3.35	2.97
(b) to Class II purchaser	6.85	6.10	5.82	5.18	4.57	4.07	3.42	3.05
(c) to Class III purchaser	6.95	6.20	5.91	5.27	4.64	4.14	3.47	3.10
15–15½" head:								
(a) to Class I purchaser	7.20	6.45	6.12	5.48	4.80	4.30	3.60	3.22
(b) to Class II purchaser	7.35	6.60	6.25	5.61	4.90	4.40	3.67	3.30
(c) to Class III purchaser	7.45	6.70	6.33	5.60	4.97	4.47	3.72	3.35
16" head or wider:								
(a) to Class I purchaser	7.70	6.95	6.54	5.91	5.14	4.64	3.85	3.47
(b) to Class II purchaser	7.85	7.10	6.67	6.03	5.24	4.74	3.92	3.55
(c) to Class III purchaser	7.95	7.20	6.70	6.12	5.30	4.80	3.97	3.60
3. 45 gauge and higher, 14–14½" head:								
(a) to Class I purchaser	7.20	6.45	6.12	5.48	4.80	4.30	3.60	3.22
(b) to Class II purchaser	7.35	6.60	6.25	5.61	4.90	4.40	3.67	3.30
(c) to Class III purchaser	7.45	6.70	6.33	5.60	4.97	4.47	3.72	3.35
15–15½" head:								
(a) to Class I purchaser	7.70	6.95	6.54	5.91	5.14	4.64	3.85	3.47
(b) to Class II purchaser	7.85	7.10	6.67	6.03	5.24	4.74	3.92	3.55
(c) to Class III purchaser	7.95	7.20	6.70	6.12	5.30	4.80	3.97	3.60
16" head or wider:								
(a) to Class I purchaser	8.20	7.45	6.97	6.33	5.47	4.97	4.10	3.72
(b) to Class II purchaser	8.35	7.60	7.10	6.45	5.57	5.07	4.17	3.80
(c) to Class III purchaser	8.45	7.70	7.18	6.54	5.64	5.14	4.22	3.85

(ii) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. MESH AND NON-RUN				
1. 42 gauge and lower:				
(a) to Class I purchaser	$8.20	$6.97	$5.47	$4.10
(b) to Class II purchaser	8.35	7.10	5.57	4.17
(c) to Class III purchaser	8.45	7.18	5.64	4.22
2. 45 gauge and higher:				
(a) to Class I purchaser	8.70	7.39	5.80	4.35
(b) to Class II purchaser	8.85	7.52	5.90	4.42
(c) to Class III purchaser	8.95	7.61	5.97	4.47
D. NEEDLE OUT OR DROP NEEDLE STITCH				
1. 39 gauge and lower:				
(a) to Class I purchaser	7.40	6.29	4.94	3.70
(b) to Class II purchaser	7.55	6.42	5.04	3.77
(c) to Class III purchaser	7.65	6.50	5.10	3.82
2. 42 gauge:				
(a) to Class I purchaser	7.70	6.54	5.14	3.85
(b) to Class II purchaser	7.85	6.67	5.24	3.92
(c) to Class III purchaser	7.95	6.76	5.30	3.97
3. 45 and 48 gauge:				
(a) to Class I purchaser	8.10	6.83	5.40	4.05
(b) to Class II purchaser	8.25	7.01	5.50	4.12
(c) to Class III purchaser	8.35	7.10	5.57	4.17

TABLE 1—SALES BY MANUFACTURERS—Continued

(ii) SPECIAL CONSTRUCTIONS—continued

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
E. FULL LACE AND JACQUARDS				
1. 42 gauge and lower:				
(a) to Class I purchaser	$9.20	$7.82	$6.14	$4.60
(b) to Class II purchaser	9.35	7.95	6.24	4.67
(c) to Class III purchaser	9.45	8.03	6.30	4.72
2. 45 and 48 gauge:				
(a) to Class I purchaser	9.70	8.24	6.47	4.85
(b) to Class II purchaser	9.85	8.37	6.57	4.92
(c) to Class III purchaser	9.95	8.46	6.64	4.97
3. 51 gauge and higher:				
(a) to Class I purchaser	10.70	9.09	7.14	5.35
(b) to Class II purchaser	10.85	9.22	7.24	5.42
(c) to Class III purchaser	10.95	9.31	7.30	5.47
F. SPECIAL TYPES				
33 and 36 gauge made of combination yarn:				
(a) to Class I purchaser	5.75	4.89	3.84	2.87
(b) to Class II purchaser	5.90	5.01	3.94	2.95
(c) to Class III purchaser	6.00	5.10	4.00	3.00
G. CUT AND SEWN LACE OR MESH				
(a) to Class I purchaser	7.20	6.12	4.80	3.60
(b) to Class II purchaser	7.35	6.25	4.90	3.67
(c) to Class III purchaser	7.45	6.33	4.97	3.72
H. SEMI-FASHIONED (BURSON TYPE)				
(i) Continuous filament:				
1. Standard:				
(a) to Class I purchaser	4.35	3.70	2.90	2.17
(b) to Class II purchaser	4.50	3.82	3.00	2.25
(c) to Class III purchaser	4.60	3.91	3.07	2.30
2. Outsizes:				
(a) to Class I purchaser	4.90	4.16	3.27	2.45
(b) to Class II purchaser	5.05	4.29	3.37	2.52
(c) to Class III purchaser	5.15	4.38	3.43	2.57
3. Extra outsize:				
(a) to Class I purchaser	5.90	5.01	3.94	2.95
(b) to Class II purchaser	6.05	5.14	4.04	3.02
(c) to Class III purchaser	6.15	5.23	4.10	3.07
(ii) combination yarn:				
1. Standard:				
(a) to Class I purchaser	4.25	3.61	2.83	2.12
(b) to Class II purchaser	4.40	3.74	2.93	2.20
(c) to Class III purchaser	4.50	3.82	3.00	2.25
2. Outsizes:				
(a) to Class I purchaser	4.60	3.91	3.07	2.30
(b) to Class II purchaser	4.75	4.04	3.17	2.37
(c) to Class III purchaser	4.85	4.12	3.23	2.42
I. MAXIMUM PRICE DIFFERENTIALS FOR SPECIFIC CONSTRUCTIONS				
(To be added to prices per dozen set forth for constructions A to E both inclusive)				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.50	.42	.33	.25
2. Extra lengths (34 inches minimum)	.75	.64	.50	.37
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.35	.30	.23	.17
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	1.75	1.49	1.17	.87

TABLE 2—SALES AT WHOLESALE

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament:								
1. 39 gauge	$6.78	$6.21	$5.77	$5.28	$4.53	$4.14	$3.39	$3.10
2. 42 gauge	7.13	6.38	6.06	5.43	4.76	4.25	3.56	3.18
3. 45 gauge	7.70	6.84	6.55	5.82	5.14	4.56	3.85	3.41
4. 48 gauge	8.28	7.41	7.03	6.30	5.52	4.94	4.14	3.70
5. 51 gauge	8.85	7.99	7.53	6.79	5.91	5.33	4.43	3.99
6. 54 and 57 gauge	9.94	9.03	8.45	7.72	6.63	6.06	4.97	4.54
7. 60 gauge and higher	11.09	10.23	9.43	8.70	7.40	6.83	5.54	5.11
B. Continuous filament (outsize):								
1. 39 gauge:								
14-14 ½" head	7.36	6.49	6.25	5.52	4.91	4.33	3.68	3.24
15-15 ½" head	7.93	7.07	6.75	6.01	5.29	4.71	3.97	3.53
16" head or wider	8.51	7.64	7.23	6.49	5.68	5.10	4.25	3.82
2. 42 gauge:								
14-14 ½" head	7.70	6.84	6.55	5.82	5.14	4.56	3.85	3.41
15-15 ½" head	8.28	7.41	7.03	6.30	5.52	4.94	4.14	3.70
16" head or wider	8.85	7.99	7.53	6.79	5.91	5.33	4.43	3.99
3. 45 gauge:								
14-14 ½" head	8.28	7.41	7.03	6.30	5.52	4.94	4.14	3.70
15-15 ½" head	8.85	7.99	7.53	6.79	5.91	5.33	4.43	3.99
16" head or wider	9.43	8.56	8.01	7.28	6.29	5.71	4.71	4.28

(ii) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. Mesh and non run:				
1. 42 gauge and lower	$9.43	$8.01	$6.29	$4.71
2. 45 gauge and higher	10.00	8.51	6.67	5.00
D. Needle out or drop needle stitch:				
1. 39 gauge and lower	8.51	7.23	5.68	4.25
2. 42 gauge	8.86	7.52	5.91	4.43
3. 45 and 48 gauge	9.31	7.91	6.21	4.66
E. Full lace and jacquards:				
1. 42 gauge and lower	10.57	8.99	7.06	5.29
2. 45 and 48 gauge	11.15	9.49	7.41	5.57
3. 51 gauge and higher	12.30	10.46	8.21	6.15
F. Special types:				
33 and 36 gauge made of combination yarn	6.61	5.62	4.41	3.30
G. Cut and sewn lace or mesh	8.28	7.03	5.52	4.14
H. Semi-fashioned (Burson type):				
(i) continuous filament:				
1. Standard	5.00	4.25	3.33	2.49
2. Outsize	5.63	4.79	3.76	2.82
3. Extra outsize	6.78	5.77	4.52	3.39
(ii) combination yarn:				
1. Standard	4.83	4.15	3.25	2.44
2. Outsize	5.29	4.49	3.53	2.64
I. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for constructions A to E both inclusive):				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.57	.49	.39	.29
2. Extra lengths (34 inches minimum)	.86	.73	.57	.42
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.40	.34	.26	.18
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	2.01	1.71	1.35	1.00

NOTE: All maximum prices are for sales out of stock; maximum prices for "drop shipments" are the prices set forth above less 3%.

TABLE 3—SALES AT RETAIL

[Prices are expressed in dollars per pair]

(i) MAXIMUM PRICES FOR CLASS I RETAIL WOMEN'S HOSIERY OUTLETS—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filaments:								
1. 39 gauge	$0.71	$0.65	$0.69	$0.65	$0.47	$0.43	$0.35	$0.32
2. 42 gauge	.75	.67	.63	.67	.59	.44	.37	.33
3. 45 gauge	.81	.72	.69	.61	.54	.43	.45	.35
4. 48 gauge	.89	.77	.74	.69	.53	.52	.43	.39
5. 51 gauge	.93	.84	.79	.71	.62	.56	45	.42
6. 54 and 57 gauge	1.04	.95	.83	.81	.69	.63	.52	.47
7. 60 gauge and higer	1.16	1.07	..69	.91	.77	.71	.53	.53
B. Continuous filament (outsize):								
1. 39 gauge:								
14–14½" head	.77	.63	.65	.53	.51	45	.33	.31
15–15½" head	.83	.74	.71	.63	.55	.49	.41	.37
16" head or wider	.89	.89	.76	.63	.59	.53	.44	.49
2. 42 gauge:								
14–14½" head	.81	.72	.69	.61	.54	.43	.49	.35
15–15½" head	.87	.75	.74	.69	.53	.52	.43	.39
16" head or wider	.93	.84	.79	.71	.62	.56	.46	.42
3. 45 gauge:								
14–14½" head	.87	.78	.74	.69	.53	.52	.43	.39
15–15½" head	.93	.84	.79	.71	.62	.56	.46	.42
16" head or wider	.99	.99	.84	.76	.69	.60	.49	.45

(b) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. Mesh and nonrun:				
1. 42 gauge and lower	$0.63	$0.84	$0.60	$0.49
2. 45 gauge and higher	1.04	.89	.70	.52
D. Needle out or drop needle stitch:				
1. 39 gauge and lower	.89	.76	.69	.45
2. 42 gauge	.93	.79	.62	.45
3. 45 and 48 gauge	.98	.83	.65	.49
E. Full lace and jacquards:				
1. 42 gauge and lower	1.11	.94	.74	.55
2. 45 and 48 gauge	1.19	.99	.78	.58
3. 51 gauge and higher	1.29	1.09	.85	.64
F. Special types:				
33 and 36 gauge made of combination yarn	.69	.59	.46	.35
G. Cut and sewn lace or mesh	.89	.74	.53	.43
H. Semi-fashioned (Burson type):				
(i) Continuous filament:				
1. Standard	.52	.44	.35	.25
2. Outsize	.59	.50	.39	.29
3. Extra outsize	.71	.60	.47	.35
(ii) Combination yarn:				
1. Standard	.51	.44	.34	.25
2. Outsize	.60	.47	.37	.28
I. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for constructions A to E both inclusive):				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.07	.06	.05	.04
2. Extra lengths (34 inches minimum)	.10	.08	.07	.05
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.05	.04	.03	.02
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	.22	.19	.15	.11

(ii) MAXIMUM PRICES FOR CLASS II RETAIL WOMEN'S HOSIERY OUTLETS—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament:								
1. 39 gauge	$0.89	$0.74	$0.63	$0.63	$0.54	$0.49	$0.49	$0.37
2. 42 gauge	.84	.76	.72	.64	.59	.59	.42	.33
3. 45 gauge	.92	.89	.78	.69	.61	.54	.45	.40
4. 48 gauge	.93	.88	.83	.75	.65	.53	.49	.44
5. 51 gauge	1.05	.95	.89	.89	.69	.63	.52	.47
6. 54 and 57 gauge	1.18	1.08	1.09	.92	.73	.72	.59	.54
7. 60 gauge and higher	1.31	1.21	1.11	1.03	.87	.81	.65	.60
B. Continuous filament outsize:								
1. 39 gauge:								
14–14½" head	.87	.77	.74	.65	.53	.51	.43	.33
15–15½" head	.94	.84	.89	.71	.63	.55	.47	.42
16" head or wider	1.01	.91	.89	.77	.67	.59	.50	.45
2. 42 gauge:								
14–14½" head	.91	.81	.78	.69	.61	.54	.45	.40
15–15½" head	.98	.88	.83	.75	.65	.59	.49	.44
16" head or wider	1.05	.95	.89	.81	.70	.63	.52	.47
3. 45 gauge:								
14–14½" head	.98	.88	.83	.75	.65	.59	.49	.44
15–15½" head	1.04	.95	.89	.81	.70	.63	.52	.47
16" head or wider	1.11	1.02	.95	.85	.75	.63	.55	.51

TABLE 3—SALES AT RETAIL—Continued

(b) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
C. Mesh and nonrun:				
1. 42 gauge and lower	$1.11	$0.95	$0.75	$0.56
2. 45 gauge and higher	1.18	1.00	.79	.59
D. Needle out or drop needle stitch:				
1. 39 gauge and lower	1.01	.86	.68	.51
2. 42 gauge	1.05	.90	.70	.54
3. 45 and 48 gauge	1.11	.94	.74	.55
E. Full lace and jacquards:				
1. 42 gauge and lower	1.25	1.06	.83	.62
2. 45 and 48 gauge	1.32	1.11	.87	.65
3. 51 gauge and higher	1.45	1.23	.96	.72
F. Special types:				
33 and 36 gauge made of combination yarn	.79	.67	.52	.40
G. Cut and sewn lace or mesh	.98	.83	.65	.49
H. Semi-fashioned (Burson type):				
(i) Continuous filament:				
1. Standard	.59	.50	.39	.30
2. Outsize	.67	.57	.44	.33
3. Extra outsize	.80	.68	.54	.40
(ii) Combination yarn:				
1. Standard	.58	.49	.39	.29
2. Outsize	.63	.53	.42	.32
I. Maximum price differentials for specific constructions (to be added to prices per pair set forth for constructions A to E both inclusive):				
1. Premium welts (welts made of: cotton, silk, spun rayon, blended or combination yarn)	.07	.06	.05	.04
2. Extra lengths (34 inches minimum)	.10	.08	.07	.05
3. Premium heel and sole (heel and sole reinforced with cotton, spun rayon or combination yarn)	.05	.04	.03	.02
4. Leg made of spun rayon, blended, plied or combination yarn with premium welt and premium heel and sole	.22	.19	.15	.11

(b) *Tables of maximum prices for circular knit hosiery.*

TABLE 4—SALES OF CIRCULAR KNIT HOSIERY BY MANUFACTURERS

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$2.00	$1.75	$1.70	$1.49	$1.33	$1.17	$1.00	$0.87
2. 220-240 needle count	2.25	2.00	1.91	1.70	1.50	1.33	1.12	1.00
3. 260 needle count	2.50	2.10	2.13	1.78	1.67	1.40	1.25	1.05
4. 280 needle count	2.60	2.20	2.21	1.87	1.73	1.47	1.30	1.10
5. 300 needle count (producers twist)	2.70	2.30	2.29	1.95	1.80	1.53	1.35	1.15
6. 300 needle count (high twist)	3.10	2.60	2.63	2.21	2.07	1.73	1.55	1.30
7. 320 needle count	3.30	2.80	2.80	2.38	2.20	1.87	1.65	1.40
8. 340 needle count	3.50	2.75	2.97	2.34	2.33	1.83	1.75	1.37
9. 360-380 needle count	4.00	3.25	3.40	2.76	2.67	2.17	2.00	1.62
10. 400 needle count	5.25	4.50	4.46	3.82	3.50	3.00	2.62	2.25

(ii) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$2.75	$2.34	$1.83	$1.37
2. 220-240 needle count	3.00	2.55	2.00	1.50
3. 260 needle count	3.10	2.64	2.07	1.55
4. 280 needle count	3.20	2.72	2.13	1.60
5. 300 needle count	3.50	2.98	2.33	1.75
6. 320 needle count and higher	3.60	3.06	2.40	1.80
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	2.50	2.12	1.67	1.25
2. 220-240 needle count	2.75	2.34	1.83	1.37
3. 260 needle count	2.85	2.42	1.90	1.42
4. 280 needle count	2.95	2.51	1.97	1.47
5. 300 needle count	3.25	2.76	2.17	1.62
6. 320 needle count and higher	3.35	2.85	2.23	1.67

TABLE 4—SALES OF CIRCULAR KNIT HOSIERY BY MANUFACTURERS—Continued

(ii) SPECIAL CONSTRUCTIONS—continued

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
Premium constructions—Continued:				
(c) Leg made of 2 ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	$3.25	$2.70	$2.17	$1.62
2. 220-240 needle count	3.50	2.97	2.33	1.75
3. 260 needle count	3.60	3.05	2.40	1.80
4. 280 needle count	3.70	3.14	2.47	1.85
5. 300 needle count	4.00	3.40	2.67	2.00
6. 320 needle count and higher	4.10	3.48	2.73	2.05
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220-240 needle count	4.75	4.04	3.17	2.37
2. 260-280 needle count	5.10	4.33	3.40	2.55
3. 300 needle count and higher	5.50	4.67	3.67	2.75
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	2.50	2.12	1.67	1.25
2 end	3.00	2.55	2.00	1.50
2. 220-240 needle count:				
1 end	2.75	2.34	1.83	1.33
2 end	3.25	2.75	2.17	1.63
3. 260-280 needle count:				
1 end	3.00	2.55	2.00	1.50
2 end	3.50	2.93	2.33	1.75
4. 300-320 needle count:				
1 end	3.50	2.93	2.33	1.75
2 end	4.00	3.40	2.67	2.00
5. 340 needle count:				
1 end	4.00	3.40	2.67	2.00
2 end	4.50	3.82	3.00	2.25
6. 360 needle count and higher:				
1 end	5.00	4.25	3.33	2.50
2 end	5.50	4.67	3.67	2.75
D. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon or combination yarn)	.40	.34	.27	.20
2. Outsizes	.30	.25	.20	.15
3. Plied yarn in leg	.60	.51	.40	.30

TABLE 5—SALES AT WHOLESALE OF CIRCULAR KNIT HOSIERY

[Prices are expressed in dollars per dozen f. o. b. point of shipment]

(i) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$2.35	$2.00	$2.00	$1.75	$1.50	$1.33	$1.18	$1.02
2. 220-240 needle count	2.65	2.35	2.25	2.00	1.70	1.50	1.32	1.18
3. 260 needle count	2.94	2.47	2.51	2.11	1.60	1.65	1.47	1.24
4. 280 needle count	3.05	2.50	2.60	2.20	2.04	1.73	1.53	1.20
5. 300 needle count (producers twist)	3.18	2.71	2.60	2.20	2.12	1.80	1.50	1.35
6. 300 needle count (high twist)	3.65	3.06	3.00	2.60	2.44	2.04	1.82	1.53
7. 320 needle count	3.83	3.20	3.20	2.80	2.50	2.20	1.94	1.65
8. 340 needle count	4.12	3.24	3.40	2.75	2.74	2.15	2.06	1.61
9. 360-380 needle count	4.71	3.82	4.00	3.25	3.14	2.55	2.35	1.91
10. 400 needle count	6.18	5.20	5.25	4.40	4.12	3.53	3.03	2.65

(ii) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$3.24	$2.75	$2.15	$1.61
2. 220-240 needle count	3.53	3.00	2.35	1.76
3. 260 needle count	3.65	3.11	2.44	1.82
4. 280 needle count	3.76	3.20	2.51	1.88
5. 300 needle count	4.12	3.51	2.74	2.06
6. 320 needle count and higher	4.24	3.60	2.82	2.12

TABLE 5—SALES AT WHOLESALE OF CIRCULAR KNIT HOSIERY—Continued

(ii) SPECIAL CONSTRUCTIONS—continued

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions—Continued.				
(b) Leg made of rayon plaited with cotton with premium welt.				
1. 200 needle count and lower	$2.94	$2.50	$1.96	$1.47
2. 220-240 needle count	3.24	2.75	2.15	1.61
3. 260 needle count	3.35	2.85	2.24	1.67
4. 280 needle count	3.47	2.95	2.32	1.73
5. 300 needle count	3.82	3.25	2.55	1.91
6. 320 needle count and higher	3.94	3.35	2.62	1.96
(c) Leg made of 2-ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	3.82	3.25	2.55	1.91
2. 220-240 needle count	4.12	3.50	2.74	2.06
3. 260 needle count	4.24	3.60	2.82	2.12
4. 280 needle count	4.35	3.70	2.91	2.18
5. 300 needle count	4.71	4.00	3.14	2.35
6. 320 needle count and higher	4.82	4.10	3.21	2.41
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220-240 needle count	5.59	4.75	3.73	2.79
2. 260-280 needle count	6.00	5.10	4.00	3.00
3. 300 needle count and higher	6.47	5.50	4.32	3.24
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	2.94	2.50	1.96	1.47
2 end	3.53	3.00	2.35	1.76
2. 220-240 needle count:				
1 end	3.24	2.75	2.15	1.62
2 end	3.82	3.25	2.55	1.92
3. 260-280 needle count:				
1 end	3.53	3.00	2.35	1.76
2 end	4.12	3.51	2.74	2.06
4. 300-320 needle count:				
1 end	4.12	3.51	2.74	2.06
2 end	4.71	4.00	3.14	2.35
5. 340 needle count:				
1 end	4.71	4.00	3.14	2.35
2 end	5.29	4.49	3.59	2.65
6. 360 needle count and higher:				
1 end	5.88	5.00	3.92	2.94
2 end	6.47	5.50	4.32	3.24
D. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon, or combination yarn)	.47	.40	.32	.24
2. Outsizes	.35	.31	.24	.18
3. Plied yarn in leg	.71	.60	.47	.35

NOTE: All maximum prices are for sales out of stock; maximum prices for "drop shipments" are the prices set forth above less 5%.

TABLE 6—SALES AT RETAIL OF CIRCULAR KNIT HOSIERY

[Prices are expressed in dollars per pair]

(i) RETAIL PRICES FOR HOSIERY PURCHASED BY THE RETAIL SELLER FROM A MANUFACTURER—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$0.25	$0.21	$0.21	$0.18	$0.16	$0.14	$0.12	$0.11
2. 220-240 needle count	.28	.25	.24	.21	.18	.17	.14	.12
3. 260 needle count	.30	.26	.26	.22	.20	.17	.15	.13
4. 280 needle count	.32	.27	.27	.23	.21	.18	.16	.13
5. 300 needle count (producers twist)	.33	.28	.28	.24	.22	.19	.17	.14
6. 300 needle count (high twist)	.38	.32	.32	.27	.25	.21	.19	.16
7. 320 needle count	.40	.34	.34	.29	.27	.23	.20	.17
8. 340 needle count	.43	.34	.36	.29	.29	.22	.21	.17
9. 360-380 needle count	.49	.40	.42	.34	.33	.27	.25	.20
10. 400 needle count	.64	.55	.55	.47	.43	.37	.32	.28

TABLE 6—SALES AT RETAIL OF CIRCULAR KNIT HOSIERY—Continued

(b) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$0.34	$0.29	$0.23	$0.17
2. 220-240 needle count	.39	.31	.25	.18
3. 260 needle count	.38	.33	.25	.19
4. 280 needle count	.40	.34	.27	.20
5. 300 needle count	.43	.37	.29	.22
6. 320 needle count and higher	.45	.38	.29	.22
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	.31	.25	.21	.16
2. 220-240 needle count	.34	.29	.23	.17
3. 260 needle count	.35	.29	.24	.18
4. 280 needle count	.37	.31	.25	.18
5. 300 needle count	.40	.34	.27	.20
6. 320 needle count and higher	.42	.35	.28	.21
(c) Leg made of 2 ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	.40	.34	.27	.20
2. 220-240 needle count	.44	.37	.29	.22
3. 260 needle count	.45	.38	.29	.22
4. 280 needle count	.49	.39	.31	.23
5. 300 needle count	.50	.42	.33	.25
6. 320 needle count and higher	.51	.43	.34	.25
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220-240 needle count	.59	.50	.39	.29
2. 260-280 needle count	.63	.54	.42	.32
3. 300 needle count and higher	.63	.53	.45	.34
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	.31	.25	.21	.16
2 end	.37	.32	.23	.19
2. 220-240 needle count:				
1 end	.34	.29	.23	.17
2 end	.41	.33	.27	.20
3. 260-280 needle count:				
1 end	.37	.31	.25	.18
2 end	.43	.37	.29	.22
4. 300-320 needle count:				
1 end	.43	.37	.29	.22
2 end	.50	.42	.33	.25
5. 340 needle count:				
1 end	.50	.42	.33	.25
2 end	.55	.43	.37	.28
6. 360 needle count and higher:				
1 end	.62	.53	.41	.31
2 end	.63	.53	.45	.34
D. Maximum price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon or combination yarn)	.05	.04	.03	.02
2. Outsizes	.04	.03	.03	.02
3. Plied yarn in leg	.07	.05	.05	.04

NOTE: The prices in this table are applicable to all sales of hosiery which the seller at retail bought (a) from a manufacturer, as defined in this regulation or (b) in any sale to which manufacturer's ceiling prices were applicable.

(ii) RETAIL PRICES FOR HOSIERY PURCHASED BY THE RETAIL SELLER FROM A WHOLESALER—(a) REGULAR CONSTRUCTIONS

Constructions	First quality		Substandard quality					
			Irregulars		Seconds		Thirds	
	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B	Grade A	Grade B
A. Continuous filament (plain knit):								
1. 200 needle count and lower	$0.23	$0.23	$0.21	$0.21	$0.19	$0.17	$0.14	$0.12
2. 220-240 needle count	.32	.23	.27	.21	.21	.19	.15	.14
3. 260 needle count	.35	.30	.29	.25	.23	.20	.18	.15
4. 280 needle count	.37	.31	.31	.25	.24	.21	.18	.15
5. 300 needle count (producers twist)	.38	.32	.32	.27	.25	.22	.19	.15
6. 300 needle count (high twist)	.44	.37	.37	.31	.29	.24	.22	.18
7. 320 needle count	.47	.39	.39	.34	.31	.26	.23	.20
8. 340 needle count	.49	.39	.42	.33	.33	.26	.25	.19
9. 360-380 needle count	.49	.46	.43	.39	.33	.31	.23	.23
10. 400 needle count	.74	.63	.63	.54	.49	.42	.37	.32

TABLE 6—SALES AT RETAIL OF CIRCULAR KNIT HOSIERY—Continued

(b) SPECIAL CONSTRUCTIONS

Constructions	First quality	Substandard quality		
		Irregulars	Seconds	Thirds
B. Premium constructions:				
(a) Leg made of blended yarn, spun rayon or combination yarn with premium welt:				
1. 200 needle count and lower	$0.39	$0.33	$0.26	$0.19
2. 220-240 needle count	.42	.36	.28	.21
3. 260 needle count	.44	.37	.29	.22
4. 280 needle count	.45	.38	.30	.23
5. 300 needle count	.50	.42	.33	.25
6. 320 needle count and higher	.51	.43	.34	.25
(b) Leg made of rayon plaited with cotton with premium welt:				
1. 200 needle count and lower	.35	.30	.24	.18
2. 200-240 needle count	.39	.33	.26	.19
3. 260 needle count	.40	.34	.27	.20
4. 280 needle count	.42	.35	.28	.21
5. 300 needle count	.46	.39	.31	.23
6. 320 needle count and higher	.47	.40	.31	.24
(c) Leg made of 2 ply spun rayon yarn with premium welt:				
1. 200 needle count and lower	.46	.39	.31	.23
2. 220-240 needle count	.49	.42	.33	.25
3. 260 needle count	.51	.43	.34	.25
4. 280 needle count	.52	.44	.35	.26
5. 300 needle count	.56	.48	.38	.28
6. 320 needle count and higher	.58	.49	.38	.29
(d) Leg made of plied rayon yarn spun on the silk system with premium welt:				
1. 220-240 needle count	.67	.57	.45	.33
2. 260-280 needle count	.72	.61	.48	.36
3. 300 needle count and higher	.78	.66	.52	.39
C. Mesh constructions:				
1. 200 needle count and lower:				
1 end	.35	.30	.24	.18
2 end	.42	.36	.28	.21
2. 220-240 needle count:				
1 end	.39	.33	.26	.19
2 end	.46	.39	.30	.23
3. 260-280 needle count:				
1 end	.43	.36	.28	.21
2 end	.50	.42	.33	.25
4. 300-320 needle count:				
1 end	.50	.42	.33	.25
2 end	.57	.48	.38	.28
5. 340 needle count:				
1 end	.57	.48	.38	.28
2 end	.64	.54	.43	.32
6. 360 needle count and higher:				
1 end	.71	.60	.47	.35
2 end	.78	.66	.52	.39
D. Maximum Price differentials for specific constructions (to be added to prices per dozen set forth for regular and mesh constructions):				
1. Premium welts (welts made of cotton, blended rayon, spun rayon or combination yarn)	.06	.05	.04	.03
2. Outsizes	.04	.04	.03	.02
3. Plied yarn in leg	.09	.07	.06	.04

This amendment shall become effective July 15, 1943.

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

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11106; Filed, July 9, 1943; 4:08 p. m.]

PART 1410—WOOL

[MPR 123,[1] Amdt. 6]

RAW AND PROCESSED WOOL WASTE MATERIALS

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

Maximum Price Regulation No. 123 is amended in the following respect:

In Table I of § 1410.80, the price of 20 cents for fine woolen threads, light, under the heading "85% up to not including 98% wool, balance other fibers," is amended to read 30 cents.

This amendment shall become effective July 15, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11104; Filed, July 9, 1943; 4:07 p. m.]

PART 1306—IRON AND STEEL

[Correction to RPS 49,[1] as Amended, April 8, 1943]

RESALE OF IRON OR STEEL PRODUCTS

Revised Price Schedule No. 49, as amended April 8, 1943, is corrected in the following respect:

Section 1306.164 (d) Table VI—"Base prices for sheets and plates sheared to specifications to both length and width" in the column "cities" the first "St. Louis[2]" is corrected to read "St. Paul[2]".

This correction shall be effective as of March 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11125; Filed, July 10, 1943; 11:49 a. m.]

PART 1340—FUEL

[RPS 88,[1] Amdt. 115]

PETROLEUM AND PETROLEUM PRODUCTS

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

Section 1340.159 (c) (2) (iv) is added to read as follows:

(iv) *Pittsburgh, Pennsylvania.* In Pittsburgh, Pennsylvania a refiner's maximum price for Ethyl gasoline on sales in bulk lots to other refiners f. o. b. the seller's terminal shall be 9.9¢ per gallon.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11126; Filed, July 10, 1943; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 378,[2] Amdt. 2]

MIXED FEEDS FOR ANIMALS AND POULTRY

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

Maximum Price Regulation 378 is amended in the following respects:

1. Item 3 in the table of section 14 (a) is amended to read as follows:

Commodity	Maximum mark-up	
	Per ton	Per 100 pound bag
3. All rabbit feeds, all pigeon and squab feeds, all mineral mixed feeds, all calf feeds, all poultry, duck and turkey mashes and pellets designed for feeding chickens, ducks and turkeys, up to 10 weeks of age, flushing mashes and concentrates and supplements for further mixing or feeding with more than 50% of grain	$10.00	$0.50

2. Section 15 (b) is amended to read as follows:

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

[1] 7 F.R. 3088, 3330, 3329, 6477, 8948, 9325, 10708.

[2] 8 F.R. 4608, 4542, 7257, 7595, 7769, 7909.

[1] 8 F.R. 3718, 3795, 3845, 4130, 4131, 3841, 4252, 4334, 4783, 4783, 4918, 4840, 5386, 6044, 6120, 6543, 6543, 6617, 6673, 6849, 6617, 7190, 7351, 7382, 7489, 7264, 8184, 8377, 8755, 8874.

[2] 8 F.R. 5810, 5648.

(b) For sales as a retailer, the maximum prices set forth in section 13 hereof plus the maximum markups set forth in section 14 hereof on that portion of his sales as a retailer not exceeding the tonnage volume of his sales as a wholesaler during the immediately preceding week, month or four months period which he may at the time of each weekly calculation of prices select; and the maximum prices set forth in section 14 hereof on the remainder of the sales as a retailer.

This amendment shall become effective July 16, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11127; Filed, July 10, 1943; 11:50 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 65]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.8161 (f) (1) is amended by inserting after the words "or for sightseeing, touring or vacation travel" and before the succeeding comma the phrase "except as provided in subparagraph (3) of this section,".

2. Section 1394.8161 (f) (3) is added to read as follows:

(3) Nothing in this section shall be deemed to prohibit the use of a basic ration for a single direct round trip to be completed within the calendar year 1943 to a specified destination for vacation purposes, for which adequate alternative means of transportation are not available: *Provided,* That approval has been given for such trip by the Board having jurisdiction over the area in which the vehicle of the ration holder is normally garaged or stationed. Such approval shall be on Form OPA R-572 to which a validation stamp (Form OPA R-123) has been attached and which has been certified by the applicant.

This amendment shall be come effective July 15, 1943.

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

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

[1] 7 F.R. 9135, 9787, 10147, 1016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11128; Filed, July 10, 1943; 11:50 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 66]

MILEAGE RATIONING: GASOLINE REGULATIONS

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

Section 1394.7808 is hereby revoked.

This amendment shall become effective July 16, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421 and 507, 77th Cong.; W.P.B. Dir. 1, Supp. Dir. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11129; Filed, July 10, 1943; 11:49 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5B,[2] Amdt. 18]

GASOLINE RATIONING REGULATIONS FOR PUERTO RICO

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

Ration Order 5B is amended in the following respects:

1. Section 1394.2403 is amended to read as follows:

§ 1394.2403 *Service ration books.* (a) The ration period for service rations and the number of coupons in each book shall be as follows:

(1) D Ration Books marked "service" shall be six (6) months in length, shall commence on February 1, 1943 and shall end on July 31, 1943. Each Book shall contain forty-eight (48) coupons, valid for transfer of gasoline during the valid period. S-1 and S-2 Ration Books issued on April 5, 1943 expire June 26, 1943. Registration for renewals and issuance of renewals of S-1 and S-2 Ration Books shall begin June 22, 1943. Renewals thereof shall be valid for twelve weeks commencing on June 28, 1943 and ending on September 18, 1943. S-3 and S-4 Ration Books issued on April 19, 1943 expire July 10, 1943. Registration for renewals and issuance of renewals of the S-3 and S-4 Ration Books shall begin July 6, 1943. Renewals thereof shall be valid for twelve weeks commencing July 12, 1943 and ending October 2, 1943. S-5 Ration Books issued on May 17, 1943 expire August 7, 1943. Registration for renewals and issuance of renewals of S-5 Ration Books shall begin August 2, 1943. Renewals thereof shall be valid for twelve weeks commencing on August 9, 1943, and ending on October 30, 1943.

(2) Each S-1, S-2, S-3 and S-4 Ration Book as renewed shall contain twelve pages and each S-5 Ration Book with green coupons as renewed shall contain twelve pages. Each page shall consist of eight (8) coupons. Each coupon shall have imprinted on its face the number of S class ration for which it is issued. All coupons on each page shall bear the consecutive number of the page in the Ration Book. The S-1 and S-2 Ration Books as renewed will bear a number 33 on all the coupons of the first page, a number 34 on all the coupons of the next page, and so forth consecutively. Each S-3 and S-4 Ration Book, as renewed will bear a number 35 on all the coupons of the first page, a number 36 on the coupons of the next page, and so forth consecutively. Each S-5 Ration Book with green coupons, as renewed, shall bear a number 39 on all coupons of the first page, a number 40 on all the coupons on the next page, and so forth consecutively. Each S-5 Ration Book with gold coupons shall contain twenty-four (24) pages of coupons. Each page shall consist of eight (8) coupons, the coupons on the first two pages being numbered S5-39, the coupons on the next two pages bearing number S5-40, etc., so that there will be twice the number of S-5 gold coupons valid for the same periods as contained in the S-5 Ration Book with green coupons.

Each S-5 Ration Book with white coupons as renewed, shall contain thirty-six (36) pages. Each page shall consist of eight (8) coupons, the coupons of the first three pages being numbered S5-39, the next three pages being numbered S5-40, etc., so that there will be three times the number of S-5 white coupons valid for the same period as contained in the S-5 Ration Book with green coupons.

(3) Each coupon on each S class Ration Book shall have imprinted on its face the serial number which appears on the cover of the book, and all coupons without such number printed thereon shall be invalid.

(4) The valid periods for S-1, S-2, S-3, S-4 and S-5 are as follows:

Coupons bearing number:	*Valid periods*
33	June 23, 1943 to July 3, 1943.
34	July 5, 1943 to July 10, 1943.
35	July 12, 1943 to July 17, 1943.
36	July 19, 1943 to July 24, 1943.
37	July 26, 1943 to July 31, 1943.
38	Aug. 2, 1943 to Aug. 7, 1943.
39	Aug. 9, 1943 to Aug. 14, 1943.
40	Aug. 16, 1943 to Aug. 21, 1943.
41	Aug. 23, 1943 to Aug. 28, 1943.
42	Aug. 30, 1943 to Sept. 4, 1943.
43	Sept. 6, 1943 to Sept. 11, 1943.
44	Sept. 13, 1943 to Sept. 18, 1943.
45	Sept. 20, 1943 to Sept. 25, 1943.
46	Sept. 27, 1943 to Oct. 2, 1943.

[2] 7 F.R. 5607, 6369, 6390, 7400, 6671, 7803, 8385, 8335, 9134, 9431, 9817, 10103, 10379, 10530; 8 F.R. 534, 976, 2020, 2395, 5267, 6351.

2. Section 1394.2405 (b) (6) is added to read as follows:

(6) *D Ration Books.* Not more than two (2) ration books to provide the gallonage necessary for the minimum mileage required for the valid period. Each Board may receive applications for more than two (2) ration D Books. If the Board recommends that such application be granted, it may issue such additional books only after it shall have obtained the written authority in advance from the Director of the Office of Price Administration for Puerto Rico.

3. Section 1394.2756 (d) is amended to read as follows:

(d) No bulk transfer of gasoline shall be made to a consumer by any person subsequent to September 12, 1942 unless prior written authorization has been granted by the Territorial Rationing Administrator of the Office of Price Administration, except that such authorization shall not be necessary in making bulk transfers of less than fifty (50) gallons of gasoline.

4. Section 1394.2853 (a) is amended to read as follows:

(a) A transfer of gasoline may be made in exchange for coupons contained in Class A, B, C, D, S-1, S-2, S-3, S-4 or S-5 books, under the following conditions:

5. Section 1394.2853 (a) (3) is amended to read as follows:

(3) Transfer may be made only during the period of validity of the coupon in exchange for which the transfer is to be made, or, in the case of class D books, only during the valid period noted on the cover of the book presented.

6. Section 1394.2853 (b) and (b) (1) are hereby revoked and paragraph (b) (2) is redesignated (b) and amended to read as follows:

(b) No transfer in exchange for R coupons may be made into the fuel tank of or knowingly made for use in a licensed motor vehicle or a motor vehicle held by a motor vehicle dealer for sale or resale.

This amendment shall become effective as of June 28, 1943.

(Pub. Laws 671, 76th Cong.; WPB Dir. 1, 7 F.R. 562; Supp. Dir. 1-J, 7 F.R. 8731; E.O. 9125, 7 F.R. 2719)

Issued this 9th day of July 1943.

JAMES P. DAVIS,
Acting Director for Puerto Rico.

[F. R. Doc. 43-11093; Filed, July 9, 1943; 4:05 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Rev. MPR 183]

PUERTO RICO

Maximum Price Regulation No. 183 is redesignated Revised Maximum Price Regulation 183 and is revised and amended to read as follows:

In the judgment of the Price Administrator the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250.

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

§ 1418.1 *Maximum prices in the Territory of Puerto Rico.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation 183 (Puerto Rico), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1418.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

REVISED MAXIMUM PRICE REGULATION 183—PUERTO RICO

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.
1. Prohibition against dealing in certain commodities at prices above the maximum.
2. Less than maximum prices.
3. To what transactions, commodities and persons these ceilings apply.
4. Relation to other regulations.
5. Federal, State and Territorial taxes.
6. Geographical applicability.

ARTICLE II—ENFORCEMENT AND MISCELLANEOUS PROVISIONS

7. Evasion.
8. Adjustable pricing.
9. Gross prices.
10. Prices for divisible and indivisible units.
11. Records and reports.
12. Registration.
13. Enforcement and licensing.
14. Penalties.
15. Petitions for amendment.
16. Applications for adjustment.
17. Definitions.

ARTICLE III—TABLES OF MAXIMUM PRICES

18. Maximum prices for bread other than specialty bread sold or delivered in the Territory of Puerto Rico.
19. Maximum prices for bedding.
20. Maximum prices for certain canned fruits sold or delivered in the Territory of Puerto Rico.
21. Maximum prices for certain fruit juices sold or delivered in the Territory of Puerto Rico.
22. Maximum prices for certain canned meat products sold or delivered in the Territory of Puerto Rico.
23. Maximum prices for canned soup sold or delivered in the Territory of Puerto Rico.
24. Maximum prices for tomato products.
25. Maximum prices for certain canned vegetables sold or delivered in the Territory of Puerto Rico.
26. Maximum prices for native cattle and beef sold or delivered in the Territory of Puerto Rico.
27. Maximum prices for cigarettes sold or delivered in the Territory of Puerto Rico.
28. Maximum prices for coffee sold or delivered in the Territory of Puerto Rico.
29. Maximum prices for crackers sold or delivered in the Territory of Puerto Rico.
30. Maximum prices for dried beans, dried peas and garbanzos sold or delivered in the Territory of Puerto Rico.
31. Maximum prices for rice sold or delivered in the Territory of Puerto Rico.
32. Maximum prices for edible fats and oil products sold or delivered in the Territory of Puerto Rico.
33. Maximum prices for cured fish sold or delivered in the Territory of Puerto Rico.
34. Maximum prices for fowl sold or delivered in the Territory of Puerto Rico.
35. Maximum prices for grains and cereals in bulk sold or delivered in the Territory of Puerto Rico.
36. Maximum prices for grains and cereals packaged, sold or delivered in the Territory of Puerto Rico.
37. Maximum prices for hemp rope sold or delivered in the Territory of Puerto Rico.
38. Maximum prices for kerosene sold or delivered in the Territory of Puerto Rico.
39. Maximum prices for macaroni, spaghetti and vermicelli sold or delivered in the Territory of Puerto Rico.
40. Maximum prices for manufactured dairy products sold or delivered in the Territory of Puerto Rico.
41. Maximum prices for matches sold or delivered in the Territory of Puerto Rico.
42. Maximum prices for miscellaneous grocery products sold or delivered in the Territory of Puerto Rico.
43. Maximum prices for fluid milk sold or delivered in the Territory of Puerto Rico.
44. Maximum prices for onions and garlic sold or delivered in the Territory of Puerto Rico.
45. Maximum prices for packing house products sold or delivered in the Territory of Puerto Rico.
46. Maximum prices for dry sausages sold or delivered in the Territory of Puerto Rico.
47. Maximum prices for soap and cleaners.

Article I—Prohibition and Scope of Regulation

SECTION 1. *Prohibition against dealing in certain commodities at prices above the maximum.* Regardless of any contract, agreement, lease, or other obligation or of any price regulation or order heretofore issued by the Office of Price Administration, no person to whom this regulation is applicable shall sell or deliver and no person in the course of trade or business shall buy or receive in the Territory of Puerto Rico any of the commodities set forth in this regulation at a price higher than the maximum prices specified herein; and no person shall offer, solicit or attempt to do any of the foregoing.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in this Revised Maximum Price Regulation 183 may be charged, demanded, paid or offered.

SEC. 3. *To what transactions, commodities and persons these ceilings apply*—(a) *What transactions are covered.* This regulation covers sales within the Territory of Puerto Rico of the commodities enumerated in the tables set forth below. The type of transaction covered whether to wholesalers, at wholesale, or at retail is specified in each table.

(b) *What products are covered.* This regulation covers the commodities listed in the tables set forth herein.

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

(c) *What persons are covered.* Any person who sells or in the course of trade or business buys any commodities listed in the tables set forth below is subject to this regulation. The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions or any agency of the foregoing.

SEC. 4. *Relation to other regulations.* The sale of commodities not otherwise governed by this Revised Maximum Price Regulation 183 shall be covered by the General Maximum Price Regulation and by such other maximum price regulations, price schedules and orders as are applicable to sales within the Territory of Puerto Rico. Sales for delivery in the Virgin Island of the United States of the commodities for which maximum prices are established herein shall not exceed the maximum prices in the Territory of Puerto Rico plus the transportation charges necessary to the shipment of such commodities of the Virgin Islands.

SEC. 5. *Federal, State and Territorial taxes.* (a) Any tax upon, or incident to, the sale, delivery, processing, or use of a commodity imposed by any statute of the United States or statute or ordinance of any state, territory or subdivision thereof subsequent to such commodity becoming subject to this Revised Maximum Price Regulation 183, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(1) If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased and in such cases the seller shall not include such amount in determining the maximum price under this Revised Maximum Price Regulation 183.

(2) Also, on sales of commodities covered by this regulation to the Insular or Municipal Governments of Puerto Rico, or to the agencies or instrumentalities of either, the seller may collect, in addition to the maximum prices established herein, the 3% excise tax levied on the amount of contracts of sales to the Insular or Municipal Governments by Subsection 4 of Act 25 enacted by the Legislature of Puerto Rico and approved December 4, 1942; providing that the seller actually states and collects the amount of such tax separately from the maximum price for the particular commodities involved in the contract.

SEC. 6. *Geographical applicability.* The provisions of this Revised Maximum Price Regulation 183 shall be applicable to the Territory of Puerto Rico only.

Article II—Enforcement and Miscellaneous Provisions

SEC. 7. *Evasion.* The maximum price established in this regulation shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to the commodities covered herein, alone or in conjunction with any of the commodities or by way of commission, services, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement, combination sales, or other trade understanding or otherwise.

SEC. 8. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the director of the Office of Price Administration for the Territory of Puerto Rico, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. The authorizations will by the Director be given by order.

SEC. 9. *Gross prices.* The maximum prices established herein are gross prices to which no charges shall be added for transportation, commissions, containers, storage or services in connection with any commodity, unless otherwise hereinafter provided.

SEC. 10. *Price for divisible and indivisible units.* The maximum price for a quantity of a commodity which constitutes a fractional or multiple part of the unit in terms of which a commodity is priced in this regulation, shall be proportionately computed unless hereinafter otherwise provided.

SEC. 11. *Records and reports*—(a) *Records to be kept.* (1) Every person making sales to wholesalers and at wholesale of the commodities which are subject to this regulation, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase and of each sale made by him. The record of purchases shall include: the date of the purchase, a clear description or identification of the commodity, the price paid for each commodity, the quantity which was purchased, and the name and address of the seller from whom such commodity was purchased. The record of sales shall include the date of the sale, a clear description or identification of the commodity, the price charged for such commodity, the quantity which was sold, and the name and address of the customer.

(2) Every person making sales at retail of the commodities which are subject to this regulation shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each purchase made by him. The record of purchases shall include: the date of the purchase, a clear description or identification of the commodity, the price paid for such commodity, the quantity which was purchased, and the name and address of the seller from whom such commodity was purchased.

(b) *Notification to retailers.* (1) On and after the date any commodity becomes subject to this Revised Maximum Price Regulation 183, or the maximum price of any commodity subject to this Revised Maximum Price Regulation No. 183 is changed, every person selling any such commodity, except at retail, shall with each delivery supply the purchaser with a statement of the maximum prices for the commodity or commodities delivered as follows: "The Office of Price Administration has established fixed maximum prices for (insert name of commodity) at $_____ on sales to wholesalers; at $_____ on sales at wholesale; and at $_____ on sales at retail."

(2) On and after the date any commodity becomes subject to this regulation, every person offering to sell any such commodity at retail shall mark the maximum price of such commodity in a manner plainly visible to and understandable by the purchasing public. The maximum prices may be marked on the commodities themselves or may be posted at the place in the establishment where the commodities are offered for sale, and may be posted by price lines if the selling price of each commodity is marked thereon. The maximum prices shall be indicated in the form of "Ceiling price $_____", or "Our ceiling $_____", and "Our selling price $_____".

(c) *Sales slips and receipts.* (1) Every seller at retail, of the commodities subject to this regulation, who has customarily given purchasers sales or receipts shall continue to do so. Upon request from a purchaser, every seller of such commodities regardless of previous custom, shall give the purchaser a receipt showing the date, the name and address of the seller, the quantity and description of the commodity sold, and the price received for it.

SEC. 12. *Registration.* Every person selling at wholesale, and every person who owns, or hereafter becomes the owner of, any business operating an establishment selling at retail any commodity for which a maximum price is established by this regulation, shall register with the Office of Price Administration at such time and in such manner as the Director of the Office of Price Administration for the Territory of Puerto Rico may hereafter by order or amendment prescribe, on forms which will be made available by the Office of Price Administration.

SEC. 13. *Enforcement and licensing.* (a) Persons violating any provision of this Revised Maximum Price Regulation 183 are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for revocation of licenses provided for by the Emergency Price Control Act of 1942, as amended and Executive Order No. 9250.

(b) Persons who have evidence of any violation of this regulation or of any other regulation or order issued by the Office of Price Administration are urged to communicate with the nearest office of the Office of Price Administration.

(c) The registration and licensing provisions of Sections 15 and 16 of the

General Maximum Price Regulation[1] are herein made applicable to every person selling, at wholesale or retail, any commodity for which a maximum price is now, or may hereafter, be established by this Revised Maximum Price Regulation 183, or by any amendment thereto. The General Maximum Price Regulation in effect, therefore, provides that a license is necessary for persons to make wholesale or retail sales of commodities as defined and covered by this Revised Maximum Price Regulation 183. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. A license is automatically granted to all such sellers making these sales. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, sets forth the circumstances under which licenses may be suspended. The license cannot, of course, be transferred.

SEC. 14. *Penalties.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses and suits for treble damages provided by the Emergency Price Control Act of 1942.

SEC. 15. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1: *Provided, however,* That any such petition shall be filed with the Director of the Office of Price Administration for the Territory of Puerto Rico at San Juan, Puerto Rico.

SEC. 16. *Applications for adjustment.* (a) Any seller or group of sellers who finds that the maximum price of a commodity established for him under the provisions of this Revised Maximum Price Regulation 183 or any order issued thereunder is abnormally low:

(1) Because of increased cost of importation resulting from increased rail and ocean freight and increased war risk insurance; or

(2) Because of the high cost of a commodity received by the seller on or before August 1, 1942; and that this abnormality subjects him to substantial hardship, may apply for adjustment of that maximum price. In establishing substantial hardship the applicant shall produce evidence showing the loss suffered on the particular commodity as a result of the maximum prices established and the effect of such loss on his over-all operations.

[1] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025.

(b) Any seller or group of sellers may apply for adjustment of a maximum price of a commodity established for him or them by this Revised Maximum Price Regulation 183, or any order issued thereunder, when it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of a commodity, which aids directly in the war program or is essential to a standard of living consistent with the prosecution of the war; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices for such seller and of like sellers for such commodity or service; and

(3) That such adjustment will not create or tend to create a shortage or a need for increase in prices in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

SEC. 17. *Definitions.* (a) When used in this regulation, except as otherwise provided herein, the term:

(1) "Sale at wholesale" means a sale of a commodity by a person who resells it to any person other than an ultimate consumer and includes any sale to the United States, or any government, or any of its political subdivisions, any religious, educational, or charitable institution for the sick, deaf, blind, disabled, aged or insane, or any school, hospital, library, commercial or industrial user, or any agency of the foregoing.

(2) "Sale at retail" means a sale or selling to an ultimate consumer.

(3) "To deliver" means to transfer actual possession of the commodity to the purchaser or to any carrier, including a carrier owned or controlled by the seller for shipment to the purchaser.

(4) "The direct cost to the importer" means the price which the importer paid for the commodity, less discounts allowed to the importer, plus all costs of shipment actually incurred by the importer, together with customs duties and entry fees: *Provided,* That, in computing the costs of shipment incurred by the importer, war risk insurance cost shall not exceed the amount represented by the charge for war risk insurance by the War Shipping Administration on an identical shipment; and that the costs of shipment shall not exceed the costs of a reasonably expeditious shipment, via the most efficient, readily and regular available route and means.

(5) "Importer" means any person in Puerto Rico who is a consignee of a commodity entering into the Territory of Puerto Rico from outside thereof.

(6) "Variety" means a particular brand, grade and style in a container or a particular type and size.

(7) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

(8) "Packaged" means packed for sale at retail in a container of any sort, where the packaging has been done before arrival at the point of retail sale.

(9) "Bulk" refers to commodities which are not packaged.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended, shall apply to the terms used herein.

Article III—Tables of Maximum Prices

SEC. 18. *Maximum prices for bread other than specialty bread sold or delivered in the Territory of Puerto Rico.* (a) When used in this Table 1, the term:

(1) "Bread" means the article of food, sold in standard loaves prepared by moistening, kneading and baking meal or flour usually with the addition of yeast or leaven, such as "pan francaise" or "pan de agua" (French bread), "pan de sandwich" (sandwich bread), and "pan sobado" (breaked bread (sic)).

(2) "Specialty bread" means raisin bread, cracked wheat bread or any variety of bread other than "pan francaise", "pan de agua", "pan de sandwich" or "pan sobado", which constitutes 10% or less of the gross sales of the bread produced by the bakery during any month preceding the date of the sale of this type of bread.

TABLE 1.—MAXIMUM PRICES FOR BREAD OTHER THAN SPECIALTY BREAD

To wholesaler	At bakery to retailers	Delivered to retailers	Delivered to institutional and commercial users	All sales at retail
Price per lb.	*Price per lb.*	*Price per lb.*	*Price per lb.*	*Price per lb.*
$0.0775	$0.080	$0.085	$0.095	$0.10

NOTE: The maximum prices for specialty bread shall be established in accordance with the provisions of the General Maximum Price Regulation.

SEC. 19. *Maximum prices for bedding.*

TABLE 2.—MAXIMUM PRICES FOR QUILTS AND PILLOWS MANUFACTURED BY LA INDUSTRIAL ALGODONERA, INC.

	At wholesale	At retail
Quilts:		
Cotton Batting covered with cretonne:	*Per dozen*	*Per item*
Size 33" x 68"	$13.50	$1.50
Size 42" x 68"	16.00	1.80
Size 50" x 70"	18.00	2.00
Size 54" x 70"	19.00	2.10
Covered with sateen and cretonne:		
Size 54" x 70"	29.00	3.35
Size 60" x 74"	31.00	3.95
Pillows:		
Size 18" x 26"	7.00	.80
Size 15" x 26"	4.50	.50
Baby size	1.75	.20

SEC. 20. *Maximum prices for certain canned fruits sold or delivered in the Territory of Puerto Rico.*

TABLE 3.—MAXIMUM PRICES FOR CANNED FRUITS

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned apricots:				*Per can*
Del Monte (halves)	Case of 24 #2½ cans	$3.05	$3.84	$0.37
Del Monte (halves)	Case of 12 #2½ (glass)	3.50	4.05	0.44
Del Monte (unpeeled whole)	Case of 12 #2½ (glass)	2.90	3.35	0.36
Del Monte (peeled whole)	Case of 12 #2½ (glass)	3.20	3.80	0.41
Signet (halves)	Case of 24 #1 Tall (glass)	4.00	4.60	0.25
	Case of 12 #2½ (glass)	3.25	3.75	0.40
Canned fruit cocktail:				
Del Monte	Case of 48 #1 tall cans	7.00	8.75	0.24
Exquisite	Case of 48 #1 tall cans	8.05	9.25	0.25
Libby	Case of 48 #1 tall cans	7.40	8.05	0.23
S. & W	Case of 48 #1 tall cans	9.15	10.60	0.23
Signet	Case of 48 #1 tall cans	7.70	8.85	0.24
Signet	Case of 12 #2½ (glass)	3.50	4.05	0.44
Libby	Case of 24 #2½ cans	6.65	7.65	0.41
S. & W	Case of 24 #2½ cans	8.20	9.25	0.52
Del Monte	Case of 24 #2 tall cans	4.65	5.35	0.29
Del Monte	Case of 72 8 oz. cans	6.05	7.05	0.14
S. & W	Case of 48 8 oz. cans	5.25	6.15	0.17
Del Monte	Case of 12 #2½ (glass)	3.50	4.05	0.44
Libby	Case of 12 #2½ (glass)	3.50	4.20	0.40
Del Monte	Case of 12 #303 (glass)	2.65	2.65	0.32
Canned fruit salad:				
Del Monte	Case of 24 #2½ cans	6.95	8.00	.43
Exquisite	Case of 24 #2½ cans	7.40	8.50	.45
Libby	Case of 24 #2½ cans	7.35	8.45	.45
S. & W	Case of 24 #2½ cans	9.40	10.95	.50
Signet	Case of 24 #2½ cans	7.20	8.20	.45
Del Monte	Case of 48 #1 tall cans	8.35	9.60	.25
Exquisite	Case of 48 #1 tall cans	8.05	9.05	.27
Libby	Case of 48 #1 tall cans	8.25	9.85	.27
S. & W	Case of 48 #1 tall cans	10.45	12.00	.33
Del Monte	Case of 24 #2 tall cans	5.15	5.92	.32
Del Monte	Case of 12 #2½ (glass)	3.80	4.35	.47
Libby	Case of 12 #2½ (glass)	4.20	4.95	.54
Signet	Case of 24 #1 tall (glass)	4.85	5.60	.30
Signet	Case of 12 #2½ (glass)	3.85	4.45	.48
Canned light cherries:				
Del Monte	Case of 12 #303 (glass)	2.05	3.40	.37
	Case of 12 #2½ (glass)	4.20	4.85	.53
Royal Anne cherries:				
Signet	Case of 24 #1 tall (glass)	4.75	5.45	.30
	Case of 12 #2½ (glass)	3.85	4.45	.48
Canned peaches:				
Yellow Cling (halves):				
Del Monte	Case of 24 #2½ cans	5.00	6.80	.37
Exquisite	Case of 24 #2½ cans	6.10	7.00	.33
Libby	Case of 24 #2½ cans	5.75	6.60	.35
S. & W	Case of 24 #2½ cans	7.00	8.75	.47
Peeress	Case of 24 #2½ cans	5.20	6.25	.34
Libby	Case of 24 #2 cans	4.20	4.65	.27
Del Monte	Case of 12 #2½ (glass)	3.20	3.70	.40
Libby	Case of 12 #2½ (glass)	3.50	4.05	.44
Del Monte	Case of 72-8 oz. cans	6.00	7.00	.14
Exquisite	Case of 72-8 oz. cans	6.25	7.25	.14
Libby	Case of 72-8 oz. cans	6.25	7.20	.13
Exquisite	Case of 48 #1 tall cans	7.20	8.05	.23
Yellow Cling (Quartered):				
Signet	Case of 12 #2½ (glass)	3.20	3.70	.40
Yellow Cling (Sliced):				
Del Monte	Case of 24 #2½ cans	5.85	6.75	.37
S. & W	Case of 24 #2½ cans	7.60	8.75	.47
Signet	Case of 24 #1 (glass)	4.00	4.60	.25
Del Monte	Case of 24 #2 cans	4.45	5.10	.23
Del Monte	Case of 12 #2½ (glass)	3.20	3.70	.40
Del Monte	Case of 12 #303 (glass)	2.35	2.70	.29
Canned pears:				
Bartlett (Halves):				
Del Monte	Case of 24 #2½ cans	6.85	7.90	.43
Exquisite	Case of 24 #2½ cans	7.05	8.10	.44
Libby	Case of 24 #2½ cans	6.65	7.65	.41
S. & W	Case of 24 #2½ cans	8.20	9.25	.52
Peeress	Case of 24 #2½ cans	6.15	7.05	.33
Del Monte	Case of 24 #2 cans	5.15	5.90	.32
Libby	Case of 24 #2 cans	4.85	5.60	.20
Del Monte	Case of 72-8 oz. cans	7.20	8.40	.15
Exquisite	Case of 72-8 oz. cans	7.40	8.50	.15
Del Monte	Case of 12 #2½ (glass)	3.75	4.30	.47
Libby	Case of 12 #2½ (glass)	3.50	4.20	.40
Del Monte	Case of 12 #303 (glass)	2.70	3.10	.34
Bartlett (Quartered):				
Signet	Case of 24 #1 Tall (glass)	4.20	5.20	.23
	Case of 12 #2½ cans	3.65	4.10	.44
Bartlett (Sliced):				
Del Monte	Case of 24 #2½ cans	6.65	7.65	.41
Del Monte	Case of 12 #2½ (glass)	3.65	4.10	.44
Del Monte	Case of 12 #303 (glass)	2.65	3.05	.33
Canned plums:				
Del Monte (De Luxe)	Case of 12 #303 (glass)	1.90	2.20	.24
	Case of 12 #2½ (glass)	2.45	2.60	.30
Prunes (prepared):				
Signet	Case of 12 #2½ (glass)	2.60	3.00	.33
Canned red raspberries:				
Del Monte	Case of 12 #303 (glass)	3.75	4.30	.47
Canned ripe figs:				
Del Monte (Whole)	Case of 12 #303 (glass)	2.45	2.80	.30
	Case of 12 #2½ (glass)	3.85	3.85	.42
Kadota figs:				
Signet	Case of 12 #2½ (glass)	3.80	3.80	.41

SEC. 21. *Maximum prices for certain fruit juices sold or delivered in the Territory of Puerto Rico.*

TABLE 4.—MAXIMUM PRICES FOR CERTAIN FRUIT JUICES

	Sales to Wholesalers	Sales at Wholesale	Sales at Retail
	Case of 24 #2 cans	*Case of 24 #2 cans*	*Per #2 can*
Double HH Brand Natural Unsweetened Grapefruit Juice	$2.25	$2.65	$0.15

SEC. 22. *Maximum prices for certain canned meat products sold or delivered in the Territory of Puerto Rico.*

TABLE 5.—MAXIMUM PRICES FOR CANNED CORNED BEEF

	Sales at wholesale		Sales at retail	
	Per case of 48 12 oz. tins	Per case of 48 8 oz. tins	12 oz. tin	8 oz. tin
First grade	$13.00	$11.00	$0.32	$0.27
Second grade	11.25	9.50	0.27	0.23

TABLE 6.—MAXIMUM PRICES FOR CANNED VIENNA SAUSAGE

	Sales to wholesalers	Sales at wholesale	Sales at retail
	Case of 48/4 oz. cans	Case of 48/4 oz. cans	Price per 4 oz. can
Canned Vienna ends	$3.37	$3.72	$0.10
	Case of 24/20 oz. cans	Case of 24/20 oz. cans	Price per 20 oz. can
Canned Vienna ends	5.30	5.85	.32
	Case of 6/5 lb. cans	Case of 6/5 lb. cans	Price per 5 lb. can
Canned Vienna ends	8.20	9.05	1.95
	Case of 24/24 oz. cans	Case of 24/24 oz. cans	Price per 24 oz. can
Canned Vienna whole	16.00	17.70	.95
	Case of 36/4 oz. cans	Case of 36/4 oz. cans	Price per 4 oz. can
Canned Vienna whole "Star" brand	4.20	4.65	.16
	Case of 48/4 oz. cans	Case of 48/4 oz. cans	Price per 4 oz. can
Canned Vienna whole "Libby" brand	5.60	6.20	.16
Canned Vienna whole "Andrews" brand	4.17	4.60	.12

SEC. 23. *Maximum Prices for canned soup sold or delivered in the Territory of Puerto Rico.*

TABLE 7.—MAXIMUM PRICES FOR CANNED SOUP

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Campbell (old style):	Case of 48:			*Per can*
Asparagus	10½ or 11 oz. cans	$4.15	$4.60	$0.12
Celery	10½ or 11 oz. cans	4.15	4.60	.12
Clam Chowder	10½ or 11 oz. cans	4.15	4.60	.12
Consomme Madrilene	10½ or 11 oz. cans	4.15	4.60	.12
Green Pea	10½ or 11 oz cans	4.15	4.60	.12
Ox Tail	10½ or 11 oz. cans	4.15	4.60	.12
Vegetable	10½ or 11 oz. cans	4.15	4.60	.12
Vegetarian Vegetable	10½ or 11 oz. cans	4.15	4.60	.12
Chicken Noodle	10½ or 11 oz. cans	5.25	5.75	.15
Chicken	10½ or 11 oz. cans	5.60	6.15	.10
Tomato	10½ or 11 oz. cans	3.50	3.85	.10
Campbell (new formula):				
Asparagus	10½ or 11 oz. cans	5.20	5.75	.15
Clam Chowder	10½ or 11 oz. cans	5.20	5.75	.15
Consomme Madrilene	10½ or 11 oz. cans	5.20	5.75	.15
Green Pea	10½ or 11 oz. cans	5.20	5.75	.15
Mock Turtle	10½ or 11 oz. cans	5.20	5.75	.15
Ox Tail	10½ or 11 oz. cans	5.20	5.75	.15
Pepper Pot	10½ or 11 oz. cans	5.20	5.75	.15
Vegetable	10½ or 11 oz. cans	5.20	5.75	.15
Beef	10½ or 11 oz. cans	6.43	7.07	.18
Bouillon	10½ or 11 oz. cans	6.43	7.07	.18
Chicken Gumbo	10½ or 11 oz. cans	6.43	7.07	.18
Chicken Noodle	10½ or 11 oz. cans	6.43	7.07	.18
Vegetable Beef	10½ or 11 oz. cans	6.43	7.07	.18
Tomato	10½ or 11 oz. cans	4.33	4.76	.12
Chicken	10½ or 11 oz. cans	7.15	7.87	.21
Vegetarian Vegetable	10½ or 11 oz cans	5.20	5.75	.15
Chilford (old style):				
Pea	10½ or 11 oz. cans	3.50	3.85	.10
Tomato	10½ or 11 oz. cans	3.50	3.85	.10
Vegetable	10½ or 11 oz. cans	3.50	3.85	.10
Chilford (new formula):				
Pea	10½ or 11 oz. cans	4.50	4.95	.13
Tomato	10½ or 11 oz. cans	4.50	4.95	.13
Vegetable	10½ or 11 oz. cans	4.50	4.95	.13
College Inn (old style):	Case of 24:			
Chicken gumbo	7 oz. cans	1.70	1.90	.10
Chicken noodle	7 oz. cans	1.70	1.90	.10
Cream of green pea	7 oz. cans	1.70	1.90	.10
Tomato	7 oz. cans	1.70	1.90	.10
Vegetable	7 oz. cans	1.70	1.90	.10
Crosse and Blackwell (old style):	Case o 124:			
Asparagus	16 oz. cans	3.35	3.70	.19
Bean with bacon	16 oz. cans	3.35	3.70	.19
Beef	16 oz. cans	3.35	3.70	.19
Black bean	16 oz. cans	3.35	3.70	.19
Celery	16 oz. cans	3.35	3.70	.19
Chicken broth	16 oz. cans	3.35	3.70	.19
Chicken noodle	16 oz. cans	3.35	3.70	.19
Clam chowder	16 oz. cans	3.95	4.35	.23
Consomme madrilene	13 oz. cans	3.35	3.70	.19
Cream pea	16 oz. cans	3.35	3.70	.19
Mushroom	16 oz. cans	3.35	3.70	.19
Onion	16 oz. cans	3.35	3.70	.19
Oyster	16 oz. cans	3.35	3.70	.19
Scotch broth	16 oz. cans	3.35	3.70	.19
Shrimp	16 oz. cans	3.35	3.70	.19
Spinach	16 oz. cans	3.35	3.70	.19
Tomato	16 oz. cans	3.35	3.70	.19
Vegetable	16 oz. cans	3.35	3.70	.19
Vegetarian Vegetable	16 oz. cans	3.35	3.70	.19
Gibbs (old style):	Case of 48:			
Asparagus	10½ oz. cans	2.65	2.95	.08
Bean	10½ oz. cans	2.65	2.95	.08
Tomato	10½ oz. cans	2.80	3.25	.09
Vegetable	10½ oz. cans	2.80	3.25	.09
Heinz (old style):				
Asparagus	24 15 oz. cans	3.15	3.50	.18
Asparagus	36 9¼ oz. cans	3.20	3.55	.13
Bean	24 15 oz. cans	3.15	3.50	.18
Bean	36 9¼ oz. cans	3.20	3.55	.13
Celery	24 15 oz. cans	3.15	3.50	.18
Celery	36 9¼ oz. cans	3.20	3.55	.13
Chicken noodle	24 15 oz. cans	3.15	3.50	.18
Chichen noodle	36 9¼ oz. caus	3.20	3.55	.13
Chichen country style	24 15 oz. cans	3.15	3.50	.18
Chichen country style	36 9¼ oz. cans	3.20	3.55	.13
Chicken with rice	24 15 oz. cans	3.15	3.50	.18
Chicken with rice	36 9¼ oz. cans	3.20	3.55	.13
Consomme	24 15 oz. cans	4.20	4.65	.21
Consomme	36 9¼ oz. cans	4.20	4.65	.16
Corn chowder	24 15 oz. cans	3.15	3.50	.18
Corn chowder	36 9¼ oz. cans	3.20	3.55	.13

TABLE 7.—MAXIMUM PRICES FOR CANNED SOUP—Continued

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Heinz (old style)—Continued.	Case of 48:			*Per can*
Clam chowder	24 15 oz. cans	$4.20	$4.05	$0.24
Clam chowder	36 9¼ oz. cans	4.20	4.05	.16
Genuine turtle	24 15 oz. cans	3.15	3.60	.12
Genuine turtle	36 9¼ oz. cans	3.20	3.65	.13
Green pea	24 15 oz. cans	3.15	3.60	.18
Green pea	36 9¼ oz. cans	3.20	3.65	.13
Gumbo creole	24 15 oz. cans	3.15	3.60	.18
Gumbo creole	36 9¼ oz. cans	3.20	3.65	.13
Mushroom	24 15 oz. cans	3.15	3.60	.18
Mushroom	36 9¼ oz. cans	3.20	3.65	.13
Onion	24 15 oz. cans	3.15	3.60	.18
Onion	36 9¼ oz. cans	3.20	3.65	.13
Pepper pot	24 15 oz. cans	3.15	3.60	.18
Pepper pot	36 9¼ oz. cans	3.20	3.65	.13
Scotch broth	24 15 oz. cans	3.15	3.60	.18
Scotch broth	36 9¼ oz. cans	3.20	3.65	.13
Spinach	24 15 oz. cans	3.15	3.60	.18
Spinach	36 9¼ oz. cans	3.20	3.65	.13
Split pea	24 15 oz. cans	3.15	3.60	.18
Split pea	36 9¼ oz. cans	3.20	3.65	.13
Tomato	24 15 oz. cans	3.15	3.60	.18
Tomato	36 9¼ oz. cans	3.20	3.65	.13
Vegetable	24 15 oz. cans	3.15	3.60	.18
Vegetable	36 9¼ oz. cans	3.20	3.65	.13
Vegetarian Vegetable	24 15 oz. cans	3.15	3.60	.18
Vegetarian Vegetable	36 9¼ oz. cans	3.20	3.65	.13
Vegetable beef	24 15 oz. cans	3.15	3.60	.18
Vegetable beef	36 9¼ oz. cans	3.20	3.65	.13
Heinz (new formula):	Case of 36:			
Chicken noodle	11 oz. cans	4.05	5.45	.19
Tomato	11 oz. cans	3.80	4.20	.15
Vegetable	11 oz. cans	4.65	5.00	.17
Vegetable beef	11 oz. cans	5.25	5.80	.20
Huff (old style):	Case of 48:			
Pea	10½ oz. cans	3.60	3.85	.10
Tomato	10½ oz. cans	3.60	3.85	.10
Vegetable	10½ oz. cans	3.60	3.85	.10
	Case of 24:			
Pea	20 oz. cans	3.35	3.65	.19
Tomato	20 oz. cans	3.35	3.65	.19
Vegetable	20 oz. cans	3.35	3.65	.19
Huff (new formula):	Case of 48:			
Pea	10½ oz. cans	4.70	5.20	.14
Tomato	10½ oz. cans	4.70	5.20	.14
Vegetable	10½ oz. cans	4.70	5.20	.14
	Case of 24:			
Pea	20 oz. cans	4.00	4.40	.23
Tomato	20 oz. cans	4.00	4.40	.23
Vegetable	20 oz. cans	4.00	4.40	.23
Libby (old style):				
Asparagus	10½ oz. cans	3.20	3.65	.10
Tomato	10½ oz. cans	3.20	3.65	.10
Vegetable	10½ oz. cans	3.20	3.65	.10
McGrath (old style):	Case of 48:			
Asparagus	10½ oz. cans	2.05	2.05	.03
Clam chowder	10½ oz. cans	2.05	2.05	.03
Pea	10½ oz. cans	2.05	2.05	.03
Tomato	10½ oz. cans	2.05	2.05	.03
Vegetable	10½ oz. cans	2.05	2.05	.03
Morton House (new formula):				
Consomme with noodles	10½ oz. cans	4.20	4.05	.12
Phillips (old style):				
Tomato	10½ oz. cans	2.80	3.25	.09
Vegetable	10½ oz. cans	2.80	3.25	.09
Premier (old style):				
Tomato	10½ oz. cans	2.05	2.05	.03
Vegetable	10½ oz. cans	2.05	2.05	.03
Rancho (old style):				
Asparagus	10½ oz. cans	3.20	3.85	.10
Chicken noodle	10½ oz. cans	3.20	3.85	.10
Pea	10½ oz. cans	3.20	3.85	.10
Tomato	10½ oz. cans	3.20	3.85	.10
Vegetable	10½ oz. cans	3.20	3.85	.10
Rancho (new formula):				
Asparagus	10½ oz. cans	4.25	4.70	.12
Pea	10½ oz. cans	4.25	4.70	.12
Tomato	10½ oz. cans	4.25	4.70	.12
Vegetable	10½ oz. cans	4.25	4.70	.12
Van Camp (old style):	Case of 24:			
Tomato	19 oz. cans	2.05	3.25	.17
Vegetable	10½ oz. cans	2.10	2.30	.12

(a) The maximum price for varieties of canned soups other than those enumerated above, shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of an amendment or order prescribing the maximum price for the applicant or for sellers of such canned soups generally, and shall be a price in line with the maximum price fixed on the above enumerated varieties.

SEC. 24. *Maximum prices for tomato products.*

TABLE 8.—MAXIMUM PRICES FOR TOMATO SAUCE, TOMATO PASTE AND TOMATO KETCHUP

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Tomato ketchup:				
Heinz	Case of 24 14 oz. bottles	$4.62	$5.30	$0.20
Heinz	Case of 24 8 oz. bottles	2.95	3.40	.18
Scott	Case of 24 14 oz. bottles	3.40	3.90	.21
Tomato paste:				
Signet	Case of 100 6 oz. cans	6.95	8.00	.10
Tomato sauce:				
Del Monte	Case of 72 8 oz. cans	3.97	4.55	.08
Eagle	Case of 48 8 oz. cans	2.65	3.05	.08
Heinz	Case of 24 18 oz. cans	2.92	3.35	.18
Libby	Case of 72 8 oz. cans	3.55	4.05	.07
Libby	Case of 48 8 oz. cans	2.35	2.70	.07
Signet	Case of 72 8 oz. cans	3.90	4.50	.08

TABLE 9.—MAXIMUM PRICES FOR TOMATO JUICE

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Canned tomato juice:				
Del Monte	Case of 24 #2 cans	$2.60	$3.00	$0.16
S & W	Case of 24 #2 cans	3.20	3.70	.20
Heinz	Case of 24 18 oz. cans	2.92	3.35	.18
Del Monte	Case of 12 47 oz. cans	2.85	3.30	.37
Exquisite	Case of 48 10½ oz. cans	3.75	4.30	.12
Libby	Case of 48 #300 cans	4.30	4.95	.13
Libby	Case of 72 8 oz. cans	4.00	4.60	.08
Signet	Case of 48 12 oz. cans	3.80	4.35	.12
S & W	Case of 48 12 oz. cans	4.50	5.20	.
	Case of 12 47 oz. cans	3.65	4.20	.16
	Case of 6 #10 cans	3.50	4.05	.48
O H B	Case of 48 12 oz. cans	3.12	3.60	.
Loudon	Case of 6 #10 cans	2.95	3.40	.70
				3

SEC. 25. *Maximum prices for certain canned vegetables sold or delivered in the Territory of Puerto Rico.*

TABLE 10.—MAXIMUM PRICES FOR CERTAIN CANNED VEGETABLES

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
				Per container
Canned asparagus:				
Exquisite (all green)	Case of 24 #2 cans	$7.85	$9.05	$0.49
Libby	Case of 24 #2 cans	6.50	7.50	.41
Exquisite (medium green Tips)	Case of 24 #1 square cans	8.55	9.85	.55
Libby	Case of 24 #1 square cans	8.00	9.20	.50
Exquisite	Case of 48 10½ oz. cans	10.15	11.65	.32
Exquisite	Case of 24 #2 cans	3.70	4.25	.23
Canned carrots:				
Fancy, diced:				
Lily of the Valley	Case of 24 #2 cans	2.45	2.85	.15
Premier	Case of 24 #2 cans	2.45	2.85	.15
Royal Scarlett	Case of 24 #2 cans	3.60	4.20	.22
Snider	Case of 24 #2 cans	2.45	2.85	.15
S & W	Case of 24 #2 cans	3.60	4.20	.22
Country Queen	Case of 24 #2 cans	2.45	2.85	.15
Libby (glass)	Case of 24 16 oz. cans	3.10	3.65	.19
Lily of the Valley (glass)	Case of 24 #2 cans	3.20	3.75	.19
Snider	Case of 24 #2 cans	3.20	3.75	.19
Libby	Case of 24 #303 cans	2.20	2.60	.14
Lily of the Valley	Case of 24 19 oz. cans	2.45	2.85	.15
Royal Scarlett	Case of 24 19 oz. cans	3.20	3.75	.19
Premier	Case of 72 8¼ oz. cans	5.00	5.75	.10
S & W	Case of 72 8¼ oz. cans	5.00	5.75	.10
Lily of the Valley	Case of 72 8 oz. cans	5.00	5.75	.10
Premier	Case of 72 8 oz. cans	5.00	5.75	.10
Royal Scarlett	Case of 72 8 oz. cans	6.00	6.90	.12
Fancy, shoestring:				
Lily of the Valley	Case of 24 #2 cans	2.45	2.85	.15
Snider	Case of 24 #2 cans	2.45	2.85	.15
Lily of the Valley (glass)	Case of 12 16 oz. cans	1.60	1.90	.20
Snider	Case of 12 16 oz. cans	1.60	1.90	.20
Standard, diced:				
Foote	Case of 24 19 oz. cans	2.00	2.30	.12
McGrath	Case of 24 19 oz. cans	2.00	2.30	.12
Phillips	Case of 24 19 oz. cans	2.00	2.30	.12
Gibbs	Case of 24 20 oz. cans	2.00	2.30	.12
Summers, Charles G	Case of 24 20 oz. cans	2.00	2.30	.12
Gibbs	Case of 48 10 oz. cans	2.65	3.05	.08

TABLE 10.—MAXIMUM PRICES FOR CERTAIN CANNED VEGETABLES—Continued

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned corn:				
American beauty:				
Standard White Cream	Case of 24 #2 cans	$2.85	$3.25	$0.17
Fancy golden sweet, cream style:				
Del Monte	Case of 24 #2 cans	3.45	3.90	.20
Exquisite		3.40	3.85	.20
Libby		3.40	3.85	.20
Lily of the Valley		3.45	3.90	.20
Royal Scarlett		4.45	5.05	.25
Snider		3.45	3.90	.20
S & W		4.50	5.05	.25
Del Maiz	Case of 24 #303 cans	3.00	3.40	.18
Del Monte (glass)		3.40	3.85	.20
Exquisite		3.40	3.85	.20
Libby		3.00	3.40	.18
Lily of the Valley		3.20	3.75	.20
Premier		3.40	3.85	.20
Royal Scarlett		4.00	4.55	.21
Snider		3.20	3.75	.20
Fancy golden sweet, whole kernel:				
Libby	Case of 24 #2 cans	3.35	3.80	.20
Premier		3.35	3.80	.20
Royal Scarlett		4.60	5.25	.27
S & W		4.60	5.25	.27
Del Monte (glass)	Case of 24 #303 cans	3.35	3.85	.20
Premier		2.45	2.85	.15
Royal Scarlett		4.10	4.65	.24
Fancy golden, cream style:				
Premier	Case of 72 8¾ oz. cans	6.15	7.00	.12
Fancy golden, on cob:				
Libby	Case of 24 #2½ cans	4.00	4.55	.21
Royal Scarlett		5.50	6.25	.32
Lily of the Valley	Case of 24 #3 cans	5.05	5.75	.30
Snider		5.05	5.75	.30
Fancy golden, on cob (extra tall):				
Lily of the Valley	Case of 12 #3 cans	2.75	3.15	.32
Snider		2.75	3.15	.32
Fancy country gentleman or tiny kernel, cream:				
Libby	Case of 24 #2 cans	3.30	3.75	.19
Lily of the Valley		3.55	4.05	.21
Royal Scarlett		4.45	5.05	.25
Snider		3.55	4.05	.21
S & W		4.40	5.00	.25
Libby	Case of 24 #303 cans	2.95	3.35	.17
Royal Scarlett		4.00	4.55	.24
Standard golden cream:				
Olympia	Case of 24 #2 cans	2.20	2.60	.15
Phillips		2.20	2.60	.15
Standard white cream:				
Foote	Case of 24 #2 cans	2.75	3.15	.16
Maryland Chief		2.65	3.00	.16
McGrath		2.75	3.15	.16
Phillips		2.75	3.15	.16
Red Minn		2.75	3.15	.16
Red Moon		2.75	3.15	.16
Standard white sweet whole kernel:				
Stokeley	Case of 48 11 oz. cans	4.00	4.60	.12
Fancy white sweet, cream style:				
Premier	Case of 24 16 oz. cans	4.40	4.65	.21
Canned peas:				
Dried:				
Gibbs	Case of 24 #2 cans	1.70	1.95	.10
Glo-Hay		1.70	1.95	.10
La Panza		1.70	1.95	.10
Olympia		1.70	1.95	.10
Ridge Farm		1.70	1.95	.10
York Star		1.70	1.95	.10
Gibbs	Case of 24 10 oz. cans	1.70	1.95	.10
Sunset	Case of 24 18 oz. cans	1.70	1.95	.10
Gibbs	Case of 48 15½ oz. cans	3.00	3.45	.09
Olympia	Case of 48 10 oz. cans	2.30	2.70	.07
Olympia	Case of 72 8 oz. cans	3.05	3.50	.06
Prime	Case of 72 6 oz. cans	2.50	2.85	.05
Ruth		2.50	2.85	.05
Sunset		2.50	2.85	.05
Unico		2.50	2.85	.05
Extra standard ungraded sugar:				
Brownie	Case of 24 #2 cans	4.15	4.75	.25
County Kist		3.80	4.25	.22
Minnesota Valley		3.30	3.70	.19
Brownie	Case of 24 #303 cans	3.25	3.70	.19
County Kist		3.30	3.75	.19
Lily of the Valley		3.40	3.90	.20
Snider		3.40	3.90	.20
Buffet fancy garden sugar:				
Del Monte	Case of 72 8 oz. cans	6.31	7.20	.12
Royal Scarlett		8.00	9.80	.17
Fancy garden sugar:				
Del Monte	Case of 24 #2 cans	4.10	4.65	.24
Exquisite		3.80	4.25	.22
Libby		3.75	4.20	.22
Del Monte	Case of 24 #303 cans	3.67	4.20	.22
Exquisite		3.20	3.75	.19
Garden Patch		3.70	4.20	.22
Libby		3.35	3.80	.20

TABLE 10.—MAXIMUM PRICES FOR CERTAIN CANNED VEGETABLES—Continued

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned peas—Continued				
Fancy #1 sieve E. V. or sugar:				
Del Monte	Case of 24 #2 cans	$4.61	$5.25	$0.27
Libby	Case of 24 #2 cans	4.50	5.15	.27
Royal Scarlett	Case of 24 #2 cans	5.95	6.80	.33
Fancy #2 sieve E. V. or sugar:				
Exquisite	Case of 24 #2 cans	4.15	4.75	.25
Libby	Case of 24 #2 cans	4.30	4.90	.25
Lily of the Valley	Case of 24 #2 cans	4.00	4.55	.24
Snider	Case of 24 #2 cans	4.00	4.55	.24
S & W	Case of 24 #2 cans	5.60	6.40	.32
Fancy #3 sieve E. V. or sugar:				
Libby	Case of 24 #2 cans	3.75	4.30	.22
Lily of the Valley	Case of 24 #2 cans	3.70	4.20	.22
Royal Scarlett	Case of 24 #2 cans	5.20	5.95	.31
Snider	Case of 24 #2 cans	3.70	4.20	.22
S & W	Case of 24 #2 cans	4.50	5.15	.27
April Showers	Case of 24 #303 cans	3.70	4.20	.22
Libby	Case of 24 #303 cans	3.40	3.90	.20
Fancy #1 sieve E. V. or sugar:				
Libby	Case of 24 #303 cans	4.00	4.55	.24
Fancy #2 sieve E. V. or sugar:				
Libby	Case of 24 #303 cans	3.80	4.35	.22
Fancy #1 sieve (picnic) early variety or sugar:				
Del Monte	Case of 48 11 oz. cans	5.72	6.50	.17
Libby	Case of 48 11 oz. cans	5.50	6.25	.16
Royal Scarlett	Case of 48 11 oz. cans	7.25	8.25	.21
Fancy #4 sieve sugar:				
Libby	Case of 24 #2 cans	3.60	4.10	.21
Royal Scarlett	Case of 24 #2 cans	5.10	5.80	.30
Libby	Case of 24 #303 cans	3.20	3.65	.19
Royal Scarlett	Case of 24 #303 cans	4.65	5.30	.27
Fancy #5 or #6 sieve sugar:				
Libbys Jumbo	Case of 24 #2 cans	3.50	4.00	.21
Lily of the Valley	Case of 24 #2 cans	3.50	4.00	.21
Snider	Case of 24 #2 cans	3.50	4.00	.21
Libbys Jumbo	Case of 24 #303 cans	3.10	3.55	.18
Green Giant	Case of 24 #303 cans	4.00	4.55	.24
Niblets	Case of 24 #303 cans	4.00	4.55	.24
#1 sieve E. V.:				
LeSueur	Case of 48 8 oz. cans	5.00	5.70	.15
#3 sieve E. V.:				
April Showers	Case of 48 8 oz. cans	4.40	5.00	.13
Green giant	Case of 48 8 oz. cans	5.00	5.70	.15
Picnic fancy garden sugar:				
Del Monte	Case of 48 11 oz. cans	5.21	5.95	.15
Exquisite	Case of 48 11 oz. cans	4.90	5.60	.14
Libby	Case of 48 11 oz. cans	4.80	5.45	.14
Picnic fancy #1 sieve E. V. or sugar:				
Exquisite	Case of 48 11 oz. cans	5.00	5.70	.15
S & W	Case of 48 11 oz. cans	6.60	7.50	.19
Picnic fancy #3 sieve E. V. or sugar:				
Lily of the Valley	Case of 48 11 oz. cans	4.80	5.45	.14
Snider	Case of 48 11 oz. cans	4.80	5.45	.14
S & W	Case of 48 11 oz. cans	6.00	6.85	.18
Standard:				
Maryland Chief	Case of 48 10½ oz. cans	4.00	4.60	.12
Standard:				
Foote	Case of 24 20 oz. cans	2.70	3.10	.16
Phillips	Case of 24 20 oz. cans	2.70	3.10	.16
Phillips	Case of 48 10 oz. cans	4.00	4.60	.12
Canned tomatoes:				
Fancy, solid pack:				
Del Monte	Case of 24 #2 cans	3.60	4.10	.21
Libby	Case of 24 #2 cans	3.00	3.40	.18
Lily of the Valley	Case of 24 #2 cans	3.50	4.10	.21
Royal Scarlett	Case of 24 #2 cans	4.50	5.10	.28
Snider	Case of 24 #2 cans	3.50	4.10	.21
Del Monte	Case of 24 #2½ cans	4.87	5.55	.30
Libby	Case of 24 #2½ cans	4.00	4.55	.25
Royal Scarlett	Case of 24 #2½ cans	5.35	6.05	.33
Premier	Case of 24 19 oz. cans	3.00	3.40	.18
Lily of the Valley	Case of 12 16 oz. cans	1.95	2.20	.24
Snider	Case of 12 16 oz. cans	1.95	2.20	.24
Standard:				
Happyvale	Case of 24 #2 cans	2.60	2.95	.16
Lily of the Valley	Case of 24 #2 cans	3.05	3.45	.19
Red Jay	Case of 24 #2 cans	3.65	4.15	.23
Snider	Case of 24 #2 cans	3.05	3.45	.19
Sweet Land	Case of 24 #2 cans	2.50	2.85	.15
American Wonder	Case of 24 #2 oz. cans	2.65	3.00	.16
McGrath	Case of 24 #2 oz. cans	2.40	2.75	.15
Vallonia	Case of 24 #2 oz. cans	2.65	3.00	.16
Cordova	Case of 24 19 oz. cans	2.40	2.75	.15
Driftwood	Case of 24 19 oz. cans	1.90	2.20	.12
Gibbs	Case of 24 19 oz. cans	1.90	2.20	.12
Maryland Chief	Case of 24 19 oz. cans	2.40	2.75	.15
Phillips	Case of 24 19 oz. cans	2.40	2.75	.15
Palm Beach	Case of 24 19 oz. cans	2.40	2.75	.15
Happyvale	Case of 24 #2½ cans	3.50	3.95	.21
Mission	Case of 24 #2½ cans	3.50	3.95	.21
Red Jay	Case of 24 #2½ cans	4.25	4.80	.26
Silverdale	Case of 24 #2½ cans	3.70	4.20	.23
Canned vegetables for salad:				
Exquisite	Case of 48 8 oz. cans	4.60	5.30	.14

(a) The maximum price for all other varieties of commodities listed in Table 10 other than those enumerated therein, shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of an amendment or order prescribing the maximum price for the applicant or for sellers of the canned vegetables hereinabove referred to, and shall be a price in line with the maximum price fixed on the above enumerated varieties.

SEC. 26. *Maximum prices for native cattle and beef sold or delivered in the Territory of Puerto Rico.* (a) When used in this Table 11 the term:

(1) "Cattle" means all animals of the domesticated bovine species.

(2) "Cows" means only those female cattle which have conceived or which are five years or more of age.

(3) "Oxen" means castrated male cattle which are five years or more of age and which have been worked two years or more, or male cattle which are five years or more of age.

(4) "Arroba" means the live weight equivalent of 25 pounds of dressed meat.

(5) "Tenderloin" means filete.

(6) "Round meat" (carne de biftec) means lomillo, masa de cadera, masa redonda, masa larga, babilla and landrecilla.

(7) "Stew meat" (carne de guisar) means faldilla, pecho, cubrepecho, pescuezo, espalda and sobrelomo.

(8) "Soup meat" (carne de sopa) means garron, patas and bones with 25% or more of meat.

(9) "Meat" means tenderloin, round meat, stew meat and soup meat, as defined herein.

Table 11—Maximum prices for cattle sold for slaughter in Puerto Rico and beef at wholesale and at retail from cattle slaughtered in Puerto Rico.

(a) The maximum prices for cows and oxen sold for slaughter shall be $5.00 per arroba. For all other cattle sold for slaughter the maximum price shall be $6.25 per arroba.

(b) The maximum wholesale price for all meat derived from cattle slaughtered in the Territory of Puerto Rico shall be 21¢ per pound.

(c) The maximum prices at retail for all meat derived from cattle slaughtered in Puerto Rico shall be determined in accordance with either of the following two customary methods of sale:

(1) The meat shall be classified as tenderloin, round meat, stew meat and soup meat, and sold at prices no higher than the following:

	Sales at retail (per pound)
Tenderloin	$0.65
Round Meat	.45
Stew Meat	.25
Soup Meat	.12

(2) Where the meat is not classified as provided in the previous subsection, the maximum retail prices shall be:

	Sales at retail (per pound)
Tenderloin	$0.65
All meat excepting tenderloin	.27

NOTE: Meat sold at 27¢ per pound in accordance with this paragraph shall not contain more than 25% of bone. Any sale at retail otherwise than in accordance with the two classifications as above described, shall constitute a violation of this regulation.

SEC. 27. *Maximum prices for cigarettes sold or delivered in the Territory of Puerto Rico.*

TABLE 12.—MAXIMUM PRICES FOR CIGARETTES

Brand	To wholesaler (per carton of 200)	At wholesale (per carton of 200)	At retail (per package of 20)
Chesterfield, Spud, Old Gold, Viceroy, Kool, Raleigh, Fleetwood, Camel, Phillip Morris, Lucky Strike, Mapleton, Chelsea	$1.80	$1.90	$0.22
Spur, Wings, Avalon, Southland, Roy, Domino, Medal, Totem	1.70	1.74	.20
Rivalo	1.70	1.74	.20
Masterpiece	1.70	1.80	.21
Colectiva, Toro, Casino	1.57	1.60	.19
			(For package of 10)
Violetas	1.57	1.60	.10 (2 pkgs. .19)
Casino	1.57	1.60	.10 (2 pkgs. .19)
Yankee	1.70	1.74	.10 (2 pkgs. .19)
	(For carton of 100)	(For carton of 100)	(For package of 10)
De Luxe	1.47	1.50	.17
	(For carton of 100)	(For carton of 100)	(For carton of 100)
Colectiva Largo	.83	.85	.03
Rivalo Largo	.92	.95	1.10
Toro Largo	.83	.85	.03
Yankee Largo	.87	.90	1.05

(a) No sale of brands of cigarettes other than those enumerated above shall be made after the effective date of this regulation, until the maximum price for such cigarettes has been fixed by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of an amendment or of an order prescribing the maximum price for the applicant or for sellers of such cigarettes generally, and shall be a price in line with the maximum prices fixed above on enumerated brands.

(b) The maximum prices for cigarettes of the brands enumerated above sold individually shall be:

Number of cigarettes	On brands retailing at 22¢ per pkg.	On brands retailing at 21¢ per pkg.	On brands retailing at 20¢ per pkg.	On brands retailing at 15¢ and 16¢ per pkg.
19	$0.21	$0.20	$0.19	$0.18
18	.20	.19	.18	.18
17	.19	.18	.17	.17
16	.18	.17	.16	.16
15	.17	.16	.15	.15
14	.16	.14	.14	.14
13	.15	.13	.13	.13
12	.14	.12	.12	.12
11	.13	.11	.11	.11
10	.11	.10	.10	.10
9	.10	.09	.09	.09
8	.09	.08	.08	.08
7	.08	.07	.07	.07
6	.07	.06	.06	.06
5	.06	.05	.05	.05
4	.05	.04	.04	.04
3	.03	.03	.03	.03
2	.02	.02	.02	.02
1	.01	.01	.01	.01

(c) The maximum prices for De Luxe, Colectiva Largo, Rivalo Largo, Toro Largo and Yankee Largo sold individually shall be 1¢ per cigarette regardless of the quantity in which they are sold.

SEC. 28. *Maximum prices for coffee sold or delivered in the Territory of Puerto Rico.* (a) When used in this Table 13, the term:

(1) "Coffee" means dried parchment coffee, green coffee, roasted coffee and roasted-ground coffee.

(2) "Dried parchment coffee" means coffee from which the pulp has been removed, which has been fermented and washed but which still contains the endocarp or vellum covering the bean.

(3) "Green coffee" means dried parchment coffee from which the endocarp or vellum covering the bean has been removed.

(4) "Roasted coffee" means green coffee which has been subject to the process commonly known as torrefaction, consisting in exposing the beans in a mechanical device to artificially generated heat.

(5) "Roaster" means any person who is engaged in the business of roasting green coffee.

TABLE 13.—MAXIMUM PRICES FOR COFFEE

Dried parchment coffee—At the rate of $21.50 per 122 lb.

[In common trade terms the minimum "discount" is approximately 18% in converting dried parchment coffee to green coffee]

	To wholesalers and roasters (per 100 lbs.)	At wholesale (per 100 lbs.)	At retail (per lb.)
Green coffee	$23.00	$24.75	$0.27
Roasted coffee:			
In containers in excess of 1 lb.		33.00	.38
In 1 lb. containers		35.00	.39
In ½ lb. containers		35.00	.40
In ¼ lb. containers		35.00	.40
In 2 oz. containers		35.00	.40

NOTE: The allowances, discounts, or other price differentials customarily granted on sales of coffee shall not be changed or altered unless such change results in a lower price than that specified herein.

SEC. 29. *Maximum prices for crackers sold or delivered in the Territory of Puerto Rico*—(a) *Definitions.* When used in this Table 14, the term:

(1) "Soda crackers, family type" means crackers such as those sold under the trade names of "Delicious", "Corona", "Sea Spray", "Sunland", "Sunland Saltines", "Soda Familia" and "Family Special".

(2) "Soda crackers, standard type" means crackers such as those sold under the trade names of "Sport", "Borinquen", "Soda Rica", "Popular", "Boricua" and "Rovira".

(3) "Vanilla crackers" means crackers such as those sold under the trade names of "Princess", "Imperial", "Sunland", "Flor de Vainilla" and "Vanilla Biscuit".

(4) "Enumerated varieties of soda crackers or vanilla crackers" means varieties specified in Table 14 of this section.

TABLE 14.—MAXIMUM PRICES FOR CRACKERS

Brand	Container, type, and size	To wholesalers (per dozen containers)	At wholesale (per dozen containers)	At retail (per container)
Soda crackers family type:				
Delicious	4½-lb. tin	$12.27	$13.50	$1.40
Corona	2 lb. container	5.33	5.85	.60
Sea Spray	1 lb. container	2.81	3.10	.32
Sunland				
Sunlamd Saltines				
Soda Familia				
Family Special				
Soda crackers, standard type:				
Sport	4½ lb. tin	10.77	11.85	1.25
Borinquen	2 lb. container	5.00	5.50	.60
Soda Rica	1 lb. container	2.66	2.95	.31
Popular				
Boricua				
Rovira				
Vanilla crackers:				
Princesa	7½ lb. tin	16.95	18.65	1.95
Imperial	4½ lb. tin	10.77	11.85	1.25
Sunland	4 lb. tin	9.54	10.50	1.10
Flor de Vainilla	3½ lb. tin	8.36	9.20	1.05
Vanilla Biscuit	1½ lb. container	3.89	4.30	.45
	3 lb. container	7.38	8.10	.85

(a) The maximum price for the above enumerated varieties of soda crackers and vanilla crackers sold loose shall be proportionately computed on the basis of the price fixed for the one pound containers of soda crackers (i. e., family type or standard type, whichever is applicable) and of the one and one-half pound containers of vanilla crackers respectively.

TABLE 15.—MAXIMUM PRICES FOR ENUMERATED VARIETIES OF IMPORTED CRACKERS

Brand	Container, type and size	To wholesalers (per dozen containers)	At wholesale (per dozen containers)	At retail (per container)
Keebler	Case of 10 oz. cartons	$2.05	$2.25	$0.24
Sunshine	5 lb. tins	13.50	14.85	1.55
National Sodas	5 lb. tins	13.50	14.85	1.55
Vories "Puritan"	3-¾ lb. tins	8.25	9.05	.85

SEC. 30. *Maximum prices for dried beans, dried peas and garbanzos sold or delivered in the Territory of Puerto Rico.*

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
All grades of imported dried beans and dried peas	$0.0655	$0.07	$0.09
	(Price per 110 lbs.)	(Price per 110 lbs.)	(Price per pound)
Garbanzos	$7.00	$8.00	$0.09

SEC. 31. *Maximum prices for rice sold or delivered in the Territory of Puerto Rico.*

TABLE 17.—MAXIMUM PRICES FOR IMPORTED RICE

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
All grades of imported milled rice	$0.0655	$0.07	$0.09

SEC. 32. *Maximum prices for edible fats and oil products sold or delivered in the Territory of Puerto Rico.*

TABLE 18.—MAXIMUM PRICES FOR OLEOMARGARINE

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Oleomargarine	$0.19	$0.206	$0.25

SEC. 33. *Maximum prices for cured fish sold or delivered in the Territory of Puerto Rico.*

TABLE 19.—MAXIMUM PRICES FOR CODFISH, BLOATERS, HERRING, CUSK, LING, MACKEREL, POLLOCK, HADDOCK, HAKE AND WHITE FISH

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
If hard dried, semi-dried or smoked	$0.145	$0.155	$0.18
If pickled	.14	.15	.18

SEC. 34. *Maximum prices for fowl sold or delivered in the Territory of Puerto Rico.*

TABLE 20.—MAXIMUM PRICES FOR HARD CHILLED, DRESSED BUT NOT EVISCERATED, GRADE B, OLD AND YOUNG TURKEYS

	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Hens, 8 to 14 pound unit	$0.475	$0.60
Toms, 16 to 20 pound unit	.455	.60
Toms, over 20 pounds	.445	.60

SEC. 35. *Maximum prices for grains and cereals in bulk sold or delivered in the Territory of Puerto Rico.*

TABLE 21.—MAXIMUM PRICES FOR HARD WHEAT FLOUR AND SOFT WHEAT FLOUR EXCEPT FOR UNGREASED CONTAINERS

	Sales to wholesalers and industrial users (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
All types of hard wheat flour	$0.033	$0.042	$0.05
All types of soft wheat flour	.0425	.0470	.05

TABLE 22.—MAXIMUM PRICES FOR CORN MEAL

Corn meal	4.75	5.10	.05

SEC. 36. *Maximum prices for grains and cereals packaged sold or delivered in the Territory of Puerto Rico.*

TABLE 23.—MAXIMUM PRICES FOR CERTAIN PACKAGED CEREALS

Items and brand names	Unit	Recommended ceilings		
		Price to wholesaler	Price at wholesale	Price at retail
Quaker:				
Farina	Case of 30/24 oz. tins	$6.87	$7.70	$0.23
Farina	Case of 12/14 oz.	1.27	1.44	.10
Farina	Case of 12/28 oz.	2.42	2.73	.20
Hominy Grits	Case of 24/24 oz.	2.03	2.29	.15
Puffed Rice Sparkies	Case of 24/4½ oz.	3.25	3.67	.29
Puffed Wheat	Case of 24/4 oz.	2.81	3.18	.17
Muffets	Case of 24/8 oz.	2.04	2.03	.16
Individual Assorted Cereals	Case of 12/10 oz.	3.25	3.67	.40
Quaker Oats	Case of 30/20 oz. tins	6.00	6.60	.23
Gold Medal:				
Wheaties	Case of 30/8 oz.	4.42	4.99	.13
Wheat flakes	Case of 24/8 oz.	2.31	2.61	.14
Wheat flakes	Case of 30/8 oz.	3.47	3.92	.14
Cherrioats	Case of 24/7 oz.	3.14	3.55	.19
General Foods				
Bran Flakes	Case of 24/8 oz.	2.73	3.08	.17
Grape Nuts	Case of 24/13 oz.	5.27	5.95	.32
Grape Nuts Wheatmeal	Case of 12/16 oz.	1.93	2.19	.21
Whole Bran Shreds	Case of 12/10 oz.	1.72	1.94	.21
Kellogg				
Cream of Wheat	Case of 30/28 oz.	8.02	9.74	.25
Cream of Wheat	Case of 48/14 oz.	6.74	7.62	.21
Kellogg Variety	Case of 12/10 oz.	4.20	4.75	.61
Rice Krispies	Case of 24/5½ oz.	3.03	3.80	.21
All Bran	Case of 24/10 oz.	3.23	3.63	.29
Shredded Wheat	Case of 24/12 oz.	3.47	3.92	.21

SEC. 37. *Maximum prices for hemp rope sold or delivered in the Territory of Puerto Rico.*

TABLE 24.—MAXIMUM PRICES FOR HEMP ROPE IMPORTED FROM CUBA

At wholesale ..... $26.00 per cwt.
At retail ..... 0.32 per lb.

SEC. 38. *Maximum prices for kerosene sold or delivered in the Territory of Puerto Rico.*

TABLE 25—MAXIMUM PRICES FOR KEROSENE

The maximum prices of kerosene at wholesale are established by Revised Price Schedule No. 88.

The maximum prices of kerosene at retail establishments as provided in Maximum Price Regulation No. 137 shall be 18¢ per gallon, except that when a quantity of less than one gallon is sold the maximum price shall be 5¢ per quart.

SEC. 39. *Maximum prices for macaroni, spaghetti and vermicelli sold or delivered in the Territory of Puerto Rico*—(a) *Definitions.* When used in Tables 26 and 27 the term:

(1) "Prepackaged" means an inner and outer sealed, cellophane or paper wrapped, paperboard package.

(2) "Macaroni, spaghetti and vermicelli in bulk" means maçaroni, spaghetti and vermicelli that has not been prepackaged.

TABLE 26.—MAXIMUM PRICES FOR MACARONI, SPAGHETTI AND VERMICELLI IN BULK

To wholesalers (per cwt.)	At wholesale (per cwt.)	At retail (per lb.)
$7.20	$7.70	$0.10

TABLE 27.—MAXIMUM PRICES FOR LOCALLY PREPACKAGED MACARONI, SPAGHETTI AND VERMICELLI

	To wholesalers	At wholesale	At retail (per pkg.)
Cruz Roja de Malta, 32 pkgs. (7 oz. pkg.)	$1.80	$2.00	$0.03
Itali, 20 pkgs. (½ lb. pkgs.)	1.15	1.25	.03
Itali, 20 pkgs. (1 lb. pkgs.)	1.90	2.10	.14
Estrella Roja, 23 pkgs. (½ lb. pkgs.)	1.80	1.95	.09
La Javanesa (½ lb. pkgs.)	[1] 14.00	[1] 15.50	.10
La Javanesa (15 oz. pkgs.)	[1] 14.00	[1] 15.50	.19
La Vezzorgeda, 32 pkgs. (6 oz. pkgs.)	2.10	2.20	.09
La Vezzorgeda, 80 pkgs. (3 oz. pkgs.)	5.05	5.55	.09
Egg, 10 pkgs. (1 kilo)	17.30	19.05	.40
Tampieri, 28 pkgs. (1 lb. pkgs.)	4.20	4.60	.21
Renzoni Brand Naples Style 20 pkgs. (1 lb. pkgs.)	2.55	2.80	.13
Renzoni Brand Genova Style 20 pkgs. (1 lb. pkgs.)	2.95	3.25	.21
Renzoni Brand Egg Noodle Style 12 pkgs. (8 oz. pkgs.)	1.55	1.70	.13

[1] Per cwt.

(1) The maximum prices for varieties of prepackaged macaroni, spaghetti and vermicelli other than those enumerated above shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of an amendment or order prescribing the maximum price for the applicant or for sellers of such macaroni, spaghetti and vermicelli generally, and shall be a price in line with the maximum price fixed on the above enumerated varieties.

SEC. 40. *Maximum prices for manufactured dairy products sold or delivered in the Territory of Puerto Rico.*

TABLE 28.—MAXIMUM PRICES FOR TUBS AND PRINTS OF BUTTER

	To wholesalers (per pound)	At wholesale (per pound)	At retail (per pound)
Butter in boxes and tubes, Grade A	$0.52	$0.53	$0.70
Butter in prints, not in cartons, Grade A	.54	.60	.71
Butter in prints, in cartons, Grade A	.55	.61	.72

(1) The maximum prices for all butter other than that referred to above shall be established in accordance with the requirements of Maximum Price Regulation No. 220.

TABLE 29.—MAXIMUM PRICES FOR CERTAIN CHEESES

	To wholesalers (per pound)	At wholesale (per pound)	At retail (per pound)
Natural American Cheddar	$0.29	$0.3150	$0.41
Processed cheddar, loaves weighing more than two pounds each	.32	34.5	.42

(1) The maximum prices for all types, grades, or varieties of cheese other than those listed above shall be established in accordance with the requirements of Maximum Price Regulation No. 220.

TABLE 30.—MAXIMUM PRICES FOR EVAPORATED MILK

	To wholesalers, case of 48 14½ oz. cans	At wholesale, case of 48 14½ oz. cans	At retail, price per pound
Evaporated milk	$4.39	$4.62	$0.11

TABLE 31.—MAXIMUM PRICES FOR KLIM AND NIDO BRANDS OF POWDERED WHOLE MILK

	All sales except at retail (price per carton) sale of—			At retail (price per tin)
	1 to 4	5 to 19	20 or more cartons	
12 one-lb. tins	$6.80	$6.70	$6.60	$0.65
6 two-and-one-half lb. tins	7.45	7.35	7.15	1.40
6 five-lb. tins	13.70	13.60	13.20	2.50

SEC. 41. *Maximum prices for matches sold or delivered in the Territory of Puerto Rico*—(a) *Definitions.* When used in Table 32 the term:

(1) "Boxed wooden safety matches" means wooden matches, with a specially prepared head such as Signal Light, Palmer, Independence, Hav-a-lite, Red Stop and Criterion, which normally light only when struck on a specially prepared surface and which are packed in two piece wooden splint or paperboard boxes generally containing 35 to 50 matches.

TABLE 32.—MAXIMUM PRICES FOR MATCHES

(1) All varieties of boxed wooden safety matches

Sales at wholesale—$1.15 per gross, or a price derived by applying a mark-up over direct cost of 10¢ per gross, whichever results in a lower price

Sales at retail—1¢ per box.

(2) Certain cuban wax matches

	At wholesale (per gross)	At retail (per box)
Yumuri No. 100	$8.43	$0.07
Yumuri No. 6	6.64	.06
Yumuri No. 2	3.95	.04
Faisan No. 100	6.66	.06
Candado No. A	3.31	.03

(a) The maximum prices for all varieties of Cuban wax matches other than those enumerated above, for folding book matches and for any other varieties of matches than those enumerated herein, shall be a price authorized by the Director of the Office of Price Administration for the Territory of Puerto Rico. Such authorized price shall be established in the form of amendment or of order prescribing the maximum price for the applicant or for sellers of such matches generally and shall be a price in line with the maximum prices fixed above on enumerated brands.

SEC. 42. *Maximum prices for miscellaneous grocery products sold or delivered in the Territory of Puerto Rico.*

TABLE 33.—MAXIMUM PRICES FOR CERTAIN CORNSTARCH

	Sales to wholesalers (case of 80/4 oz. pkgs.)	Sales at wholesale (case of 80/4 oz. pkgs.)	Sales at retail (per 4 oz. pkg.)
Maizena Duryen Brand Cornstarch (edible)	$1.65	$1.80	$0.03

SEC. 43. *Maximum prices for fluid milk sold or delivered in the Territory of Puerto Rico.*—(a) *Registration and reports.* (1) Every distributor of milk and every store in which milk is sold shall file with the Office of Price Administration for the Territory of Puerto Rico at San Juan, Puerto Rico, on or before the 5th day of each successive month, a report of his operations for the preceding month upon Form No. PRM 1 duly filled out and signed either by himself or by his properly authorized agent.

(2) Every producer and distributor of milk and every store in which milk is sold which has not registered upon Forms PRM2 and PRM3 duly filled out and signed either by himself or his properly authorized agent, shall immediately register upon such forms with his Local Board.

(3) On and after the effective date of this regulation every person who becomes a producer, every person who becomes a distributor of milk, and every store which begins to sell milk shall immediately register at his Local Board upon Forms PRM2 and PRM3 duly filled out and signed either by himself or his properly authorized agent.

(b) When used in this Table 34 the term:

(1) "Milk" means cow's milk produced, processed, distributed, and sold for consumption in fluid form as whole milk.

(2) "Pasteurized milk" means milk that has been pasteurized by submitting it to a temperature between 142° F. and 145° F. for thirty minutes, and that has been immediately cooled and thereafter maintained at a maximum temperature of 53.6° F. or of 12° C., and has not been repasteurized, and which is sold or served only in the original container in which it left the factory and in no less quantity than that contained in the original container.

(3) "Raw milk" means all milk that is not pasteurized milk.

(4) "Producer of milk" means any person who sells the milk which he produces to distributors and stores.

(5) "Distributor of milk" means any person not excluding a producer, but excluding a puesto or store, who is in the business of selling milk delivered to stores, to volume customers and to consumers.

(6) "Store" means any person including a puesto, booth, stall or stand, except a distributor who sells milk at retail.

(7) "Small container" means a container other than a paper container manufactured for the express purpose of containing milk, with a capacity of one quart, one pint, or one-half pint.

(8) "Paper container" means a paper or cardboard container manufactured for the express purpose of containing milk with a capacity of one quart.

(9) "Loose milk" means milk sold in any container furnished by the seller except a small container or a paper container, or in any container, including a small container or paper container furnished by the purchaser.

(10) "Volume customer" means institutions, the Armed Forces, eating establishments, or industrial users, and other similar users.

(11) "Point of use" means the location of the store or puesto or the location of the volume customer or consumer receiving delivery from a distributor.

(12) "Zone I" means the following municipalities:

Aguadilla.	Ponce.
Bayamon.	Rio Piedras.
Catano.	San Juan.
Ceiba.	Toa Alta.
Fajardo.	Toa Baja.
Guaynabo.	Vieques.
Naguabo.	

(13) "Zone II" means the following municipalities:

Adjuntas.	Isabela.
Aguada.	Jayuya.
Aguas Buenas.	Lajas.
Arecibo.	Luquillo.
Barceloneta.	Manati.
Caguas.	Mayaguez.
Camuy.	Moca.
Carolina.	Maranjito.
Cayey.	Rio Grande.
Ciales.	Santa Isabel.
Dorado.	Trujillo Alto.
Guayanilla.	Utuado.
Guarbo.	Vega Alta.
Hatillo.	Vega Baja.
Humacao.	Yauco.

(14) "Zone III" means the following municipalities:

Aibonito.	Loiza.
Anasco.	Las Piedras.
Arroyo.	Maricao.
Barranquitas.	Maunabo.
Cabo Rojo.	Morovis.
Cidra.	Orocovis.
Coamo.	Patillas.
Comerio.	Penuelas.
Corozal.	Quebradillas.
Culebra.	Rincon.
Guanica.	Sabana Grande.
Guayama.	San German.
Hormigueros.	Salinas.
Juana Diaz.	San Lorenzo.
Juncos.	San Sebastian.
Lares.	Villalba.
Las Marias.	Yabucoa.

TABLE 34.—MAXIMUM PRICES FOR MILK

1. Producers maximum prices for raw or pasteurized milk.

(a) For sales of milk by a producer to a store, the maximum price is the price set forth below for the zone in which the store is located.

Type of milk	Location of store	Maximum price per quart
Raw milk, loose	Zone I	$0.13
Raw milk, loose	Zone II	.11
Raw milk, loose	Zone III	.095
Pasteurized milk, loose	All zones	.13

(b) For sales of raw or pasteurized milk by a producer delivered to a consumer or volume customer, maximum prices for sales by the producer are the same as the maximum prices established for sales by distributors to a consumer or volume customer.

(c) For sales of milk by a producer to a distributor, the producer's maximum price shall be a weighted average price computed by the distributor on a monthly basis. Each distributor shall determine the maximum price to be paid to each of its producers at the end of the month on the basis of the total sales made by the distributor during the month. The type of milk, whether raw or pasteurized, whether it is loose or in small containers, and the point of use of the milk are the factors to be used by the distributor in determining the maximum price to be paid to producers. The distributor shall compute monthly the total value of the milk sold by him at the rate of $0.13 per quart for all pasteurized milk, $0.13 per quart for all raw milk whose point of use is in Zone I, $0.11 per quart for all raw milk whose point of use is in Zone II, and $0.095 per quart for all raw milk whose point of use is in Zone III. The distributor shall determine the weighted average price, which represents the maximum price which may be paid to producers, by dividing the total value of the milk sold by him during the month by the total number of quarts sold by him during the month; and in order to arrive at the maximum payment which may be made to each producer, shall multiply the weighted average price by the total number of quarts supplied by each producer.

(d) If, on sales of raw or pasteurized milk, to distributors or stores, the producer supplies a small container the producer's maximum price may be augmented by the following:

Size of container supplied by producer:

	Maximum additions
Quart	$0.01 per quart.
Pint	.005 per pint.
Half pint	0.00375 per half pint.

(e) Distributors may make cash payments to producers at any time during a month, but such payments shall be subject to settlement at the end of such month by determining the difference between the cash payments and the maximum payments computed by the method set forth above. The cash payments which may be made during the month to each producer shall not exceed the amount computed by multiplying the maximum price per quart in the lowest price zone in which any of the milk sold by the distributor finds its point of use by the total number of quarts sold to the distributor by the producer during the month.

Example: During a given month Producers A, B, C, and D supplied Distributor X with milk in the following amounts:

Producer A— 3,500 quarts, loose.
Producer B— 2,000 quarts, in quart containers.
Producer C— 9,500 quarts, in pint containers.
Producer D— 9,000 quarts, in half pint containers.

24,000 quarts.

In addition to the 24,000 quarts received from these producers, Distributor X sold 1,000 quarts of milk he himself produced. The total number of quarts sold during July by Distributor X was 25,000. Of this total 10,000 quarts was pasteurized so the value of this portion shall be computed at the rate of $0.13 per quart. The point of use of the remaining 15,000 quarts was divided among the Zones as follows:

Zone I, 8,000 quarts (rate of $0.13 per quart).
Zone II, 5,000 quarts (rate of $0.11 per quart).
Zone III, 2,000 quarts (rate of $0.095 per quart).

The method to be used by Distributor X in computing the maximum price per quart of loose milk is set forth in the following table:

Type of milk	Point of use	Number of quarts sold by distributor	Rate	Value, computed by multiplying column 3 by column 4
Raw	Zone I	8,000	$0.13	$1,040.00
Raw	Zone II	5,000	.11	550.00
Raw	Zone III	2,000	.095	190.00
Pasteurized	All zones	10,000	.13	1,300.00
Total number of quarts sold		25,000		[1]3,080.00

[1]Total value.

The weighted average price per quart is determined by dividing the total value by the total number of quarts sold:

$$\frac{3080}{25000} = .1232 \text{ maximum price per quart}$$

Producer A's cash payment and total payment for the month is computed as follows:

3500 x .095 = $332.50 cash payment
3500 x .1232 = 431.20 total payment

Producer B's cash payment and total payment for the month is computed as follows:

2000 x .095 = $190.00 cash payment
2000 x .1232 = 246.40
2000 x .01 = 20.00 Maximum addition for quarts container

$266.40 total payment

Producer C's cash payment and total payment for the month is computed as follows:

9500 x .095 = $902.50 Cash payment
9500 x .0232 = 1170.40
19000 x .005 = 95.00 Maximum addition for pint containers—9,000 quarts equals 19,000 pints

$1265.40 Total payment

Producer D's cash payment and total payment for the month is computed as follows:

8000 x .095 = $355.00 Cash payment
8000 x .1232 = 1103.20
36000 x .00375 = 135.00 Maximum addition for half pint containers—9,000 quarts equals 36,000 half pints

$1243.20 Total payment

2. Distributors and stores maximum prices for pasteurized milk:

PASTEURIZED MILK

Sales by distributors	Quart	Pint	Half pint
	Cents	*Cents*	*Cents*
To volume customers and consumers (delivered):			
Loose	18		
In small containers	19	10	5
To volume customers and consumers, (not delivered):			
Loose	17		
In small containers	18	9	5
To stores in small containers (delivered or not delivered)	15	7½	4
Sales by stores (delivered or not delivered):			
To consumers in small containers	13	9	5

3. Distributors and stores maximum prices for raw milk.

RAW MILK

	Points of use								
	Zone I			Zone II			Zone III		
	Qt.	Pt.	½ Pt.	Qt.	Pt.	½ Pt.	Qt.	Pt.	½ Pt.
Sales by distributors									
To stores delivered or not delivered:	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Loose	13			11			9½		
In small containers	14	7	3½	12	6	3	10½	5¼	2¾
Sales by distributors and stores									
To volume customers delivered or not delivered:									
Loose	15½			13½			11½		
In small containers	16½	8½	4½	14½	7½	4	12½	6½	3½
To consumers delivered or not delivered:									
Loose	16	8	4	14	7	4	12	6	3
In small containers	17	9	5	15	8	4	13	7	4

NOTE: The maximum price for milk sold in paper containers shall be the prices fixed in the above tables for milk sold in small containers plus 2¢ per quart as an allowance for the additional cost of the container.

(a) *Deposit charges on containers.* No deposit charge shall be made for any milk container with the exception of glass small containers furnished by the seller in connection with the sale of bottled milk. On such bottles a deposit of 10¢ may be imposed, which shall be refunded to the depositor upon the return of the bottle.

(b) *Charges for long distance deliveries on pasteurized milk.* No charge for the transportation of milk shall be made or collected, except that in connection with the sale and delivery of pasteurized milk to the Armed Forces of the United States and to Municipal and Insular institutions the following charges shall be allowed:

(1) The Puerto Rico Dairy, Inc., and Las Tres Monjitas Dairy may charge and collect, in addition to the applicable maximum price for milk not delivered, the following amounts for each truck trip involved in the delivery of pasteurized milk from their plants in San Juan and Rio Piedras:

	Per truck trip
To Borinquen Field	$42.00
To Losey Field	32.00
To Henry Barracks	16.75
To Camp Tortuguero	16.25
To Fort Buchanan	12.50

(2) In the event that delivery is made to more than one of the enumerated points in the course of a truck trip prior to returning to the plant, the total delivery charge shall not exceed the charge fixed per truck trip to the more distant point.

(3) On deliveries other than those specified above, the Director of the Office of Price Administration for the Territory of Puerto Rico may, upon application, authorize the charge and collection of an amount per truck trip, in addition to the applicable maximum price to cover the actual cost incurred in making such delivery.

SEC. 44. *Maximum prices for onions and garlic sold or delivered in the Territory of Puerto Rico.*

TABLE 35.—MAXIMUM PRICES FOR IMPORTED ONIONS

	Sales to wholesalers (price per 50 lbs.)	Sales at wholesale (price per 50 lbs.)	Sales at retail (price per pound)
Imported onions	$3.00	$3.68	$0.10

TABLE 36.—MAXIMUM PRICES FOR ALL GARLIC

Garlic, white	4.25	4.75	0.12
	Price per 25 kilo	Price per 25 kilo	Price per pound
Garlic, purple or red	5.65	6.20	0.14

SEC. 45. *Maximum prices for packing house products sold or delivered in the Territory of Puerto Rico.*

TABLE 37.—MAXIMUM PRICES FOR PACKING HOUSE PRODUCTS

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Lard, refined, hydrogenated, prints	$0.1750	$0.1875	$0.22
Lard, refined, in cases 56 lbs.	.17	.18	.21
Lard, refined, in tierces	.17	.18	.21
Lard, refined, in 34# to 37# tins	.17	.1825	.21
Lard pork fat rendered	.17	.18	.21
Beef, pickled or jerked	.2335	.2485	.29
Pork:			
Bacon, smoked, originating in the continental United States, commercial type	.34	.38	.49
Boston butts, all sizes	.3275	.37	.47
Briskets	.20	.2180	.27
Clear plates	.1450	.1580	.19
Fat backs, dry salt	.1450	.1580	.19
Fat backs, pickled	.1450	.1580	.19
Heads and tails, pickled	.155	.170	.21
Jowl butts, pickled	.1450	.1580	.19
Loins, frozen, bone in, all sizes	.30	.34	.44
Neck bone, dry salt	.750	.820	.10
Picnic hams, smoked	.31	.34	.41
Pigs feet, dry salt	.750	.820	.10
Snouts, cured	.12	.13	.17
Spare ribs, cured	.1360	.15	.19

NOTE: On sales of less than a full container the maximum wholesale price may be increased by one quarter of a cent ($0.0025 pound).

SEC. 46. *Maximum prices for dry sausages sold or delivered in the Territory of Puerto Rico.*

TABLE 38.—MAXIMUM PRICES FOR DRY SAUSAGES ORIGINATING IN THE CONTINENTAL UNITED STATES

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Dry sausages originating in the United States:			
Farmer	$0.47	$0.54	$0.70
Holstein	.47	.54	.70
Fortadella	.45	.52	.68
Salami	.475	.55	.72
Gotenburg	.475	.55	.72

SEC. 47. *Maximum prices for soap and cleaners.*

TABLE 39.—MAXIMUM PRICES FOR CERTAIN SOAPS AND CLEANERS

	Sales to wholesalers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Laundry soap	$0.0775	$0.084	$0.10
	Price per 144 3½-oz. bars	Price per 144 3½-oz. bars	Price per bar
Toilet soap, Victory Brand	6.88	7.60	.07
	Case of 8/4 lb. 10-oz. pkgs.	Case of 8/4 lb. 10-oz. pkgs.	Price per pkg.
Soap chips, Balloon Brand	4.20	4.65	.75

(a) All laundry soap is included in Table 39. The maximum prices for toilet soap and soap chips of varieties other than those enumerated in the above Table 39 shall be established in accordance with the requirements of the General Maximum Price Regulation.

This Revised Maximum Price Regulation 183 shall become effective July 15, 1943.

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11102; Filed, July 9, 1943; 4:06 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, that maximum prices be established for certain sales of fresh fruits and vegetables for table use, except for sales at retail. So far as practicable, the Price Administrator has advised and consulted with representatives of the industry which will be affected by this regulation.

The following regulation supersedes Maximum Price Regulation No. 376[1] and establishes maximum prices for the fresh fruits and vegetables now or hereafter specified herein in a manner calculated to promote equitable distribution thereof through normal channels of trade.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

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

§ 1439.3 *Maximum prices for fresh fruits and vegetables for table use, sales except at retail.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 426 (Fresh Fruits and Vegetables for Table Use, Sales Except at Retail), which is annexed hereto and made a part hereof, is hereby issued.

Authority: § 1439.3 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4081.

MAXIMUM PRICE REGULATION 426—FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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1. Commodities covered and operation.
2. Adjustment of maximum prices.
3. Types of sellers covered.
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ARTICLE II—ENFORCEMENT PROVISIONS AND MISCELLANEOUS PROVISIONS

9. Enforcement.
10. Relationship between this regulation, Maximum Price Regulation No. 376 and the General Maximum Price Regulation.
11. Evasion.
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ARTICLE III—PRICE SCHEDULES

15. Appendices.

Article I—Applicability, Purposes and Definitions

SECTION 1. *Commodities covered and operation of this regulation.* (a) This regulation covers the fresh fruits and vegetables set forth in the Appendices to Article III, section 15, whether imported or domestic, except when sold for commercial processing.

(b) It is the purpose of this regulation to establish flexible price control for fresh fruits and vegetables (except when sold for commercial processing) in such manner that flat ceiling prices in dollars and cents may be computed and pub-

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

[1] 8 F.R. 5487.

lished in each community, or by zones or regions.

(c) For this purpose, this regulation provides either (1) a method for establishing dollar-and-cents ceilings for sales of fresh fruits and vegetables in carlots or trucklots at any wholesale receiving point and in less than carlots or less than trucklots in the markets served from the particular wholesale receiving point, or (2) a method for establishing dollar-and-cents ceilings for sales of fresh fruits and vegetables to retailers and institutional users. Sales by retailers are to be covered by other regulations now in effect, or to be issued.

(d) A general plan is set up by this regulation for establishing ceiling prices for fresh fruits and vegetables. Each fresh fruit and vegetable will be separately considered. Special provisions may be made for particular fresh fruits and vegetables, which do not apply generally. If any special provision is contrary to or inconsistent with any general provision, the special provision shall be controlling. The general provision shall apply to the extent that it is not contrary to or inconsistent with the special provision.

(e) The general plan is to establish maximum prices at certain points or levels in the distribution of fresh fruits and vegetables. The points of control will not necessarily be the same for all commodities. The ceiling prices may differ by season, regions, varieties, grades, or other factors. Ceiling prices or methods of computing ceiling prices for each commodity will be contained in an Appendix specifically covering that commodity. For example, the method for establishing lettuce prices will be found in Appendix A, that for cabbage in Appendix B, and so forth.

(f) Points of control, at which maximum prices are established will generally be one or more of the following:

(1) *Carlot or trucklot sales at any wholesale receiving point.* A ceiling price is established for sales in carlots, or trucklots at the wholesale receiving point. The ceiling price may be named in dollars and cents, at a particular wholesale receiving point (or by area or region) or a method may be given by which the ceiling price at a particular wholesale receiving point may be computed by adding to a given basing point price the freight from the basing point to the wholesale receiving point. The ceiling price for carlot or trucklot sales at a particular wholesale receiving point is the same regardless of the number and type of prior handlers, regardless of the seller's size or type of operation, and regardless of the purchaser's size or type of operation.

A pool car or pool truck (that is, a car or truck containing one commodity owned by more than one seller or consigned to more than one purchaser) shall be considered a carlot or trucklot.

A "carlot sale" or a "trucklot sale" means a sale of a quantity of fresh fruits or vegetables transported in one car or truck or other conveyance at one time out of which 75% or more by weight is sold to one person. The sale of the remaining quantity to another person or persons may be considered a less-than-carlot sale, or less-than-trucklot sale. The sale of that portion of the fresh fruits or vegetables moving in a mixed carlot or mixed trucklot with another commodity or commodities, must be on the basis of a "carlot sale" or "trucklot sale" if the entire carlot or trucklot or 75% thereof by weight is sold to one person.

It is necessary to compute a ceiling price for carlot or trucklot sales even though no such sales are made at the particular wholesale receiving point because the ceiling prices for carlot or trucklot sales are the base upon which the ceiling prices for less than carlot or less than trucklot sales are computed (See Appendices in Article III, section 15). For instance, there is a carlot rate for lettuce from Salinas, California to Moline, Illinois. However, Moline cannot customarily handle straight cars of lettuce, so it is customary to ship L. C. L. from Chicago, Illinois to Moline. Under the definition of freight contained in section 8 (a) (7), freight in this case would be the customary combination of carlot and less-than-carlot rates. That is, the ceiling price for carlot or trucklot sales in Moline, Illinois is the basing point price at Salinas, plus the freight at the carlot rate to Chicago, plus the freight at the less-than-carlot rate from Chicago to Moline. As another example, there is no carlot rate from Salinas, California to Pueblo, Colorado. However, there is a carlot rate from Salinas to Denver, Colorado and a less-than-carlot rate from Denver to Pueblo. In this case too, a ceiling price for carlot or trucklot sales must be computed for Pueblo. This is the basing point price at Salinas, plus the freight at the carlot rate to Denver, plus the freight at the less than carlot rate from Denver to Pueblo.

(2) *Less than carlot or trucklot sales in the market.* A ceiling price is established for sales in less than carlots or trucklots in the market. The ceiling price is computed from the carlot or trucklot ceiling price at the particular wholesale receiving point from which the market is served by adding a dollar-and-cent markup. The ceiling price is the same regardless of the number and type of prior handlers, regardless of the seller's size or type of operation, and regardless of the purchaser's size or type of operation.

(3) *Sales by commission merchants.* If a commission merchant makes a carlot or trucklot sale at a wholesale receiving point, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at that wholesale receiving point. If a commission merchant makes a less-than-carlot or less-than-trucklot sale, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at the wholesale receiving point from which he is selling, plus either his usual commission or fee or the markup established for the particular fruit or vegetable, whichever is lower.

(4) *Sales to retailers and institutional users.* In some cases, ceiling prices are not established for carlot and trucklot sales at the wholesale receiving point or for less-than-carlot and less-than-trucklot sales in the market. In such cases, ceiling prices are established only for sales to retailers and institutional users.

(5) *Notification of "net weight".* The first person (including a grower) who packs fresh fruits or vegetables in a crate or any other container shall place, in legible printing or writing, the actual "net weight", upon the crate or other container.

(g) Whenever used in this regulation, the terms "ceiling", "ceiling price", and "maximum price" all have the same meaning.

SEC. 2. *Adjustment of maximum prices.* (a) Any regional office of the Office of Price Administration, or such other offices as may be authorized by the appropriate regional office, may by order adjust downwards the less than carlot or less than trucklot ceiling price established for any market within its jurisdiction either (1) generally or (2) with respect to particular classes of sellers in any case in which it appears that such ceiling price will permit sellers generally or particular classes of sellers to obtain excessive margins. In determining whether or not margins are abnormal or excessive, the appropriate office shall consider margins prevailing in the particular market during the period July 1, 1942 to October 31, 1942, as being normal operating margins.

(b) Any regional office of the Office of Price Administration, or such other offices as may be authorized by the appropriate regional office, may by order adjust upwards the less than carlot or less than trucklot ceiling price established for any market within its jurisdiction either (1) generally or (2) with respect to particular classes of sellers in any case in which it appears that such ceiling price will prevent sellers generally or particular classes of sellers from providing adequate distribution. The appropriate office shall then adjust the ceiling price to provide normal operating margins for sellers necessary to maintain distribution. In determining normal operating margins, the appropriate office shall consider operating margins prevailing in the particular market during the period July 1, 1942 to October 31, 1942, as being normal operating margins.

In instances where there is additional handling outside of the free delivery zone of any intermediate seller at any wholesale receiving point for which a ceiling price is established, any regional office of the Office of Price Administration, or such offices as may be authorized by the appropriate regional office, may make an adjustment to include such charges but such adjustment shall not exceed the actual cartage from the wholesale receiving point to the buyer's place of business, at lowest rates for available transportation.

SEC. 3. *Types of sales covered.* This regulation applies to each of the types of sales specified in the Appendices of Article III, section 15.

SEC. 4. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

SEC. 5. *Exempt sales.* This regulation shall not apply to sales and deliveries at retail.

SEC. 6. *Export sales.* The maximum prices at which a person may export the fresh fruits and vegetables covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,[2] issued by the Office of Price Administration.

SEC. 7. *Prohibition against sales above maximum prices.* On and after July 20, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person, in the course of trade or business shall buy or receive fresh fruits and vegetables at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. Lower prices than the maximum prices may be charged and paid.

SEC. 8. *Definitions.* (a) When used in this regulation the term:

(1) "Person" includes individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Grower" means a person who produces fresh fruits or vegetables.

(3) "Ultimate consumer" is a person who purchases fresh fruits or vegetables for table use or for home processing. It does include institutional users or procurement agencies of the United States or any State.

(4) "Retailer" means a person, other than an intermediate seller who makes sales and deliveries to ultimate consumers.

(5) "Sales at retail" means sales by retailers to ultimate consumers.

(6) "Intermediate seller" means any person who purchases fresh fruits or vegetables and who resells in less-than-carlot or less-than-trucklot quantities to any person who is not an ultimate consumer.

(7) "Freight" means:

(i) If a shipment is by a common carrier whose maximum rates and charges are regulated by the Interstate Commerce Commission or other Federal or State regulatory body, the amount actually paid to the carrier, in conformance with its lawfully established rates and charges, excluding charges for pre-cooling, icing and other protective services. Allowances for these services are included in the basing point prices. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(ii) If a shipment is by a carrier for hire other than a common carrier (such as a contract carrier) the amount actually paid to the carrier excluding charges for pre-cooling, icing and other protective services, but not in excess of the maximum charges as determined by the General Maximum Price Regulation, amendments, and supplementary regulations thereto, or such other regulations of the Office of Price Administration as may be applicable to the services of such carrier at the time of movement. The amount of transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(iii) If a shipment is by a carrier other than described in (i) and (ii) above (such as an unregulated common carrier or a private carrier) the amount actually paid to the carrier excluding charges for pre-cooling, icing and other protective services, but not in excess of an amount computed by applying to the actual weight of the shipment the lowest published rail carload rates between the rail stations nearest to the points of origin and destination. If the shipment is less than 20,000 pounds, an additional charge of 2 cents per 100 pounds may be made, provided that the total charge for a shipment of less than 20,000 pounds shall not exceed the charge for a shipment of 20,000 pounds. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, may be added, if the shipment is subject to that tax.

(8) "Basing point" means a selected point in an area of production designated as a basing point by the Appendices of Article III, section 15, from which freight to the wholesale receiving point is computed for the purposes of calculating a maximum price.

(9) "Basing point price" includes all charges for protective services, including icing, refrigeration and charges under appropriate railroad refrigeration rules such as rules 240, 242, 247, etc. It includes all charges except freight as defined in this regulation.

(10) "Net weight" means the actual weight of fresh fruits or vegetables without including the weight of the container or ice.

(11) "Records" means books of account, ledgers, sales and price lists, sales slips, receipts, invoices, bills of lading and other papers and documents.

(12) "Wholesale receiving point" means any place at which an intermediate seller receives fresh fruits or vegetables.

(13) "Market" means any area in which intermediate sellers sell fresh fruits and vegetables received at a particular wholesale receiving point.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Article II—Enforcement Provisions and Miscellaneous Provisions

SEC. 9. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 10. *Relationship between this regulation, Maximum Price Regulation No. 376 and the General Maximum Price Regulation.*[3] (a) The provisions of this regulation supersede the provisions of Maximum Price Regulation No. 376 with respect to the fresh fruits and vegetables now or hereafter specified herein. However, the following provisions of the General Maximum Price Regulation, as well as any amendment thereto shall be applicable to every fresh fruit and vegetable sale covered by this regulation:

(1) Current records (§ 1499.12).

(2) Sales slips and receipts (§ 1499.14).

(b) The registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall be, and they are, applicable to all persons subject to this regulation selling at wholesale.

SEC. 11. *Evasion.* The price limitations which are set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to fresh fruits or vegetables alone or in conjunction with any other commodity or by way of commission, service, transportation or any other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

SEC. 12. *Petitions for amendment.* Persons seeking a modification of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1[4] issued by the Office of Price Administration.

SEC. 13. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action to be taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any officer of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 14. *Records.* (a) Every person subject to this regulation shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect, preserve for examination by the Office of Price Administration all his records, including invoices, sales tickets, cash receipts, or other written evidences of sale or delivery which relate to the prices

[2] 8 F.R. 4132.

[3] 8 F.R. 3096, 3849, 4347, 4486, 4948.

[4] 7 F.R. 8961; 8 F.R. 3313, 3533.

charged pursuant to the provisions of this regulation.

(b) Every person subject to this regulation shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charges for fresh fruits and vegetables after the effective date of this regulation and in addition as precisely as possible, the basis upon which he determined maximum prices for these commodities.

Article III—Price Schedules

SEC. 15. *Appendices.*

APPENDIX A—LETTUCE

(a) MAXIMUM PRICES FOR LETTUCE[1]

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, Variety, Style of Pack, etc.	Unit	Season	Basing point	Maximum prices for carlot or trucklot sales at any wholesale receiving point.	Maximum prices for less than carlot or less than trucklot sales to any person except ultimate consumers.
1	Iceberg lettuce in L. A. crates containing 4 to 6 dozen heads with a minimum net weight of 60 pounds.	L. A. crate	All year	Salinas, Calif.	$3.23 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 6) plus 60 cents.
2	All lettuce in any container, except iceberg lettuce in L. A. crate (Item 1 above) and except hothouse lettuce (Item 3 below).	Per pound	All year		Maximum price above (Item 1, Col. 6) divided by 60.	Maximum price for carlot or trucklot sales (Col. 6) plus 1 cent per lb.
3	Hothouse lettuce in any container	Per pound	All year		Maximum price per pound above (Item 2, Col. 6) plus 8 cents.	Maximum price for carlot or trucklot sales (Col. 6) plus 1 cent per pound.

[1] If a grower makes a sale to an ultimate consumer, his maximum price for such sale shall be the ceiling price established under Col. 7 above for the particular market where such sale is being made by the grower, multiplied by 1.40

Explanations and examples of operation of regulation. (1) Iceberg lettuce in an L. A. crate if the net weight is 60 pounds or more, shall be sold under the provisions applicable to Item No. 1 in paragraph (a) of this section. If the net weight of iceberg lettuce in an L. A. crate is less than 60 pounds, or if it is sold in any other type of container, it shall be sold under the provisions applicable to Item No. 2. The provisions of Item No. 2 shall apply to all sales of lettuce in any type of container except hothouse lettuce and except iceberg lettuce in L. A. crates with a net weight of 60 pounds or more. Hothouse lettuce in any type of container shall be sold under the provisions of Item No. 3 and shall be marked as hothouse lettuce upon the container.

(2) Examples:

(i) *Example 1.* The maximum price for carlot or trucklot sales at Chicago, Illinois, for iceberg lettuce in L. A. crates (5 dozen, net weight 62 pounds) shall be determined as follows:

Basing point price (includes charges for all protective services, additional freight for ice, etc.)	$3.25
Freight from Salinas, California (basing point to Chicago, Illinois, market)	1.12
Maximum price for carlot or trucklot sales	4.37

The maximum price for less than carlot or less than trucklot sales is the maximum price for carlot or trucklot sales ($4.37) plus $.60 or $4.97.

(ii) *Example 2.* The maximum price for carlot or trucklot sales at Chicago, Illinois, for iceberg lettuce or other lettuce (except hothouse lettuce) packed in 1½ bushel hampers with a net weight of 25 pounds shall be determined as follows:

Maximum price for carlot or trucklot sales for iceberg lettuce in 1½ bushel hampers with a net weight of 25 pounds is $4.37 (Item 1, Col. 6) divided by 60, or 7.3 cents per pound, or $1.83 for a hamper containing 25 pounds.

The maximum price for less than carlot or less than trucklot sales is the maximum price per pound for carlot and trucklot sales (7.3 cents, Col. 6) plus 1 cent, or 8.3 cents per pound, multiplied by 25, or $2.08.

(iii) *Example 3.* The maximum price for carlot or trucklot sales at Chicago, Illinois, for hothouse lettuce in a 10 pound container shall be determined as follows:

Maximum price per pound for carlot or trucklot sales for all lettuce except hothouse lettuce (Item 2, Col. 6) is 7.3 cents.

Plus differential of 8 cents for hothouse lettuce or 15.3 cents;

Or maximum price for 10 pound hamper (10x15.3) or $1.53.

Maximum price for less than carlot or less than trucklot sales is the maximum price per pound for carlot or trucklot sales (15.3 cents, Col. 6) plus 1 cent per pound or 16.3 cents per pound or $1.63 per 10 pound containers.

APPENDIX B. CABBAGE

(A) MAXIMUM PRICES FOR CABBAGE (ALL TYPES, GRADES, VARIETIES, STYLE OF PACKAGE, ETC.)

(1) *Table 1*—Maximum prices for sales to retailers and institutional users in less than carlots or less than trucklots as determined by freight[1] rates from basing point to market for the period December 1 to May 31, inclusive. (See examples for use of following table.)

Col. 1	Col. 2	Col. 3	Col. 4
Freight rate from basing point to market (dollars per 100 pounds)	December January February	March April	May
	Cents per pound	*Cents per pound*	*Cents per pound*
Under $.20	3.5	3.8	3.5
$.20-$.295	3.6	3.9	3.6
$.30-$.395	3.7	4.0	3.7
$.40-$.495	3.8	4.1	3.8
$.50-$.595	3.9	4.2	3.9
$.60-$.695	4.0	4.3	4.0
$.70-$.795	4.1	4.4	4.1
$.80-$.895	4.2	4.5	4.2
$.90-$.995	4.3	4.6	4.3
$1.00-$1.095	4.4	4.7	4.4
$1.10-$1.195	4.5	4.8	4.5
$1.20-$1.295	4.6	4.9	4.6
$1.30-$1.395	4.7	5.0	4.7
$1.40-$1.495	4.8	5.1	4.8

(2) Basing points and areas to which they apply:

December 1 to April 30

A. *El Centro, California*—for all markets west of Denver, Colorado.

B. *Brownsville Texas*—for all markets east of and including Denver, Colorado, but excluding Area C below.

C. *Belleglade, Florida*—for all markets in the states of Florida, Mississippi, Tennessee, Alabama, Georgia, South Carolina, North Carolina, and in Virginia south of and including Lynchburg and Richmond.

May 1–May 31

A. *Santa Maria, California*—for all markets west of Denver, Colorado.

B. *Brookhaven Mississippi*—for all markets east of and including Denver, Colorado.

(3) Maximum prices for sales to retailers and institutional users in less than carlots or less than trucklots in all markets in the United States for the period June 1 to November 30.

Col. 1	Col. 2	Col. 3	Col. 4
June	July August	September	October November
Cents per pound 3.6	*Cents per pound* 3.3	*Cents per pound* 3.1	*Cents per pound* 2.5

(4) For sales of carlots or trucklots to retailers and institutional users, the maximum prices per pound shall be .6 cents less than the maximum prices for less than carlot or less than trucklot sales for each of the periods and freight rate classes listed above.

(5) If a grower makes a sale to an ultimate consumer, his maximum price for such sale shall be the ceiling price under paragraph 1 or paragraph 3 of this Appendix for the particular market where such sale is being made by the grower multiplied by 1.40.

(b) *Explanation and examples of determining maximum prices under Appendix B.* (1) Cabbage of all types, grades, sizes, varieties and in any type of container or in bulk shall be sold under the provisions applicable to Appendix B. Cabbage sold under these provisions shall be "well trimmed" as defined in the United States Department of Agriculture standards for cabbage. The maximum prices established shall apply to sales by any person or persons to retailers and institutional users and are specified on a per pound basis. Maximum prices for sales of cabbage in any container shall be determined by multiplying the "net weight" of cabbage contained in the particular container, and so specified on the crate or other container, by the maximum price per pound for the particular market in which it is being sold.

(2) For the period December 1 to May 31, maximum prices for sales to retailers and institutional users in less than carlots or less than trucklots in a particular market shall

[1] See Section 4 for maximum prices for carlot or trucklot sales.

be determined by determining the freight rate from the basing point specified for that particular market and finding the maximum price which corresponds to that particular freight rate in Table 1 above.

(i) *Example 1.* The basing point for Chicago, Illinois, during the months, December to April, is Brownsville, Texas. The freight rate per 100 pounds for cabbage from Brownsville, Texas, to Chicago, Illinois, is $1.02 and falls within the freight rate class, $1.00 to $1.095 as listed in column 1 of Table 1. The maximum price per pound to retailers and institutional users in less than carlots or less than trucklots in Chicago, Illinois, for December, January and February is then 4.4 cents per pound, as found in column 2, corresponding to the freight rate class $1.00–$1.095. For March and April the price in Chicago is 4.7 cents per pound and May, 4.4 cents per pound. The maximum price for a 50 pound sack of cabbage sold to a retailer in less than carlot or less than trucklot quantities in Chicago during December, January and February is 50 x 4.4¢ or $2.20; in March and April 50 x 4.7¢ or $2.35.

(ii) *Example 2.* The basing point for Atlanta, Georgia, is Belleglade, Florida. The freight rate from Belleglade to Atlanta is $.55 per 100 pounds and falls within the freight rate class of Table 1 of $.50–.595. Thus, the maximum price per pound by any seller to retailers and institutional users in less than carlots or less than trucklots in Atlanta, Georgia, is 3.9 cents for December, January and February, 4.2 cents for March and April and 3.9 cents for May.

(3) For the months June through November the regulation provides maximum prices for sales to retailers and institutional users in less than carlots or less than trucklots for all markets in the United States. There are no basing points. Each market has the same price. For example, as named in Section 3, the maximum price per pound at which any seller can sell to any retailer or institutional user in any market in the United States in less than carlot or less than trucklot quantities during June is 3.6 cents, 3.3 cents in July and August, 3.1 cents in September and 2.9 cents in October and November. Thus, the maximum price of an L. A. crate of cabbage with a net weight of 85 pounds sold to a retailer in less than carlot or less than trucklot quantities in all markets in the United States during July and August is 85 x 3.3 or $2.81.

(4) For sales to retailers or institutional users in carlot or trucklot quantities in Chicago, Illinois, during December, January and February, the maximum price per pound is 4.4 cents (maximum price for less than carlot or trucklot sales) minus .6 cents, or 3.8 cents. Thus the maximum price of a 50 pound sack of cabbage sold to a retailer in carlot or trucklot quantities is 50 x 3.8, or $1.90.

This regulation shall become effective July 20, 1943.

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

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved July 2, 1943,

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11130; Filed, July 10, 1943; 11:50 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 1-4, Amdt. 1]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DESIGNATED COUNTIES IN MASSACHUSETTS

A statement of the considerations involved in the issuance of this Amendment No. 1 to Restaurant Maximum Price Regulation No. 1-4 has been issued simultaneously herewith and filed with the Division of the Federal Register.

Restaurant Maximum Price Regulation No. 1-4 is amended in the following respects:

1. Section 17 is amended by the addition of paragraph (e) to read as follows:

SEC. 17. *Exempt sales.* * * *

(e) Eating and drinking places operated by any school, college or university which is a non-profit institution—that is, where no part of the net earnings inures to the benefit of any private individual—which sells food items or meals on a non-profit or cost basis or as near thereto as reasonable accounting methods will permit, and substantially all sales of which are made to students, faculty members and employees of such institution. For the purpose of this section, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy shall be considered as students.

This amendment shall become effective July 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681).

Issued this 2d day of July, 1943.

F. L. H. SJOSTROM,
Acting District Director,
Springfield District Office.

[F. R. Doc. 43-11131; Filed, July 10, 1943; 11:51 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 24 Under § 1499.18 (e), as Amended, of GMPR]

MANUFACTURERS, DEALERS AND DISTRIBUTORS OF TOBACCO STICKS

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1524 *Adjustment of maximum prices for tobacco sticks produced in the States of Indiana, Kentucky, Michigan, Ohio, West Virginia, Virginia, Maryland, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Mississippi*—(a) *Product covered.* This order covers under the term "tobacco sticks" hardwood sticks of the approximate dimension of ¾" x 1" x 52" which are suitable for use in the curing of tobacco.

(b) *Maximum price for sales by manufacturers.* The maximum price for sales of tobacco sticks by manufacturers shall be $10.00 per thousand sticks f. o. b. mill.

(c) *Maximum price for sales by dealers or distributors.* The maximum price for sales of tobacco sticks by dealers or distributors, other than manufacturers, shall be the f. o. b. yard or delivered cost plus $4.00 per thousand sticks.

(d) *Addition for delivery.* The seller may add to the maximum price established in paragraph (b) or (c) above the actual charge or cost paid or incurred by the seller in making delivery to the purchaser.

(e) *Application of order.* This order applies to all sales of tobacco sticks produced in the States of Indiana, Kentucky, Michigan, Ohio, West Virginia, Virginia, Maryland, Tennessee, North Carolina, South Carolina, Georgia, Alabama, and Mississippi.

(f) This Order No. 24 may be revoked or amended by the Price Administrator at any time.

This order shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11133; Filed, July 10, 1943; 11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 71 Under SR 15 to GMPR]

RUSSELL HULLFISH, ET AL.

Order No. 71 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of General Maximum Price Regulation; Docket No. GF3-3150.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1371 *Adjustment of maximum prices for Contract Carrier Services Furnished by Russell Hullfish, et al.* (a) The maximum prices to be charged by Russell Hullfish, Plainsboro, New Jersey; Wilbur V. Higgins, Princeton, New Jersey; and John Holohan, Plainsboro, New Jersey for transportation services furnished to the Walker-Gordon Laboratory Co., Inc. of Plainsboro, New Jersey in connection with the hauling of milk and milk products, in refrigerated equipment, shall not exceed the prices hereinafter set forth:

Russell Hullfish; from Plainsboro, New Jersey to Stamford, Connecticut and the following intermediate points in New York: Mount Vernon, Rye and Yonkers; $32 per five ton truck per trip.

Wilbur V. Higgins; from Plainsboro, New Jersey to points in New York City, $39.40 per 600 case tractor-trailer unit per trip.

John Holohan; from Plainsboro, New Jersey to Paterson, New Jersey and the following intermediate points in New Jersey: Newark, Montclair, Plainfield and Elizabeth, $28.00 per ten ton truck per trip; from Plainsboro, New Jersey to Philadelphia, Pennsylvania and the following intermediate points in New Jersey: Camden and Trenton, $29.05 per ten ton truck per trip.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 71 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 71 (§ 1499.1371) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 71 (§ 1499.1371) shall become effective July 12, 1943.

(Pub. Laws Nos. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11132; Filed, July 10, 1943; 11:54 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1B]

MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

Preamble: This Ration Order 1B for Puerto Rico is issued pursuant to the direction of the Rubber Director to carry out the recommendations of the report of the President's Special Committee to Study the Rubber Situation.

The Committee's report states:

> We are faced with certainties as to demands; with grave insecurity as to supply. Therefore, this Committee conceives its first duty to be the maintenance of a rubber reserve that will keep our armed forces fighting and our essential civilian wheels turning. This can best be done by "bulling through" the present synthetic program and by safeguarding jealously every ounce of rubber in the country.

The Committee points out that the tires on civilian cars have been wearing down at a rate eight times greater than they have been replaced. If this rate were permitted to continue "by far the larger number of cars will be off the road next year and in 1944 there will be all but complete collapse of the 27 million passenger cars in America." The conservation program recommended by the Committee includes "more rubber to those who need it; less to those who don't * * * only actual needs, not fancied wants, can or should be satisfied."

This Ration Order 1B has been geared to the Gasoline Rationing Regulations for Puerto Rico and puts into practice the various recommendations of the Committee. These recommendations include:

1. Immediate institution of a tire replacement and recapping program with the allocation of reclaimed rubber for that purpose.

2. Nation-wide gasoline rationing to hold the average annual mileage to 5,000 miles.

3. Prompt and strict enforcement of a nation-wide speed limit not exceeding thirty-five miles an hour.

4. Compulsory periodic tire inspection.

The Mileage Rationing: Tire Regulations (Ration Order 1B) control the use, care and acquisition of tires, tubes and recapping services for all types and classes of rubber-borne motor vehicles and are adjusted to conform to local transportation conditions in Puerto Rico.

§ 1315.14 *Mileage rationing: tire regulations for Puerto Rico.* Under the authority vested in the Office of Price Administration and the Price Administrator by War Production Board Directive No. 1, issued January 24, 1942, Supplementary Directive 1-J, as amended, October 27, 1942; Supplementary Directive 1-Q, as amended, February 15, 1943; and Revised General Order No. 20, February 26, 1943, this Ration Order 1B (Mileage Rationing: Tire Regulations for Puerto Rico) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1315.14 issued under Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong. Pub. Law 421 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719, W. P. B. Directive No. 1, Supp. Dir. No. 1-J, as amended, 7 F.R. 562, 5043, 8731; Supp. Dir. No. 1-Q, as amended, 8 F.R. 2013, Rev. General Order No. 20, 8 F.R. 2516.

RATION ORDER 1B—MILEAGE RATIONING: TIRE REGULATIONS FOR PUERTO RICO

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ARTICLE I—INTRODUCTION

SECTION 1.1 *Territorial limitations.* Ration Order No. 1B shall apply to the Territory of Puerto Rico.

SEC. 1.2 *Effect on other ration orders.* (a) Ration Order No. 1B shall not be construed to permit any act which would be in violation of any other ration order issued by the Office of Price Administration.

(b) Ration Order No. 1B (§ 1315.14) supersedes the Revised Tire Rationing Regulations [1] insofar as applicable to the Territory of Puerto Rico: *Provided, however,* That any violations which occurred prior to the effective date of this Ration Order No. 1B shall be governed by the orders, regulations, and amendments thereto, in effect at the time such violations occurred.

SEC. 1.3 *Definitions.* (a) For the purpose of this Ration Order No. 1B:

(1) "Acquire" means to accept a transfer.

(2) "Board" means a War Price and Rationing Board established by the Office of Price Administration.

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[1] 7 F.R. 72.

(3) "Bus" means a motor vehicle, built or rebuilt primarily for the purpose of carrying passengers, licensed by the Insular Government of Puerto Rico to carry passengers for hire, and having a rated seating capacity of ten or more persons, including a station wagon operating over a regular route on a regular schedule under a certificate of necessity and convenience issued by the Public Service Commission of Puerto Rico.

(4) "Camelback" means any rubber compound designed for application to a worn tire to make a new tread in the process of recapping.

(5) "Certificate", unless the context requires otherwise, means a certificate issued by the Office of Price Administration authorizing the acquisition of any tire, tube, recapping service or camelback.

(6) "Certificate of War Necessity" means a certificate issued by the Office of Defense Transportation pursuant to General Order ODT No. 34.

(7) "Commercial motor vehicles" means a straight truck, a combination truck-tractor and semi-trailer, a full trailer, any combination thereof, or any other rubber-tired vehicle, excluding a motorcycle or airplane, propelled or drawn by mechanical power and built or rebuilt or used primarily for the purpose of transporting property; and any bus, taxicab, público, or other rubber-tired vehicle, excluding a motorcycle, propelled or drawn by mechanical power and used or licensed for use in the transportation of persons upon the highways for hire, or available for public rental, including ambulances and hearses.

(8) "Consumer" means any person who holds or acquires a tire or tube for use and not for resale.

(9) "Dealer" means any person, other than a manufacturer, engaged in the business of recapping tires, or selling tires, tubes, or camelback.

(10) "Director" means the Director of the Office of Price Administration for Puerto Rico, any person duly authorized to act in his place, or any person to whom he may delegate his authority to act hereunder.

(11) "Grade I," as applied to tires, means a new passenger-type tire other than a Grade III tire.

(12) "Grade III," as applied to tires, means a passenger-type tire which is either a used or recapped tire or a tire manufactured principally from reclaimed rubber as specified by the War Production Board.

(13) "Implement tire" means a tire which has the word "implement" or the name of a type of farm equipment, including a tractor or combine, molded into the sidewall of the tire by the manufacturer.

(14) "Manufacturer" means any person engaged in the business of manufacturing tires, tubes, or camelback.

(15) "Mold" means any recapping mold or any curing table or curing chamber designed to recap a tire.

(16) "New", as applied to tires and tubes, means a tire or tube that has been used less than 1,000 miles.

(17) "Passenger automobile" means any motor vehicle (other than an ambulance, hearse, taxicab, público, or vehicle used or licensed for use in the transportation of persons on the highways for hire) built primarily for the purpose of transporting persons and having a rated seating capacity of seven or less persons, including any motorcycle, non-commercial station wagon and suburban carryall regardless of seating capacity.

(18) "Passenger-type camelback" means Grade F camelback as defined by the War Production Board.

(19) "Passenger-type tire" means a tire primarily designed for use on a passenger automobile.

(20) "Person" means any individual, partnership, corporation, association, government, government agency, or subdivision, or any other organized group or enterprise.

(21) "Público" or "public car" means any passenger motor vehicle duly licensed by the Insular Government of Puerto Rico as a public car and authorized by the Public Service Commission to carry passengers for hire.

(22) "Recapper" means any person engaged in the business of recapping.

(23) "Recapping" means the process of tread renewal in which camelback is applied to the tread surface of a tire.

(24) "Recapping service" means the recapping of a certificate holder's tire, or the transfer by a dealer or manufacturer to a certificate holder of a recapped tire in exchange for a recappable tire carcass.

(25) "Rubber" means any form or type of natural, reclaimed, or synthetic rubber, or other similar materials.

(26) "Serial number" means the serial number either on the sidewall or on the inner surface of a tire or, if no such number appears on a tire, the brand name.

(27) "Taxicab" means a taxicab authorized as such by a Certificate of Necessity and Convenience issued by the Public Service Commission.

(28) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on a passenger automobile, bus, truck or farm implement.

(29) "Transfer" means any change in right, title, interest, possession or control, including but not limited to, sale, purchase, lease, loan, trade, exchange, gift, delivery, shipment, and hypothecation.

(30) "Truck" means any vehicle designed for use on the highways to transport freight, or designed for use for road-grading, earth-moving, or other off-the-road purposes.

(31) "Truck-type camelback" means Grade A or Grade C camelback as defined by the War Production Board.

(32) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on a passenger automobile, bus, truck or farm implement.

(33) "Used," as applied to tires and tubes, means any tire or tube which has been used 1,000 miles or more.

(b) Where the context so requires, words in the singular shall include the plural, words in the plural shall include the singular, and the masculine gender shall include the feminine and neuter.

SEC. 1.4 *Administration and personnel*—(a) *Personnel.* Ration Order No. 1B shall be administered by the Office of Price Administration through its Boards and such other administrative personnel as it may select. The persons appointed to administer Ration Order No. 1B shall have such powers and duties as are herein described and as the Office of Price Administration has delegated and may from time to time delegate.

(b) *Self-interest shall disqualify official.* No person participating in the administration of Ration Order No. 1B shall act officially in any matter arising thereunder as to which he has any interest, by reason of business connection or relationship by blood, marriage or adoption.

SEC. 1.5 *Jurisdiction of Boards.* (a) A Board shall have jurisdiction to receive and act upon applications with respect to:

(1) A vehicle normally stationed or garaged within the area served by the Board.

(2) Authority to acquire a tube for use solely in recapping, if the mold for which the tube is sought is located within the area served by the Board.

SEC. 1.6 *Quotas*—(a) *Quota not to be exceeded by Boards.* No Board shall issue in any one month a certificate for the acquisition of tires, tubes, recapping services or camelback in excess of its quota established for that month by the Office of Price Administration.

(b) *Basis for Board consideration.* If a Board has before it eligible applications in excess of its quota, the Board shall be governed, in determining which of the competing applications are to be granted, by the relative importance of the operation of each such vehicle to the war effort, public health and public safety. The Board shall base its determination upon the application for a certificate, the application for a gasoline ration for the vehicle for which tires, tubes, or recapping service are sought, and all other information which comes to its knowledge. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allot certificates for the most vital civilian uses and for uses essential to the war effort.

(c) *Spare tires.* No Board shall issue a certificate for a spare tire to an ap-

plicant for a passenger automobile except between the twenty-third and the last day of any month, and then only if there are no pending unsatisfied applications for passenger-type tires for running wheels. A Board may issue a certificate for a spare tire to an applicant for a commercial motor vehicle eligible under 2.4 (a) (List A) at any time if the Board is satisfied that a spare tire is essential to the operation of such vehicle.

(d) *List B commercial motor vehicles.* No Board shall issue a certificate for recapping service or a tube for a commercial motor vehicle eligible under section 2.4 (b) (List B), except between the twenty-third and the last day of a month. No such certificate shall be granted at any time if there is pending any application for recapping service or a tube for a commercial motor vehicle eligible under section 2.4 (a) (List A).

ARTICLE II—SPECIAL PROVISIONS

Proof of Need and Eligibility

SEC. 2.1 *General proof of need.* (a) No Board shall grant a certificate authorizing any consumer to acquire a tire, tube, or recapping service, and no consumer shall accept such a certificate, unless the applicant is eligible under either section 2.2, 2.4, or 2.5 and in addition meets each of the following conditions:

(1) *Immediate need.* That the tire, tube, or recapping service for which application is made is to equip a vehicle held for use and not for resale and is:

(i) To recap a tire which requires recapping or which will require recapping by the date the applicant may reasonably be expected to secure recapping; or

(ii) To replace a tire which cannot be repaired or recapped, or a tube which cannot be repaired; or

(iii) To replace a lost or stolen tire or tube; or

(iv) To equip a vehicle which requires tires or tubes because of alteration or reconstruction; or

(v) To replace a tire or tube delivered as original equipment upon a vehicle, if the tire or tube is not serviceable for the use to which the vehicle is to be put.

(2) *No abuse or neglect.* That the applicant has not in any manner abused or neglected or permitted to be abused or neglected the tire or tube which he seeks to replace or recap. The Board may consider, among other things, as evidence of tire abuse:

(i) That the vehicle for which a certificate is sought has been operated at a speed in excess of thirty (30) miles per hour; or

(ii) That the tire for which replacement is sought has become unfit for recapping through the fault of the applicant, such as failure to make timely application for recapping service, failure to replace a tire as promptly as possible, or driving for unnecessary purposes or when other means of transportation are available.

(3) *Unlawful mileage.* That the applicant has not used the tires or tubes which he seeks to replace or recap on a vehicle which has been used for purposes prohibited by Ration Order No. 5E or for mileage in excess of that allowed by Ration Order No. 5E.

(4) *Ply construction.* That, if the application is for a certificate for a new passenger-type tire of six or more ply construction, the vehicle upon which the tire is to be mounted cannot be operated satisfactorily in the use to which it is to be put with a tire of less than six-ply construction.

(5) *No available tire or tube or other vehicle.* (i) That the applicant, other than a Federal, Insular, municipal or foreign government or government agency, does not own or control a tire or tube, other than tires or tubes mounted upon vehicles in current use (including one spare for each size wheel per vehicle) which can be used, or repaired for use, in lieu of the tire or tube sought to be replaced or the tire sought to be recapped. In computing the number of tires or tubes owned or controlled, applicant need not include tires or tubes reported on OPA Form R-17, R-17 (Revised) or PRR-17, or tires or tubes in a public warehouse and removable only upon certificate.

(ii) That the vehicle for which application is made cannot be replaced by another vehicle owned or operated by, or under the control of the applicant, and which is already equipped with serviceable tires.

(6) *Tire inspection.* That the applicant has declared all his tires upon a Tire Inspection Record, as required by Ration Order 1B and that the applicant's Tire Inspection Record has been signed by an authorized tire inspector showing that the required tire inspections have been made, and that either the serial number of the tire to be replaced has been entered upon such Record or the applicant has Part D of a certificate authorizing acquisition of such tire. A Board may waive the requirement that the applicant have a Tire Inspection Record showing the required tire inspections if the applicant can establish that serious illness of the applicant or the physical condition or location of the vehicle made it impossible to obtain the required inspections, and if the current inspection shows no evidence of abuse or neglect of any of the tires or tubes upon the vehicle. The provisions of this paragraph shall not apply to vehicles exempt from maintaining a Tire Inspection Record under section 2.22.

(7) *Gasoline ration.* That, if application is made to equip a passenger automobile, the applicant has a gasoline ration currently valid under Ration Order No. 5E unless such passenger automobile is not driven by gasoline.

SEC. 2.2 *Eligibility of passenger automobile*—(a) *Reconsideration of gasoline ration.* When application is made for a tire, tube, or recapping service for a passenger automobile, the Board shall reconsider the applicant's gasoline ration before passing upon his application. Such reconsideration shall be made as follows:

(1) *Basic ration.* When only a Basic gasoline ration has been issued for the passenger automobile, the applicant shall set forth in his application for tires, in addition to such other information as may be required, information concerning the uses to be made of the passenger automobile.

(2) *Supplemental ration.* If the applicant has a current Supplemental ration, the Board shall reconsider the application for such ration for such vehicle, if available at the Board. If such application is not available at the Board, the applicant shall provide such information as to his occupation and mileage requirements as the Board may require.

(3) *Fleet ration.* When application is made for a tire, tube, or recapping service for a fleet passenger automobile, the Board shall reconsider the application for the current Fleet ration, if available at the Board. If such application is not available at the Board, the applicant shall provide such information as to the use and mileage requirements of such vehicle as the Board may require.

(b) *Redetermination of supplemental or fleet ration.* If upon reconsideration of the gasoline ration as provided in paragraphs (a) (2) and (a) (3) of this section, the Board finds that the applicant has been granted either a larger or a smaller gasoline ration than he is entitled to under Ration Order No. 5E, or a ration of a class other than to which he is entitled under Ration Order No. 5E, it shall recall excess gasoline coupons or issue an additional or a different gasoline ration for the corrected mileage, if the gasoline ration was issued by such Board. If the gasoline ration was issued by another Board, the corrected mileage shall be certified to such Board: *Provided, however,* That no gasoline coupons shall be recalled if application is made for a fleet passenger automobile using an interchangeable gasoline ration book, but such mileage redetermination shall be used as the basis for determining whether the applicant is entitled to a Grade I or a Grade III tire.

(c) *Eligibility determined on basis of adjusted gasoline ration.* When the Board has adjusted an applicant's mileage requirements pursuant to paragraphs (a) and (b) of this section, it shall determine the applicant's eligibility for a tire, tube, or recapping service on the basis of such adjusted mileage, and not on the basis of his former allowed gasoline mileage, in accordance with the following table:

Type of ration	Adjusted monthly mileage	Eligible for tire or recapping	Eligible for tubes
Basic A only	48 miles per month.	None, unless vehicle is used primarily for preferred mileage purposes or in a car-sharing plan and then only recapping with passenger-type camel back.	None, unless vehicle is used primarily for preferred mileage purposes or in a car-sharing plan.
Supplemental B Occupational.	250 miles per month.	Recapping, with passenger-type camelback, if the applicant has a recappable tire carcass, otherwise a 4 ply, Grade III tire.	New or used, at applicant's option.
Supplemental C Preferred.	649 or less miles per month.	Recapping, with passenger-type camelback, if the applicant has a recappable tire carcass, otherwise a 4 ply, Grade III tire.	New or used, at applicant's option.
Supplemental C Preferred.	650 or more miles per month.	Recapping, with passenger-type camelback, if the applicant has a recappable tire carcass; otherwise a Grade I or Grade III tire, at applicant's option.	New or used, at applicant's option.
Fleet passenger and bulk rations.	Adjusted mileage	According to adjusted mileage for each vehicle.	New or used, at applicant's option.

Provided: That, in applying the mileage requirements stated in this paragraph, mileage allowed on a special ration issued pursuant to Ration Order No. 5E shall not be included.

(d) *Exceptions to eligibility, mileage not governing.* (1) An applicant may obtain a certificate for any grade of tire or tube if he clearly establishes that he must answer emergency calls which require him to operate a passenger automobile at high rates of speed, and that the vehicle is:

(i) Used exclusively for maintaining fire-fighting services or in investigation or patrolling necessary to the maintenance of public police services; or

(ii) Used for making necessary professional calls by a physician, surgeon, farm veterinarian at agricultural establishments, midwife or public health nurse (but not a private or visiting nurse), licensed as such by the appropriate governmental authorities and regularly rendering necessary professional services of an emergency nature outside his office; or

(iii) Used as an emergency maintenance vehicle by a public utility and is clearly and permanently marked as such.

(2) An applicant whose allowed gasoline mileage would entitle him to a Grade I tire may be limited to a certificate for a Grade III tire if the length of time for which he will need his allowed monthly mileage will be substantially less than the normal life of a Grade I tire.

(3) An applicant who is eligible for recapping service may be issued a certificate for a replacement of the grade set forth in the table in paragraph (c) upon turning in his recappable carcass, only if the Director finds that recapping facilities are unavailable or inadequate.

(4) An applicant for a passenger automobile which is not driven by gasoline or which has been issued a currently valid Non-Highway ration shall be entitled to no better than a Grade III tire, unless the mileage driven in such vehicle constitutes preferred mileage under Ration Order No. 5E and exceeds 649 miles per month.

SEC. 2.3 *Additional proof of need for commercial motor vehicle.* (a) In addition to meeting all the conditions of Section 2.1, an applicant for a tire, tube, or recapping service for a commercial motor vehicle must meet the following conditions.

(1) *Certificate of War Necessity.* That he holds a currently valid Certificate of War Necessity, if required, with respect to such vehicle; and

(2) *Importance to war effort, public health, or safety.* That the functions to be performed by the use of the tire, tube, or recapping services are essential to the war effort, the public health, safety, or welfare; and

(3) *Comparative need.* That the issuance of the certificate to the applicant will not deprive other applicants of tires, tubes, or recapping services needed to perform functions deemed by the Board to be more essential to the war effort, public health, safety or welfare than the functions performed by the applicant; and

(4) *Recapping if possible.* That, if the applicant is seeking to replace a tire, it is not capable of being recapped; and

(5) *Passenger-type tires unavailable.* That, if application is made for a truck-type tire, a passenger-type tire of suitable size is not available; and

(6) *No other vehicle available.* That if application is made for a commercial motor vehicle eligible under section 2.4 (a) (List A), all other commercial motor vehicles owned or controlled by the applicant are either eligible under Section 2.4 (a) (List A) or cannot practicably be used to perform the services for which a certificate is sought.

SEC. 2.4 *Eligibility of commercial motor vehicle*—(a) *List A.* A certificate may be granted only for a commercial motor vehicle which meets the applicable conditions of sections 2.1 and 2.3 and which is used exclusively for one or more of the following purposes:

(1) As an ambulance, for the transportation of injured or sick persons; or as a hearse, for the transportation of deceased persons.

(2) The transportation of mail on behalf of the United States Government.

(3) Maintaining fire-fighting services.

(4) Patrolling or investigation necessary to the maintenance of public police services.

(5) Maintaining garbage disposal and other sanitation services, disposing of refuse, maintaining sewage systems, and similar purposes.

(6) Transporting passengers by bus as part of the services rendered to the general public, upon payment of a standard fare, where such services are rendered from definite terminals, along regular routes and on regular schedules.

(i) No certificate shall be issued for a vehicle used for sightseeing trips or similar excursions.

(7) Transporting students, teachers, or other school employees between their homes, or regular stops, and regular places of instruction.

(8) Transporting workers (including executives, technicians, or office workers) to, from, within, or between the following establishments or facilities, for purposes necessary to the following operations or functioning of such establishments or facilities where other practicable means of transportation are not available; any industrial, extractive, military, naval, or hospital establishment, power generation or transmission facilities, transportation or communication facilities, construction project or farm.

(9) Transporting the following persons:

(i) Prisoners, insane, mentally disordered, or mentally incompetent persons and their custodians, guards, and other necessary attendants, provided that such transportation is furnished upon written request to the operator of the vehicle by an authorized officer of the law or other government official charged with the custody of such persons;

(ii) A jury and its official custodians and other authorized court attendants, provided such transportation is furnished upon written request to the operator of the vehicle by the presiding judge of the court in which such jury is serving;

(iii) Military or naval personnel (including State military forces organized pursuant to section 61 of the National Defense Act, as amended), or persons participating in organized recreational activities at military or naval establishments to and from such establishments, where other practicable means of transportation are not available, provided such transportation is furnished upon a written request to the operator of the vehicle by the commanding officer of such establishment.

(iv) Selectees to and from examining or induction centers of the Army where other practicable means of transportation are not available, provided such transportation is furnished upon a written request to the operator of the vehicle by an authorized official of the Selective Service System;

(v) Children under 18 years of age and their attendants to and from camps, where other practicable means of transportation are not available, provided the operator of the vehicle shall first obtain the written approval of the Director;

(vi) Persons between their homes and their places of regular weekly worship for the purpose of attending religious services, where other practicable means of transportation are not available;

(vii) Civilians from their homes for purposes of evacuation, in the interest of their safety and to serve military purposes, or to their homes after evacuation, pursuant to orders of governmental or military authorities;

(viii) Patients to clinics or hospitals for medical attention, provided, the operator has obtained written approval of the Insular Public Health Authorities for such use of his vehicle and no other public transporation is available.

(10) To transport disabled members of the armed forces to or from any hospital where their disabilities are treated, or to transport persons for the purpose of donating blood, provided that no public means of transportation are available or that such persons cannot practicably use such means of transportation.

(11) To transport persons by taxicab or público. No certificate shall be issued under this section to any taxicab or público unless the operator presents to the Board a certificate of convenience and necessity issued to the operator by the Public Service Commission of the Insular Government of Puerto Rico, and his signed statement that he has complied with all applicable orders of the Office of Defense Transportation. No certificate shall be issued and no tire, tube, or recapping service obtained on a certificate issued under this subparagraph shall be used on any taxicab or público unless it:

(i) Carries as many persons as is legally and practicably possible on each trip;

(ii) Is permanently and conspicuously marked as a taxicab or público;

(iii) Does not "cruise" for the purpose of seeking fares; and

(iv) Is not used for sightseeing purposes.

(12) For transportation of any property by a common carrier which holds itself out to serve the public at standard rates, fixed in advance, and which does not serve persons whom it chooses as its customers on terms separately arranged for each customer.

(13) For transportation, by contract or private carriers, of the following kinds of property:

(i) Ice, fuel, and milk.

(ii) Materials and equipment for necessary construction projects or for necessary mechanical, plumbing, electrical, heating, structural, or highway maintenance or repair (other than the installation, maintenance, or repair of such household equipment and furniture as are portable, or such incidental nonstructural and non-mechanical maintenance as the cleaning of office buildings, landscape gardening, and similar activities).

(iii) Waste and scrap materials such as waste paper, scrap iron, scrap rubber, and similar commodities which may be used again in production.

(iv) Such raw materials, semi-manufactured goods, and finished products, including foods and farm products, as are essential to the war effort or to the public health and safety. No certificate shall be issued, except to a common carrier, for any vehicle engaged in transportation of such commodities to the ultimate consumer for personal, family, or household use. No certificate shall be issued, except to a common carrier, for any vehicle engaged in transportation of alcoholic beverages to any person, other than a shipping company for purposes of export. No certificate shall be issued, except to a common carrier, for any vehicle engaged in transportation of soft drinks and similar beverages, finished tobacco products, ice cream confections, candy, flowers, toys, novelties, jewelry, radios, phonographs, musical instruments, or any luxury goods to any person, or for furnishing transportation for incidental maintenance service or for the purpose of repairing any such effects, equipment, furniture, or machines as are portable, or for the purpose of providing materials or service solely for landscaping or beautification of any construction project or establishment. Such transportation or deliveries may be performed by a private or contract carrier only in conjunction with and incidental to the transportation of commodities or services recognized as eligible herein, without diverting the vehicle from the route or schedule required for the delivery of commodities or performance of services recognized as eligible herein. Certificates may be issued under this subdivision for tires and tubes to equip a commercial motor vehicle used to deliver newspapers at wholesale only.

(b) *List B.* A certificate for recapping service only, or for a tube, may be granted for a commercial motor vehicle which meets the applicable requirement of sections 2.1 and 2.3 and is used for any important purpose not included in section 2.4 (a) (List A), subject to the following conditions:

(1) Certificates may be granted under this paragraph only for recapping service, or for a tube, to equip commercial motor vehicles performing functions which the Board may find to be essential to the community, such as vehicles delivering bread or other foods to the ultimate consumer for personal, family, or household use, or transporting persons for hire, and other vehicles performing services not provided for in section 2.4 (a) (List A).

(2) No certificate shall be granted under this paragraph if the transportation services can be obtained by using horse-drawn vehicles.

(3) The Board shall issue certificates under this paragraph only between the twenty-third day and the last day of a month. No such certificate shall be granted if its issuance would exceed the quota applicable to recapping services or tubes, or if there is pending any application for such services or tubes for a commercial motor vehicle eligible under section 2.4 (a) (List A) which has not been satisfied.

(4) An applicant who is eligible only for recapping service may be issued a certificate for a new tire upon turning in his recappable carcass only if the Director finds that recapping facilities are unavailable or inadequate.

(c) *Truck-type camelback.* No certificate shall be issued authorizing the acquisition of truck-type camelback for recapping a tire to be mounted on any station wagon or on a vehicle originally designed as a passenger automobile to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus or unless the vehicle is a taxicab or público, the operation of which, in the judgment of the Board, is essential to the war effort or the community welfare and cannot be satisfactorily or safely performed on tires recapped with passenger type camelback.

SEC. 2.5 *Eligibility of farm implement, industrial equipment, and non-highway vehicle*—(a) *Eligibility requirements.* A certificate authorizing the acquisition of a tire, tube, or recapping service necessary to equip a vehicle which meets the applicable conditions of section 2.1 and section 2.3, and is designed and used as one of the following may be granted, provided tires are essential for its operation.

(1) A farm tractor or other farm implement. Tractors or combines may be issued certificates to acquire tractor tires or implement tires only. Other types of farm equipment may be issued certificates for implement tires only: *Provided, however,* That if an implement or front wheel tractor tire of suitable size is not available, the Board may issue a certificate for a Grade III tire.

(2) Industrial, mining and construction equipment, other than passenger automobiles or commercial motor vehicles.

(3) Non-highway vehicles for road-grading, earth-moving, or similar off-the-road purposes.

(b) No certificate shall be issued for any vehicle regularly drawn by an animal.

(c) A certificate for a spare tire or tube may be issued for any vehicle which satisfies the conditions of this section, if the Board finds that a spare tire or tube is necessary for the continued operation of the vehicle.

SEC. 2.6 *Eligibility of recappers for curing tubes.* (a) Any recapper may file an application for authority to acquire tubes for use solely in recapping. The applicant must establish that he does not have more than one serviceable air bag or tube of the required size for each mold or matrix operated by him and that the tube applied for is necessary to the operation of the mold or matrix.

SEC. 2.7 *Eligibility for allotment of tires and tubes*—(a) *Applicant must be a dealer.* The Director may issue certificates authorizing the following persons to acquire allotments of tires and tubes:

(1) A person who was a dealer on December 31, 1942 and who filed O. P. A. Form R-17 for the quarter ending December 31, 1942 for the establishment for which application is made, or if such report was not filed, produces other evidence satisfactory to the Director that such person was a dealer on December 31, 1942.

(2) A person who intends in good faith to become a dealer if he, or a person in his employ, has had previous experience in the sales and servicing of tires, possesses facilities and equipment necessary to inspect and service tires properly, and agrees to become a tire inspector.

(3) The Director may refuse to authorize the allotment if granting it would in his judgment defeat or impair the effectiveness or policy of this Ration Order No. 1 B.

SEC. 2.8 *Issuance of certificates by the Director.* (a) Certificates for tires, tubes or recapping service may be issued by the Director, in his discretion, to the Army, Navy, Marine Corps, Coast Guard and the law enforcement agencies of the United States, solely for the use of such agencies and for distribution to and use by their officers, agents, or employees in the performance of official duties which depend upon secrecy.

(b) *Issuance of certificates by the Director.* Upon letter of application from any dealer or distributor in Puerto Rico, accompanied by Parts B, the Director may issue Exchange Certificates for tires, tubes or camelback to dealers and distributors, in exchange for the Parts B surrendered. The Exchange Certificate shall be prepared on Form OP -R-2 (revised) and shall authorize replenishment of the number of units of passenger-type tires, passenger-type tubes, truck-type tires, truck-type tubes, passenger-type camelback and truck-type camelback as are included in the Parts B surrendered for exchange. The types of tires and amounts of camelback on the Exchange Certificate shall be computed in accordance with Table II section 2.31 (c). The Parts B surrendered by the dealers and distributors shall thereupon be destroyed.

Applications and Certificates

SEC. 2.9 *Applications*—(a) *Who may execute and file.* Any person may file with the Board having jurisdiction an application for a certificate authorizing the acquisition of tires, tubes, recapping services or camelback on OPA Form R-1 (revised). Application may be made by an agent; but if the agent is not an employee of the applicant, he may sign the application only if the applicant for whom he is acting is physically unable to sign or is outside the Territory of Puerto Rico. No member or employee of the Board to whom application is made and no authorized tire inspector shall act as agent of an applicant. The Board may require that principal and agent, or owner and operator join in an application.

(b) *Contents of application.* Each applicant shall set forth (1) facts showing jurisdiction of the Boards (2) facts showing need and eligibility for the tires, tubes, recapping service or camelback for which application is made; and (3) such addtional information and commitments as may be required by the application or by the Board.

(c) *Presentation of Tire Inspection Record.* Any applicant for a certificate who is required to have a Tire Inspection Record shall present to the Board such Record at the time of filing his application. If the serial numbers of any tire shown on the Tire Inspection Record are different from those previously entered on the Record, the applicant shall produce Part D of a certificate authorizing the acquistion of such tire.

(d) *Presentation of Certificate of War Necessity and Certificate of Necessity and Convenience.* Any applicant for tires, tubes or recapping service for a commercial motor vehicle shall present to the Board a currently valid Certificate of War Necessity and Certificate of Necessity and Convenience, if required, for such vehicle.

(e) *Certification by applicant.* The applicant shall, in his application, state the true and complete facts required by the application or the Board to be set forth therein, and shall certify such facts. If an application is made by an agent, both the principal and agent shall be bound by and deemed to have knowledge of all statements set forth in the application.

SEC. 2.10 *Filing of application*—(a) *Tires and tubes for consumers.* Applications for certificates authorizing the acquisition of tires, tubes, or recapping service shall be filed with the Board having jurisdiction under section 1.5. A separate application must be filed on OPA Form R-1 (revised) for each vehicle.

(b) *Curing tubes for recappers.* Applications for certificates authorizing the acquisition of tubes to be used in molds shall be filed on OPA Form R-1 (revised) with the Board for the area in which the mold is located.

(c) *Allotment of tires and tubes to dealers.* Applications by a dealer for certificates authorizing the acquisition of an allotment of tires and tubes, shall be filed with the Director, on OPA Form R-54 by established dealers, and on OPA Form R-55 by persons intending to become dealers.

SEC. 2.11 *Certification by inspector prior to filing of application*—(a) *Inspection of tires and tubes.* No consumer may file an application for a certificate, and no such application shall be considered by a Board, until an inspector, appointed pursuant to section 2.21 (a), has currently inspected the tires or tubes to be replaced or recapped and has executed and signed the "Certification by Inspector" contained in OPA Form R-1 (revised). This paragraph shall not apply when application is made to acquire a tire or tube necessary to equip an altered or reconstructed vehicle or a vehicle not equipped with the number of tires permitted in section 2.1 (e), or to replace a lost or stolen tire or tube.

(b) *Thorough inspection required.* No inspector may certify any fact concerning the condition of a tire or tube without making a personal and adequate inspection to determine such fact, and no inspector shall certify whether a tire can be recapped unless he removes the tire from the wheel or rim. The Board may in its discretion require an additional inspection and certification by an inspector named by the Board.

(c) *No compensation to be paid for inspection.* No applicant may pay any compensation for the certification or the inspection required by this Section, except that sums, not in excess of those set forth in the following schedule, may be paid the inspector, or any person, for the service of removing and replacing a tire when such service is necessary for inspection purposes:

Type of tire	*Maximum fee*
(1) Passenger car tires, each	.40
(2) Small truck tires (7.50-20 or smaller), each	.50
(3) Large truck tires (larger than 7.50-20), each	.75
(4) Additional charge for removing inside dual truck tires (larger than 7.50-20)	.50

SEC. 2.12 *Investigation of facts by Boards*—(a) *Power of the Board.* Before issuing a certificate the Board may require such assurances and proof of such facts as it may deem necessary to determine whether an applicant should be issued a certificate. For this purpose the Board may make inquiries and investigations and may require an applicant to appear in person or by agent at the Office of the Board at a designated time and supply such additional evidence and information and furnish such records and affidavits as may relate to the application.

(b) *Additional information.* If the applicant is applying for tires or tubes to be mounted on a vehicle which has less than the number of tires and tubes permitted by section 2.1 (e) and which he has purchased or contracted to purchase, the Board shall require him to submit together with his application an affidavit from the vendor of the vehicle stating in full the reasons why the vehicle is not equipped with a sufficient number of tires or tubes. The Board must be satisfied from such affidavit before it may grant a certificate that the vendor is not responsible for the lack of a sufficient number of tires or tubes for such vehicle.

SEC. 2.13 *Notation of reasons for action.* (a) Whenever the Board acts upon an application, it shall note the reasons for its action upon the application. If the application is granted, the number, grade, and type of tires or tubes, or the type of recapping service or camelback shall be noted upon the application.

SEC. 2.14 *Form of certificates to be issued.* (a) The Board may issue the following certificates to an applicant who has established need and eligibility under this Ration Order No. 1B.

(1) *For tires, tubes, and recapping service.* OPA Form R-2 (Revised) authorizing an applicant to acquire tires, tubes, or recapping service. Separate certificates shall be issued for tires and for tubes and for recapping services.

(2) *For curing tubes.* OPA Form R-2 (Revised) authorizing an applicant to acquire tubes to be used in molds.

(3) *For allotment of tires and tubes.* OPA Form R-2 (Revised) authorizing an applicant to acquire an allotment of passenger-type tires, truck-type tires, passenger-type tubes, or truck-type tubes.

SEC. 2.15 *Certificates non-transferable.* (a) No certificate or any part thereof may be transferred except as authorized by Ration Order No. 1B or by the Office of Price Administration, or in exchange for tires, tubes, recapping service or camelback.

SEC. 2.16 *Execution and issuance of certificate*—(a) *Execution of certificates.* It shall be the responsibility of the Board, prior to issuing any certificate, to fill in Parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the Board to indicate on Parts C and D of the certificate the number of the Board and its address. No certificate shall be valid unless Part A is signed by the issuing officer of the Board, who may be either a member of the Board or one of its clerks designated to act as issuing officer.

(1) The Board shall indicate on the certificate the tubes or the serial number of the tires to be replaced (including scrap tires or tubes), which the applicant must turn in. If the tire to be replaced is a recappable carcass, the Board shall write on the certificate after the serial number of such tire "recappable carcass."

(i) The applicant shall turn in all tires and tubes to be replaced, except when he is having his tire recapped, or if he can establish that he has no tires or tubes to turn in because he is acquiring a tire or tube necessary to equip a vehicle not equipped with the number of tires or tubes permitted by section 2.1 (e), replacing a lost or stolen tire or tube, or is a government agency forbidden by law to make such disposition.

(2) The Board shall indicate on the certificate the exact number, type, grade, and size of the tires or tubes or the amount and type of recapping service which may be acquired in exchange for the certificate.

(b) *Issuance of certificates.* When all of the foregoing steps have been taken, the Board shall issue the certificates by delivering or mailing it to the applicant or his agent.

(1) If the certificate to be issued by the Board is for recapping service, the Board shall note on Parts A and B thereof whether the certificate entitles the applicant to truck-type camelback or to passenger-type camelback, as provided in section 2.4 (c), and shall mark Part B thereof "good for implement or tractor tires only."

(2) If the certificate to be issued by the Board is for implement tires, the Board shall mark Part B thereof "good for implement or tractor tires only."

(3) If a consumer desires to obtain tires or tubes stored by him in a public warehouse, he shall inform the Board of this fact, and, if the Board issues a certificate to him, it shall tear off and destroy Part B of such certificate.

(4) *By the Director.* If the Director issues O. P. A. Form R-2 (Revised) for an allotment of tires or tubes under section 2.7, he shall tear off and destroy parts A and C of such certificate. Parts B and D thereof shall be marked "passenger-type tires only," "passenger-type tubes only," "truck-type tires only," or "truck-type tubes only," as the case may be.

SEC. 2.17 *Action by certificate holders*—(a) *Use of certificate.* A certificate properly executed and issued may be used by the person to whom it was issued within the time and for the purpose specified thereon. After the expiration date thereon, the certificate shall be void and the applicant shall surrender it to the issuing Board.

(b) *Replaced tires or tubes to be turned in.* If the certificate indicates that a tire or tube being replaced must be turned in and does not indicate that such tire is a recappable carcass the applicant shall, before acquiring from a dealer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer, except in the case of purchase by mail. If the applicant acquires a tire or tube by mail, or withdraws it from a public warehouse, he shall within five days thereafter deliver the replaced tire or tube to a dealer. If the tire turned in is a recappable carcass, a dealer who is not a recapper shall transfer such tire to a recapper.

(c) *Signing of certificates.* The applicant or his agent shall sign and execute the appropriate portions of the certificate in accordance with the instructions thereon, prior to acquiring the tires, tubes or recapping service specified thereon. The same person shall sign Parts B, C and D of O. P. A. Form R-2 (Revised) where the signature of the certificate holder is required. No member or employee of the Board issuing the certificate, no authorized tire inspector, and no dealer shall act as agent of the applicant in signing Parts A, B, C, or D of OPA Form R-2 (Revised).

SEC. 2.18. *Action by suppliers*—(a) *Turn in of tire or tube prerequisite to transfer.* If the applicant is required to turn in a tire or tube, no dealer shall transfer any tire or tube pursuant to the certificate until the applicant has turned in to him the tire or tube to be replaced.

(b) *Certificate to be completed.* No dealer or warehouseman shall transfer tires, tubes or camelback until both he and the applicant have properly signed and executed the certificate in accordance with the instructions thereon.

(c) *Delivery pursuant to certificate.* If the foregoing requirements have been fulfilled, the dealer or warehouseman to whom the certificate has been surrendered shall deliver to the person indicated thereon, or to his agent, the exact number, type, grade and size of tires or tubes or the type of recapping service or camelback set forth on the certificate.

SEC. 2.19 *Splitting of certificates.* The holder of a certificate or part of a certificate who is unable to acquire from one supplier all the tires, tubes, recapping service or camelback which he has been authorized to acquire may return the certificate to the issuing Board and the Board shall thereupon cancel the returned certificate and issue as many certificates as are necessary to permit the acquisition of such tires, tubes, recapping service or camelback from several suppliers. In the event that the certificate or part of a certificate was issued by a Board in the Virgin Islands, it may be surrendered by the holder to the Director in San Juan who may issue as many certificates as are necessary.

SEC. 2.20 *Revocation of certificates.* (a) Any certificates, part of a certificate or authorization issued under Ration Order No. 1B shall be subject to revocation, cancellation, suspension, correction or modification by a Board or other agent designated for this purpose by the Office of Price Administration.

SEC. 2.21 *Revocation of certificates issued by mistake.* Any certificate issued to a person not entitled thereto on the basis of the facts stated in the application and which has not been used by the person to whom it was issued, may be revoked by the issuing board and the board may order that such certificate be surrendered to it. If in such case the board finds that the certificate holder is entitled to a tire or tube of a different grade or type, it shall, subject to quota limitations, issue a certificate for such tire or tube in lieu of the certificate revoked.

SEC. 2.22. *Revocation of certificate or declaration of ineligibility after hearing.* (a) (1) A Board, after hearing, may revoke or cancel any certificate already issued and unused and declare a consumer ineligible to receive a certificate for such period as it may deem appropriate in the public interest and require the surrender to it of certificates already issued pending the determination of the proceedings where a person has violated any of the provisions of ration orders 1B or 5E.

(2) Such order of revocation and declaration of ineligibility shall be made pursuant to the following procedure:

(i) Written notice of the date, time, place and purpose of the hearing and the violation with which he is charged shall be served upon the person (hereinafter called the respondent) against whom the proceedings are instituted at least three days before the date set for the hearing.

If the respondent admits the charge or fails to appear at the hearing, or if the Board determines after hearing that the respondent has committed any of the acts or violations contained in the charge, the Board may by order revoke the certificates issued to him, direct him to surrender such certificates to the Board unless the certificate has been surrendered to a dealer and declare that he shall not be eligible to receive a certificate for such period of time as the

Board may deem appropriate in the public interest.

(ii) If a respondent against whom an order has been issued for failure to appear at the hearing shows, within a reasonable time not to exceed five (5) days from the effective date of such order, good cause to the Board for such failure, the Board may set aside such order and grant the respondent a full hearing on the charges made.

(iii) A copy of the order shall be served promptly on the respondent personally or by registered mail, return receipt requested, directed to his last known address, and two copies thereof shall be sent to the territorial office at San Juan. The Board shall fix the effective date of such order except that if it fails to do so such order shall become effective 24 hours after personal service or delivery by mail as evidenced by the return receipt.

(iv) The Board may designate one or more members to perform the functions prescribed in this paragraph. The Board may appoint volunteer hearing officers approved by the Director to conduct hearings pursuant to this section. In matters on which a hearing officer has been appointed, he shall preside at the hearings and make an oral or written report of his findings to the Board, which shall decide the matter.

(b) Any person against whom an order has been issued pursuant to the provisions of paragraph (a) may within fifteen (15) days after the effective date thereof appeal from such order by filing a statement of objections to the order with the board which issued it. Within three days after the receipt of the statement the board shall forward it, together with a copy of the notice instituting such proceedings, a copy of the record, if any, and a copy of the Board's order to the Hearing Commissioner for Puerto Rico at San Juan. Within five (5) days after receipt of the statement the Hearing Commissioner shall notify the respondent and the Territorial Enforcement Attorney of the time and place set for the hearing. The appeal shall be heard and determined pursuant to the provisions of section 1300.169 of Procedural Regulation 4 and amendments thereto.

Inspection of Tires

SEC. 2.23 *Periodic inspection*—(a) *Vehicles subject to inspection.* Every person controlling the use of a passenger automobile or commercial vehicle shall be issued a Tire Inspection Record (OPA Form PR-R-534) executed in accordance with the instructions thereon, and the Part B of which shall be duly certified and filed with the Local Board, and shall have the tires mounted on such vehicle inspected by a tire inspector appointed by the Director upon the recommendation of a Board. The record must be kept with the vehicle when in operation, unless its removal is permitted by Office of Price Administration order or authorization. Upon transfer of a passenger automobile, the record pertaining to the vehicle, and Part D of tires mounted on the vehicle, must be transferred with it. The tires, at the time of inspection, shall be mounted on the vehicle for which the Tire Inspection Record has been issued. The provisions of this section shall not apply to:

(1) Motorcycles.

(2) Vehicles operated solely on special gasoline rations.

(3) Vehicles not registered for use on the highway.

(4) Farm tractor, farm implements, road-graders, earthmovers, or other industrial, mining or construction equipment not designed primarily for use on the highway.

(5) Vehicles operated by the armed forces of the United States.

(6) Tires reported on OPA Form PRR-17 by any person required to file such Form.

(7) Tires obtained pursuant to section 2.7.

(b) *Time of inspection.* The time for periodic inspection shall be as follows:

Type of coupon book issued	First inspection must be made within 2 week period	Subsequent inspections must be made within 2 week period as follows:
Class A	July 12-24	Jan. 10 to 22, 1944, and July 10 to 22, 1944.
Classes B and C	Sept. 20-Oct. 2	Dec. 13 to 24, 1943; Mar. 6-18; May 29-June 10; Aug. 21-Sept. 2; Nov. 13-25
S-1 and S-2	Aug. 30-Sept. 11	Nov. 22-Dec. 4; Feb. 14-Feb. 26; May 8-May 20; July 25-Aug. 6; Oct. 16-Oct. 28
S-3 and S-4	Sept. 13-Sept. 25	Dec. 6-18; Feb. 28-Mar. 11; May 22-June 8; Aug. 14-26; Nov. 6-18
S-5	July 19-31	Oct. 11-23; Jan. 3-15; Mar. 27-Apr. 8; June 19-July 1; Sept. 11-Sept. 23; Dec. 4-16
Bulk	According to type of ration identification	According to type of ration identification.

(c) *Check of serial numbers.* If the serial number of any tire inspected is not identical with that indicated on the Tire Inspection Record, the inspector shall not sign such Record unless Part D of a certificate is presented as evidence that the tire was obtained on certificate. Any discrepancy between the serial numbers on the Tire Inspection Record, including those on Parts D and those on the mounted tires, shall be recorded by the inspector and reported to the Board.

(d) *Report on mileage and condition of tires.* The inspector shall indicate on the Tire Inspection Record as of the time of the inspection.

(1) The odometer reading of the vehicle.

(2) Whether the tires inspected should be replaced or recapped, and

(3) Any repairs and adjustments necessary to keep the tires in proper running order; if the inspector indicates that repairs and adjustments, other than recapping or replacements, are necessary, he shall not sign the Tire Inspection Record until such repairs or adjustments have been made.

SEC. 2.24 *Inspection of tire transferred.* (a) In addition to the periodic inspection, every consumer who acquires a passenger automobile or commercial motor vehicle with tires mounted thereon, if such vehicle is not exempted under section 2.23 (a), shall have the tires inspected within ten days after they have been acquired. The Tire Inspection Record of the prior consumer shall be turned in by the transferee to the Board to which application for a gasoline ration is made and thereupon a New Tire Inspection Record may be delivered by the Board to such transferee: *Provided,* That if such tires are mounted on a passenger automobile or commercial motor vehicle for which no Tire Inspection Record has been issued, the transferee shall present to the Board a statement from the transferor specifying the serial numbers of the tires mounted on the vehicle. The Board may thereupon issue a new Tire Inspection Record to such transferee.

SEC. 2.25 *Compensation to be paid for inspection.* (a) An inspector may charge a fee not to exceed twenty-five cents (25¢) per vehicle for the inspection required by sections 2.23 and 2.24. In addition, sums not in excess of those set forth in section 2.11 (c) may be paid the inspector or any other person for the service of removing and replacing a tire when such service is necessary for inspection purposes under said sections.

SEC. 2.26 *Shifting of tires.*—(a) *Prohibition.* No person shall mount on any passenger automobile or commercial motor vehicle to which the provisions of section 2.23 (a) apply any tire not duly entered upon the Tire Inspection Record for such vehicle, or acquired in exchange for a certificate issued to equip such vehicle, except as provided in paragraphs (b) and (c).

(b) *Application for authorization.* A person may apply to a Board for authorization to shift tires from one such passenger automobile owned by him to another such passenger automobile, or from one such commercial motor vehicle owned by him to another such commercial motor vehicle. Upon approval by the Board, he may be issued Tire Inspection Records authorizing such shifting or mounting of tires in exchange for the surrender of the Tire Inspection Records then applicable to such vehicles.

(c) *Fleets.* Any person operating a fleet of commercial motor vehicles may shift tires from one to another vehicle within the fleet: *Provided,* That within 5 days of such shifting he shall surrender the tire inspection records of the vehicles involved to the Local Board, who shall thereupon issue new tire inspection records.

SEC. 2.27 *Replacement of lost tire inspection records.* (a) Any person who has lost a Tire Inspection Record shall apply to a Board for a new record. Be-

fore issuing such record, the Board shall reexamine and redetermine the current gasoline ration and shall satisfy itself that the serial numbers of the tires shown on such new record are those which were entered on the lost record or that discrepancies are accounted for by Parts D of certificates in the possession of the applicant.

Prohibited and Permitted Transactions

SEC. 2.28. *Prohibition.* (a) Notwithstanding the terms of any contract, agreement or other obligation, regardless of when made, no person, unless permitted by Ration Order No. 1B or by an order, authorization or regulation issued by the War Production Board, shall:

(1) Make or offer to make, accept or offer to accept, or solicit a transfer of any tire, tube or camelback; or

(2) Use, alter, or change the physical location of any tire, tube, or camelback; or

(3) Mount any tire or tube upon a wheel or rim.

SEC. 2.29 *Mounting or use of tires or tubes*—(a) *Mounting or use generally.* Subject to the restrictions of Ration Order No. 5E and paragraph (b) of this section, any person may change the physical location of, mount or use:

(1) Tires or tubes which have been acquired or recapped on certificate issued by the Office of Price Administration on the passenger automobile or commercial motor vehicle for which they were acquired, or on any other passenger automobile or commercial motor vehicle owned or controlled by such person but only when pursuant to section 2.26.

(2) Tires or tubes which have been acquired or recapped on certificate issued by the Office of Price Administration on the vehicle eligible under section 2.5 for which they were acquired, or on any other vehicle eligible under section 2.5 owned or controlled by such person;

(3) Tires or tubes owned and possessed by him prior to October 1, 1942, on any vehicle owned by him. If such vehicle is not exempted from the provisions of section 2.3 (a), tires or tubes may only be mounted thereon if they have been declared on a Tire Inspection Record issued for such vehicles.

(4) Tires or tubes upon other equipment not covered by subparagraph (1), (2) or (3), but only if specifically authorized in writing by the Board having jurisdiction over the vehicle upon which the tire or tube is to be mounted. The Board may grant such authorization only where it is satisfied that the mounting or use will result in a conservation of rubber or the more efficient use of tires in activities essential to the war effort, the public health or safety.

(b) *Mounting from stock prohibited.* No dealer shall declare in his Tire Inspection Record or mount or use tires or tubes taken from his stock unless he has obtained a certificate authorizing such mounting or use or unless such tires or tubes were permanently removed from this stock and mounted on his vehicle prior to October 1, 1942.

SEC. 2.30 *Transfer to consumers upon certificate*—(a) *By dealers.* A dealer may, in exchange for a certificate, transfer tires or tubes to a consumer.

(b) *No tire in stock.* A dealer who does not have in stock a tire or tube ordered by a consumer may, with the consumer's permission, transfer the replenishment portion of a certificate or receipt to a supplier and obtain the number of tires or tubes specified thereon for transfer to the consumer.

(c) *Tire requiring repair or recapping.* No dealer may transfer to a consumer a tire that requires repair or recapping.

(d) *By warehousemen.* A public warehouseman who has received tires or tubes for storage may, in exchange for a certificate, transfer tires or tubes to a consumer, as follows:

(1) New tires or tubes stored prior to December 11, 1941;

(2) Recapped tires used less than one thousand (1,000) miles after being recapped and stored prior to February 19, 1942;

(3) Used tires and tubes, including tires used more than one thousand (1,000) miles after being recapped, stored prior to October 1, 1942.

(e) *By recappers or repairers.* No recapper or repairer shall transfer a recapped or repaired tire to a consumer unless the quality of his workmanship in recapping or repairing the tire at least conforms to the minimum quality specifications contained in Revised Price Schedule No. 66,[2] as amended, and Maximum Price Regulation No. 107,[3] issued by the Office of Price Administration.

SEC. 2.31 *Dealer transfers*—(a) *Establishments under common ownership.* No dealer may transfer or move tires, tubes or camelback to an establishment where the business of a dealer is performed, except upon certificate or authorization of the Office of Price Administration, unless such transfer is expressly permitted by Ration Order No. 1B. If a dealer engages in the business of recapping tires, or selling tires, tubes or camelback at two or more separate establishments, he shall be considered a separate dealer for each such establishment, and the transfer or movement of tires, tubes or camelback between such establishments shall be subject to all the conditions that apply to transfers between separate dealers, unless expressly excepted by this Ration Order No. 1B.

(b) *Changes of location.* A manufacturer or dealer may change the location of tires, tubes or camelback within a single establishment or the location of the establishment itself, including the entire stock of tires, tubes or camelback contained therein: *Provided,* That no change in ownership, possession or control occurs.

(c) *Tires or tubes*—(1) *Restrictions on transfer of Parts B.* No person shall transfer Part B of OPA Form R-2 (Revised) and no person shall accept such transfer, unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purpose: *Provided,* That a supplier may, without endorsement, return a Part B to the dealer from whom he received it, if he is unable to supply the tires or tubes specified thereon.

(2) *Permitted replacement of tires or tubes.* Any dealer may, in exchange for a properly endorsed replenishment portion (Part B) of a certificate, receipt, or exchange certificate issued pursuant to section 2.8, paragraph (b), transfer to another dealer or receive from another dealer or manufacturer the number of tires or tubes authorized, in accordance with the table below:

If Part B calls for:	*Dealer or manufacturer may replenish with—*
Any Size Grade I Tire.	Any size or grade passenger-type tire or 8½ lbs. of passenger-type camelback.
Any Size Grade III Tire.	Any size Grade III tire or 8½ lbs. of passenger-type camelback.
Any Size Truck-Type Tire.	Any size truck-type tire.
Any Size Tractor-Type Tire.	Any size tractor, truck or implement-type tire.
Any Size Implement-Type Tire.	Any size tractor or implement-type tire.
Any Size Passenger Tube.	Any size passenger tube.
Any Size Truck Tube.	Any size truck tube.

(3) *Transfers without certificate upon authorization.* (i) Any dealer may transfer tires, tubes or camelback to any other dealer or manufacturer without certificate upon written authorization of the Director. Application for authorization to make such transfer shall state the names and addresses of the transferor and transferee, the amount, type and grade of tires, tubes or camelback to be transferred, and the reason for the transfer.

(ii) Any dealer may transfer replenishment portions (Parts B) of certificates or receipts to any other dealer upon written authorization of the Director. Application for authorization to make such transfer shall state the names and addresses of the transferor and transferee, the number of Parts B and the amount, type and grade of tires, tubes or camelback called for thereon, and the reason for the transfer.

(d) *Camelback*—(1) *For recapping.* A recapper may apply camelback to the tread surface of a tire carcass: *Provided,* That no passenger-type camelback shall be used in recapping a truck-type tire to be mounted on a truck, bus, farm implement, earth-mover, road-grader or similar off-the-road vehicle, and no truck-type camelback shall be used in recapping a passenger-type tire to be mounted on any station wagon, suburban carryall, or on an automobile originally designed to carry seven passengers or less, whether or not rebuilt, unless rebuilt as a bus, or unless the vehicle is a taxicab or público and the certificate issued by the Board specifies truck-type camelback. No recapper shall apply camelback to the tread surface of a tire carcass if the carcass will not be serviceable as a recapped tire.

[2] 7 F.R. 8803, 8948, 8 F.R. 3174.

[3] 7 F.R. 1838, 1981, 2394, 5691, 5177, 7365, 8586, 8795, 8802, 8942, 8 F.R. 1584, 2206.

(2) *Restrictions on transfers of Parts-B.* No person shall transfer Part B of OPA Form R-2 (Revised) and no person shall accept such transfer unless the transferor first endorses his name and address thereon. A Part B of a certificate or receipt shall become void for purposes of replenishment when it has been transferred five times for such purposes.

(3) *Permitted replenishment of camelback.* Subject to the provisions of subparagraph (2) above of this paragraph, any camelback dealer may in exchange for the replenishment portion (Part B) of a certificate or receipt for camelback transfer the amount of camelback specified in the following tables I and II:

TABLE I

If Part B calls for:	*Dealer may replenish with—*
"Passenger-type camelback only."	Passenger-type camelback in the amount authorized in Table II.
"Truck-type camelback only."	Truck-type camelback in the amount authorized in Table II.

TABLE II

Size or type of tire	*No. of pounds of camelback which may be purchased for each such tire*
Passenger-type tire regardless of sizes	8½
Truck-type tire smaller than 30 x 5	8½
Truck-type tire 30 x 5 up to but not including 7.50-18	12
Truck-type tire 7.50-18 up to but not including 9.00-20	16
Truck-type tire 9.00-20 up to but not including 12.00-20	22
Truck-type tire 12.00-20 and larger (regular truck type)	32
Truck-type 12.00-20 and up (but not including tires 12.00-24 and larger) used on farm tractors (rear tires only), road-graders, earth-movers and other similar equipment used primarily on off-road work	55
Tires 12.00-24 and larger	Amount necessary

NOTE: When the amount of camelback to be replenished cannot be calculated from the above table, the person purchasing the camelback shall attach to the replenishment portion of the certificate or receipt a certified statement showing the amount of camelback necessary to recap the number of tires specified on the certificate or receipt, and shall be entitled to purchase the amount of camelback appearing on such statement.

(4) *For remilling.* Any recapper may, without certificate, transfer deteriorated camelback for remilling to a camelback dealer or camelback manufacturer, who may, without certificate, transfer such remilled camelback or camelback of identical amount, type, grade and weight to such recapper.

(e) *Transfers to dealer's warehouses.* Any dealer may, without certificate, transfer tires, tubes or camelback for the purpose of storage only to any warehouse owned or operated by him, if no change in ownership or control of such tires, tubes or camelback is thereby effected. Any dealer may, without certificate, withdraw the tires, tubes or camelback stored in such warehouse.

SEC. 2.32 *Acquisition for retransfer purposes*—(a) *Persons who may acquire.* Tires, tubes or camelback may be acquired, without certificate, in the following cases:

(1) *Exercise of governmental rights or powers.* The United States or the Insular Government of Puerto Rico or any municipality may acquire from any person any tire, tube or camelback in the exercise of governmental rights or powers against such tire, tube or camelback.

(2) *Judicial process.* Any person may acquire any tire, tube or camelback pursuant to judicial process or under the supervision of a court of competent jurisdiction.

(3) *Salvage.* A person who is engaged principally and primarily in the business of adjusting losses, or reconditioning and selling damaged commodities, and who takes possession of such commodities on the occurrence or imminence of casualties, or in direct connection with the adjustment of losses resulting from such casualties, may acquire any tire, tube or camelback that has been damaged or that is in imminent danger of being damaged or destroyed.

(4) *Subrogation upon payment of claim.* A common or contract carrier or any person duly authorized by law to engage in the insurance business may acquire any tire, tube or camelback in consequence of the right of subrogation or in consequence of the payment of a claim.

(5) *Security transfers.* The Insular Government of Puerto Rico, the United States or any agency thereof, or any person duly licensed to engage in the business of making loans upon collateral and regulated in conducting such business may, without certificate, acquire tires, tubes or camelback for security purposes and may, without certificate, transfer such tires, tubes or camelback to the debtor upon release or extinguishment of the debt so secured. Any person may, without certificate, acquire a lien created by operation of law on tires, tubes or camelback and may satisfy or release such lien. Such security interest or liens may be enforced in the manner provided by applicable laws, and subject to the provisions of this section, transfers necessary to such enforcement may be made.

(b) A person other than a dealer, acquiring full title to tires, tubes, or camelback hereunder, shall within thirty (30) days sell such tires, tubes or camelback to a dealer or a manufacturer.

SEC. 2.33 *Transfers without certificate, special authorization or notice*—(a) *Transfers to Defense Supplies Corporation.* A person may, without certificate, transfer tires, tubes or camelback to Defense Supplies Corporation, Rubber Reserve Company, or Reconstruction Finance Corporation, or any representative designated to receive tires, tubes or camelback on their behalf.

(b) *Changes in location.* A person, other than a dealer, may, without certificate, change the location of tires, tubes or camelback if no change in ownership, possession or control results.

(c) *Transfer by persons other than dealer or manufacturer.* A person, other than a dealer, or manufacturer, may, without certificate, transfer tires, tubes or camelback to a dealer or manufacturer. A record of the serial number of any tire so transferred shall be given to the transferor and a copy shall be sent by the transferee to the Board which issued the transferor's Tire Inspection Record.

(d) *Transfers on vehicles.* A person may, without certificate, transfer a tire or tube as part of the equipment of a vehicle provided that such transfer is not prohibited by any order or regulation issued by the Office of Price Administration or the War Production Board.

(e) *Transfers for repair, mounting or inspection.* A person may, without certificate, temporarily transfer tires or tubes to any person engaged in the business of repairing tires or tubes, for purposes of inspection, mounting or repair only and may, without certificate, acquire such tires or tubes after such mounting, repair or inspection.

(f) Any dealer may, without certificate, return to his supplier tires, tubes, or camelback of a size, grade, type or quality other than that ordered by him, and his supplier may, without certificate, transfer to him in exchange therefor the same number of units of tires, tubes, or camelback of the size, grade, type or quality ordered.

(g) *Return of lost or stolen tires, tubes or camelback.* A person may, without certificate, transfer tires, tubes or camelback, which have been lost, stolen or otherwise wrongfully or mistakenly acquired to the person rightfully entitled thereto.

(h) *Exchange of tires or tubes.* A consumer who in exchange for a certificate acquires any tire or tube that is of a size or grade different from that ordered may, without certificate, but only within ten (10) days after its acquisition, exchange it with the transferor for the size or grade ordered if such tire or tube has not been used by such person.

(i) *Turn in of tires or tubes to be replaced.* A consumer who holds a certificate authorizing the purchase of a tire or tube and is required to turn in a tire or tube to be replaced shall transfer such tire or tube to a dealer: *Provided,* That such dealer, if not a recapper, must sell the replaced tire, if recappable, to a recapper. Any dealer who receives a tire under this paragraph shall retain such tire for a period of not less than thirty (30) days before disposing of it.

(j) *Transfers for recapping.* (1) A consumer may transfer a tire for recapping service to a dealer but only if accompanied by a certificate authorizing recapping service.

(2) A dealer may transfer a tire for recapping to a recapper if accompanied by Part B of a certificate authorizing recapping service and a recapper may transfer a Grade III tire in exchange for such Part B.

(k) *Transfer of recappable tire to recapper.* A dealer who is not a recapper may, without certificate, transfer a recappable tire carcass to a recapper.

(l) *Transfer of unit for unit.* A dealer may, without certificate, transfer tires, tubes or camelback to a dealer in exchange for tires, tubes or camelback of the same amount, type and grade.

(m) *Transfers to and from carriers.* A person may, without certificate, transfer tires, tubes or camelback to a common or contract carrier for shipment, and such tires, tubes or camelback may be transferred by such carrier to the consignee in the regular course of business: *Provided,* That the transaction between the consignor and the consignee shall remain subject to the provisions of Ration Order No. 1B.

(n) *Transfer to and from public warehouses.* A person may, without certificate, transfer tires, tubes or camelback to a public warehouse for storage. A public warehouseman who has received tires, tubes or camelback for storage may, without certificate, transfer them to the following persons:

(1) A dealer or manufacturer who transferred such tire, tube or camelback for storage;

(2) A manufacturer, assembler or dealer in vehicles equipped with tires or tubes who has transferred such tires or tubes for storage;

(3) A person who has a security interest in or lien on such tires, tubes or camelback as provided in section 2.31.

(4) A consumer who stored:

(i) New tires or tubes after December 10, 1941; or

(ii) Recapped tires after February 18, 1942, where such tires were used less than 1,000 miles after being recapped; or

(iii) Used tires, including tires used more than 1,000 miles after being recapped, after September 30, 1942.

(o) *Mounting of original equipment.* A manufacturer of vehicles may mount tires or tubes as original equipment upon a vehicle made by him unless he has been prohibited from doing so by general or special instructions of the War Production Board.

(p) *Change-overs.* A dealer or manufacturer may transfer tires or tubes to a manufacturer, rebuilder or dealer in vehicles in exchange for tires or tubes mounted on a new or rebuilt vehicle as part of its original equipment, upon authorization in writing from the Director.

(q) The Director may, upon a dealer's application issue replenishment portions of certificates to replace tires, tubes, camelback, replenishment portions (parts B), or certificates which have been lost, stolen, destroyed, or irreparably damaged.

SEC. 2.34 *Transfers to certain Government agencies*—(a) *Transfers.* A person may transfer tires, tubes or camelback without receiving certificates therefor to or for the account of the Army, Navy, Marine Corps, or Coast Guard of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately-owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ships' service store, commissary, or similar agency or organization, except for use on vehicles operated by it;

(b) *Receipt.* A dealer who makes any transfer pursuant to paragraph (a) shall obtain a receipt from the purchaser upon OPA Form R-12 (Revised).

Other Prohibited Acts

SEC. 2.35 *Offenses*—(a) *Mutilation and forgery of certificates.* No person shall without lawful authority wilfully deface, mutilate, or destroy any certificate, receipt, authorization (whether issued or unissued) Tire Inspection Record, or any part thereof, and no person shall counterfeit or forge any such instrument or any part thereof.

(b) *Illegal transfer of certificates.* No person shall transfer or assign and no person shall accept any transfer or assignment of any certificate, receipt, authorization (whether issued or unissued), or any part thereof, except in accordance with the provisions of Ration Order No. 1B.

(c) *Illegal use and possession of certificates.* No person shall use, possess, or control any certificate, receipt authorization, or any part thereof, except the person or the agent of the person to whom such certificate, receipt or authorization has been issued, except in accordance with the provisions of Ration Order No. 1B.

(d) *Possession of forged certificates.* No person shall without lawful authority transfer or accept a transfer of or have in his possession or under his control any forged, altered, or counterfeited certificate, receipt, authorization (whether issued or unissued), or any part thereof.

(e) *Illegal possession or use of tires.* No person shall possess, use, or permit the use of any tires, tubes or camelback acquired in violation of Ration Order No. 1B, and no person shall possess, use or permit the use of tires, tubes or camelback acquired under Ration Order No. 1B for any purpose in violation of Ration Order No. 1B.

(f) *Abuse of tires.* No person shall, without lawful authority, abuse, alter, damage or neglect any tire, tube or camelback in his possession or control. Failure to make timely application for recapping or replacement shall constitute one form of abuse within the meaning of this paragraph.

(g) *Speed limitation.* No person shall use or permit the use of tires or tubes in the operation of a motor vehicle at any rate of speed which is in excess of thirty (30) miles per hour. This restriction shall not apply to the operation of a motor vehicle by the Army, Navy, Marine Corps, Coast Guard or by the Puerto Rican military forces organized pursuant to section 61 of the National Defense Act, as amended, or to meet an emergency involving serious threat to life, health, or safety: *Provided,* That this paragraph shall not be construed to authorize any such motor vehicle to be driven at a rate of speed in excess of that which is reasonable under the circumstances.

(h) *Tire Inspection Record.* No person shall use or permit the use of tires or tubes unless he has obtained and kept current the Tire Inspection Record, required by sections 2.23 and 2.24, or is exempted from these requirements.

(i) *Declaration of tires.* No person shall use or permit the use of tires or tubes upon a motor vehicle unless he has filed a declaration of tires as required by section 2.23 of this order and section 3.13 of Ration Order 5E.

(j) *Illegal use of gasoline.* No person shall use or permit the use of tires or tubes upon a motor vehicle for which gasoline has been obtained in violation of Ration Order No. 5E or for which gasoline or other fuel is used in violation of that order.

(k) *Violation of other orders.* No person shall use or permit the use of tires or tubes on a vehicle which he operates or controls in violation of any order, rule or regulation issued by the Office of Defense Transportation or other Federal agency.

(l) *False statements.* No person shall, in any application, record, report, certificate or other document made pursuant to or required by the terms of Ration Order No. 1B, make any untrue statement of any fact, or omit to state any fact required to be stated therein or necessary to make the statements therein not misleading.

(m) No person shall sell or transfer any tire, tube, camelback or recapping service at a price in excess of the applicable maximum price for such article or service established by the Office of Price Administration.

(n) *Attempts.* No persons shall solicit, offer, attempt, or agree to do, either directly or indirectly, any act in violation of Ration Order No. 1B.

ARTICLE III—GENERAL PROVISIONS

SEC. 3.1 *Posting names of successful applicants.* (a) At intervals of not more than one week, a list of the names of the recipients of certificates issued during the previous week for passenger or truck tires shall be posted at the office of the Board for public inspection and shall be released to the press. This requirement shall not apply to certificates issued to Army, Navy or Government intelligence officers whose work requires secrecy.

SEC. 3.2 *Disposition of parts of certificates and receipts*—(a) *Certificates or receipts for tires, tubes or camelback.* A transferor of tires, tubes or camelback to whom a certificate is surrendered by an applicant or who receives an OPA Form R-12 (Revised) receipt shall complete all the parts thereof and dispose of them as follows:

(1) *Part A.* Part A of OPA Form R-2 (Revised) shall be retained by the transferor as his record; Part A of OPA Form R-12 (Revised) shall be sent to the Office of Price Administration, San Juan, within fifteen (15) days from the end of each calendar month in which deliveries have been made.

(2) *Part B.* Parts B of OPA Form R-2 (Revised) and OPA Form R-12 (Revised) not used for replenishment must be retained by the dealer as his record.

(3) *Part C.* Part C of OPA Form R-2 (Revised) shall, within three days of the date of transfer of the tires, tubes or camelback, be completed and sent to the issuing Board which shall retain it as its record. Part C of OPA Form R-12 (Revised) shall be retained by the transferor as his record.

(4) *Part D.* Part D of OPA Form R-2 (Revised) and OPA Form R-12 (Revised) shall be retained by the transferee as his record.

(b) *File of certificates and receipts.* Every dealer, manufacturer and warehouseman shall maintain a file of all certificates, receipts, or parts thereof which he is required to keep as his records.

(c) *Return of Parts B.* A recapper shall on or before the fifth day of each calendar month, surrender to the Director all Parts B of certificates for recapping service with passenger-type camelback received by him during the previous month.

SEC. 3.3 *Records and reports of transfers*—(a) *Records of transfers to and from dealers, manufacturers and warehousemen.* Every dealer, manufacturer and warehouseman shall keep true, accurate and complete records of all transfers of tires, tubes or camelback to or by him: *Provided,* That no records need be kept of transfers permitted by section 2.33 (e) relating to transfers for mounting or inspection. Such records shall show the serial number of the certificate or the receipt (if the transfer involved the use of a certificate or receipt); sales price; date of transfer; the name of the transferee and

(1) If tires, other than recapped tires, are transferred, the number, size, type and grade;

(2) If recapped tires are transferred, the number, size, type, and grade thereof and the type of camelback used in recapping the tires;

(3) If tubes are transferred, the number, type and size thereof;

(4) If camelback is transferred, the amount, type, and grade thereof; or

(5) If tires or tubes are transferred for repair, information sufficient to identify the ownership of the tires.

SEC. 3.4 *Inventories of sellers of tires, tubes and vehicles.* (a) Every person engaged in the business of selling or holding for sale tires, tubes, or vehicles, and every person extending credit to another upon the security of a vehicle under an agreement permitting the lender to take possession of the vehicle shall:

(1) At the close of business on the last day of each month take an inventory of all unmounted tires and tubes in his possession or control and keep a record thereof. Such inventory shall be based on a physical count.

(2) File a report on OPA Form PRR-17, in accordance with the instructions thereon, for each month, setting forth all unmounted tires and tubes in his possession or control on the last day of such month. A separate report for each establishment where tires or tubes are located, whether such establishment is used for purposes of sale or storage, shall be filed with the Director on or before the fifth day after the end of each month.

(3) File a report with the Director if the grade of any tire has been changed, setting forth the reasons for such change of grade, and shall not sell the tire until five days after the report has been filed.

SEC. 3.5 *Inventories and records of recappers and camelback dealers*—(a) *Monthly inventory.* Each recapper or camelback dealer shall at the close of business on the last day of each calendar month take an inventory of all recapped tires and all camelback in his possession or control and keep a record of his total production of recapped tires and the amount of camelback used in recapping tires during the preceding month. Such record shall also indicate the number of tires recapped which were owned by the recapper and the amount of camelback used in recapping such tires.

(b) *Record of transfers of molds.* Each recapper who transfers a mold among his premises shall keep records at both the premises from which and to which the mold is transferred showing the address of each such premises, the date of transfer, the serial number, and the recapping capacity of the mold.

(c) *Reports by recappers and repairers.* Each recapper and repairer shall file monthly reports with the Director, not later than the fifth day of the calendar month following the month covered by the report. Each report shall be prepared on OPA form No. PRR-18 in accordance with the instructions appearing thereon and shall contain the information required therein.

SEC. 3.6 *Preservation and filing of records.* (a) Any person affected by this Ration Order No. 1B shall keep and file such additional records and reports as the Director may require. Any record required by Ration Order No. 1B to be kept shall be preserved for not less than two years, except that records of transfers for repair need be preserved only while the tires or tubes to be repaired are in the possession of the repairer. Such records and any other records relating to tires, tubes, or camelback shall be available at all times for inspection by the Office of Price Administration.

SEC. 3.7 *Notice of legal proceedings.* (a) Every person holding a certificate, part of a certificate or authorization shall, immediately upon the commencement of any legal action or proceeding involving such certificate, part of a certificate or authorization, notify the Director.

SEC. 3.8 *Report of violations*—(a) *By any person.* Any person may report a violation of this Ration Order No. 1B to a Board or to the Director.

(b) *By a Board.* Whenever a board finds that an applicant has violated Section 2.35 (1), it shall immediately inform the Director of that fact in writing, transmitting all relevant documents with its report.

SEC. 3.9 *Decision of Board.* (a) After acting upon an application the Board shall, within three (3) days, notify the applicant of its decision and, if the application is denied in whole or in part, shall state the reasons for its decision.

Appeals and Enforcement

SEC. 3.10 *Who may appeal.* Any person whose application for a certificate, part of a certificate or authorization has been denied in whole or in part by the action of a board, may appeal from such action or from any other adverse decision of a board.

SEC. 3.11 *Procedure.* Except for proceedings arising out of 2.22 an appeal shall be taken only in accordance with the provisions of Procedural Regulation No. 9, and amendments thereto issued by the Office of Price Administration.

SEC. 3.12 *Criminal prosecution.* (a) Any person who knowingly falsifies an application or any other record, report or certificate made pursuant to or required by the terms of Ration Order No. 1B, or who otherwise knowingly furnishes false information to a board, inspector, or any other agent, employee or officer of the Office of Price Administration, or falsifies or conceals or covers up by any trick, scheme or device a material fact, or makes or causes to be made any false or fraudulent statements, or representations, in any matter within the jurisdiction of the Office of Price Administration, may upon conviction be fined not more than $10,000 or imprisoned for not more than ten years, or both, and shall be subject to such other penalties or action as may be prescribed by law. Any person who conspires with another person to perform any of the foregoing acts or to violate any provision of Ration Order No. 1B may upon conviction be fined not more than $10,000 or imprisoned for not more than two years, or both, and shall be subject to such other penalties or action as may be prescribed by law.

(b) Any person who wilfully performs any act prohibited, or wilfully fails to perform any act required, by any provision of Ration Order No. 1B may upon conviction be fined not more than $10,000 and imprisoned for not more than one year, or both, and shall be subject to such other penalties or action as may be prescribed by law.

SEC. 3.13 *Suspension orders.* (a) Any person who violates this Ration Order No. 1B may by administrative suspension order be prohibited from receiving any transfers or deliveries of, or selling or using or otherwise disposing of any tires, tubes, camelback or gasoline. Proceedings for the suspension orders shall be instituted and governed by the provisions of Procedural Regulation No. 4.[4]

Effective date. This ration order shall become effective July 12, 1943.

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

Issued this 10th day of July, 1943.

JAMES P. DAVIS,
Acting Director of the Office of Price Administration for Puerto Rico.

Approved:

WALLACE M. COHEN,
Acting Regional Administrator, Region IX.

[F. R. Doc. 43-11156; Filed, July 10, 1943; 12:26 p. m.]

[4] 8 F.R. 1744, 2035.

PART 1363—FEEDING STUFFS

[Rev. MPR 173]

WHEAT MILL FEEDS

Maximum Price Regulation No. 173 [1] is redesignated Revised Maximum Price Regulation No. 173 and is revised and amended to read as follows:

Prices of wheat mill feeds previously having been controlled by Maximum Price Regulation No. 173 issued June 30, 1942, this revised regulation seeks to reflect more clearly the differences in prices and transportation costs between areas which have appeared from a more complete study of the industry. In the judgment of the Price Administrator, the maximum prices established by this revised regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

The Administrator has considered all pertinent provisions of the Emergency Price Control Act of 1942, as amended, and has complied with all requirements thereof including the provisions of section 3 of this Act, as amended. The action taken in this Revised Maximum Price Regulation No. 173 is in compliance with Executive Order 9328.

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

§ 1363.101 *Maximum prices for wheat mill feeds.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, Executive Order No. 9250, and Executive Order No. 9328, Revised Maximum Price Regulation No. 173 (Wheat Mill Feeds), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1363.101 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4680.

REVISED MAXIMUM PRICE REGUATION No. 173—WHEAT MILL FEEDS

ARTICLE I—SCOPE AND PROHIBITIONS OF THIS REVISED REGULATION

Sec.
1. Scope and geographic applicability of this revised regulation.
2. Heavy bran flakes exempt.
3. Prohibition against dealing in wheat mill feeds at prices above the maximum prices permitted hereunder.
4. Less than maximum prices.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

5. Definitions.
6. Meaning of sale at destinations.
7. Maximum prices for sales by millers (except as a wholesaler or retailer) of sacked wheat mill feeds shipped in carload quantities.
8. Maximum prices for sales by millers (except as a wholesaler or retailer) of sacked wheat mill feeds shipped in mixed cars, pool cars or any less than carload quantity.
9. Maximum prices for sales by jobbers of sacked wheat mill feeds.
10. Maximum prices for sales by wholesalers of sacked wheat mill feeds.
11. Maximum prices for sales by retailers of sacked wheat mill feeds.
12. Maximum prices for sales of wheat mill feeds shipped in bulk or in buyer's sacks.
13. Maximum prices for sales of bran specially prepared as a substrate for growing bacterial cultures.
14. Maximum prices for imported wheat mill feeds used in mixed feed.
15. Maximum prices for export sales.
16. Transportation rates.
17. Federal and State taxes including certain licenses or inspection fees.
18. Evasive practices.

ARTICLE III—MISCELLANEOUS PROVISIONS

19. Petitions for amendment.
20. Adjustable pricing.
21. Records and reports.
22. Enforcement.

Article I—Scope and Prohibitions of This Revised Regulation

SECTION 1. *Scope and geographic applicability of this revised regulation.* This revised regulation prescribes maximum prices for every sale of wheat mill feeds whether domestic or imported. For the purpose of determining a maximum price therefor, no distinction shall be made between sales of domestic or imported wheat mill feeds. This revised regulation shall be applicable to all sales of wheat mill feeds in the course of trade or business in the several states of the United States and the District of Columbia.

SEC. 2. *Heavy bran flakes exempt.* Sales of heavy bran flakes shall be exempt from the provisions of this revised regulation and of the General Maximum Price Regulation.

SEC. 3. *Prohibition against dealing in wheat mill feeds at prices above the maximum prices permitted hereunder.* On and after the effective date of this revised regulation, regardless of any contract, agreement or other obligation, no person shall sell, deliver, buy or receive wheat mill feeds in the course of trade or business at a price higher than the maximum price permitted hereunder, and no person shall agree, offer, solicit or attempt to do any of the foregoing. These maximum prices shall include and may not be increased by adding any duties, brokerages, commissions, storage, insurance, carrying charges, handling charges or any other charges, nor shall they be increased by any charges for the extension of credit.

SEC. 4. *Less than maximum prices.* Lower prices than those set forth as maximum prices hereunder may be charged, demanded, offered or paid.

Article II—Definitions, Maximum Prices and Terms of Sale

SEC. 5. *Definitions.* When used in Revised Maximum Price Regulation No. 173 the term:

"Applicable Missouri River rate break point" means the Missouri River rate break point from which the lowest railroad carload proportional rate for the transportation of wheat mill feeds applies to the railroad siding nearest to the buyer's receiving point.

"Bran for human consumption" means the wheat bran which is specially cleaned and prepared for use for human consumption.

"Carload quantity" means a shipment of one or more wheat mill feeds of 60,000 pounds or more.

"Heavy bran flake" means the special wheat product for human consumption which has a substantial quantity of the endosperm clinging to the bran, with the result that the crude fibre content does not exceed 7 percent.

"Jobber" means a person who buys and resells wheat mill feeds to any person other than a feeder or ultimate user without unloading into a warehouse.

"Less than carload quantity" means a quantity of less than 60,000 pounds other than a railroad mixed or pool car shipment.

"Missouri River rate break point" means any city and its switching limits along the Missouri River, Kansas City and northward, at which railroad rates change to proportional rates for eastbound railroad traffic.

"Mixed car shipment" means a shipment in carload quantity to a single buyer composed in part of wheat mill feeds and in part of products other than wheat mill feeds; *Provided,* That any shipment from a flour mill which contains 30,000 pounds or more of wheat mill feeds shall be considered a carload quantity and only the carload price shall be charged on such mill feed.

"Person" includes any individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any other Government, or any other political subdivisions, or any agency of any of the foregoing.

"Pool car shipment" means a shipment in carload quantity of two or more less-than-carload lots to two or more buyers combined for the purpose of obtaining the carload rate.

"Retailer" means a person selling wheat mill feeds to a feeder or other ultimate user. It includes a miller selling wheat mill feeds to a feeder or other ultimate user whether from mill where produced or as a separate place of business and not located at his mill.

"Transportation charges actually incurred" means:

(i) Where the carrier is not owned or controlled by the seller, the amount paid by him to the carrier not exceeding any applicable common or contract carrier rate for a like service, or any applicable maximum price prescribed by the Office of Price Administration for such service. The said amount may include the 3 per cent tax provided for in Section 620 of the Revenue Act of 1942.

(ii) Where the carrier is owned or controlled by the seller, the reasonable value of the transportation in question, not exceeding the common or contract carrier rate, if any, or any maximum price prescribed by the Office of Price Administration for a like service if performed by a person other than the seller.

(iii) Except where loading or unloading charges have heretofore been included in transportation charges, no charges may be included in addition to such transportation charges for the loading or unloading of the commodity.

"Wheat germ" and "wheat germ meal" means those products of milling wheat

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

[1] 7 F.R. 5024, 8948, 9428.

which contain more than 25 per cent protein and 9 per cent fat.

"Wheat germ oil cake" and "wheat germ oil meal" means the cake and meal secured in the removal of part of the oil from commercial wheat germs and shall contain not less than 29 per cent of protein.

"Wheat mill feeds" means all the products of milling wheat except heavy bran flakes and the following commodities which shall remain subject to the provisions, exceptions, and other terms of the General Maximum Price Regulation, Maximum Price Regulation No. 296 or any other regulation to which they are now so subject.

(i) Flour from wheat.

(ii) Farina and semolina.

(iii) Wheat germ and wheat germ meal.

(iv) Wheat germ oil cake and wheat germ oil meal.

(v) Bran for human consumption.

(vi) Ground wheat.

"Wholesaler" means a person who buys wheat mill feeds, unloads it into a warehouse and resells same to any person other than a feeder or other ultimate consumer. It includes a miller who unloads wheat mill feeds into a warehouse operated as a separate place of business and not located at his mill and who sells same to any person other than a feeder or other ultimate consumer.

SEC. 6. *Meaning of sale at destinations.* This regulation in speaking of sales or purchases at a given destination means that the purchaser shall receive manual delivery of the wheat mill feed in question at that destination. If the wheat mill feed in question is physically located at said destination at the time of sale, and there delivered to said purchaser (sometimes referred to as a sale f. o. b. said destination), the purchaser may thereafter arrange and pay (in addition to the maximum price for the wheat mill feed at said destination) for its transportation elsewhere; and the purchaser may engage the seller as his agent to procure such transportation. If the wheat mill feed in question is not physically located at said destination at the time of the sale, the maximum price shall include and cover all transportation charges required to effectuate such a delivery of said wheat mill feed to the purchaser at said destination. Thus, if the buyer pays the seller the full maximum price, the seller must pay all said transportation charges required to effectuate such a delivery to said purchaser at said destination; and if he does not, he has violated this regulation. If the buyer pays any part of said transportation charges required to effectuate such a delivery as aforesaid, all said transportation charges so paid by the buyer must be deducted from the said maximum price to determine the amount the seller may actually receive in such a case; and if such deduction is not made, there has been a violation of this regulation.

SEC. 7. *Maximum prices for sales by millers (except as a retailer or wholesaler) of sacked wheat mill feeds shipped in carload quantities.* The maximum price for the sale of wheat mill feeds, sacked, and shipped in carload quantities, by millers (except as a retailer or wholesaler) shall be as follows:

(a) At destinations in the following cities or the switching limits thereof, the maximum price shall be:

	Per ton
(1) Kansas City, Mo. or other Missouri River rate break points	$36.50
(2) Minneapolis, Minn	37.75
(3) Seattle, Wash	36.50
(4) Portland, Oreg	36.50

(b) At destinations within those areas described hereafter in this paragraph (b), the maximum price is a base price plus, where specified, an allowance for rail transportation. The maximum price may include this rail allowance regardless of whether or not expended.

(1) At destinations within Arkansas and all states east of the Mississippi River with the exception of Louisiana, Minnesota, Wisconsin and the northern peninsula of Michigan, the maximum price shall be $36.50 per ton plus the charge at the lowest domestic railroad carload proportional rate from the applicable Missouri River rate break point to destination.

(2) At destinations in Missouri other than at Kansas City, Missouri, the maximum price shall be:

(i) At destinations in railroad rate Group A, $37.50 per ton; in railroad rate Groups B, C, D and M, $38.00 per ton; in railroad rate Groups E, J, J-1, and K and at Dunn and Cabool, $39.00 per ton.

The railroad rate groups named above are those set forth in Southwestern Lines Freight Tariff No. 186 series.

(ii) At all other destinations in Missouri, the maximum price shall be $36.50 per ton, plus the charge at the lowest railroad carload proportional rate from Kansas City, Missouri to destination.

(3) At destinations in Texas and Louisiana, the maximum price shall be $34.95 per ton, plus the charge at the lowest domestic railroad carload proportional rate from Enid, Oklahoma to destination.

(4) At destinations in Oklahoma, the maximum prices shall be as follows:

(i) At destinations on or north of the main line of the Chicago, Rock Island and Pacific Railway Company which runs easterly across Oklahoma from Shamrock, Texas to Hartford, Arkansas, the maximum price shall be $38.00 per ton.

(ii) At destinations south of the line described in (i) above, the maximum price shall be $39.00 per ton.

(5) At destinations in Kansas, the maximum price shall be determined as follows:

(i) East of a line drawn along the eastern boundaries of Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa and Comanche Counties, except the Counties of Linn, Anderson, Allen, Bourbon, Crawford, Neosho, Labette, and Cherokee, the maximum price shall be $36.50 per ton.

(ii) Within Linn, Anderson, Allen, Bourbon, Crawford, Neosho, Labette and Cherokee Counties, the maximum price shall by $37.50 per ton.

(iii) West of the line named in (i) in this subparagraph, except Cheyenne, Rawlins, and Decatur Counties, the maximum price shall be $38.00 per ton.

(iv) At destinations in Cheyenne, Rawlins and Decatur Counties, the maximum price shall be $38.50 per ton.

(6) At destinations in Nebraska the maximum prices shall be determined as follows:

(i) Within the area bounded on the north and west by and including Douglas, Dodge, Halifax, Platte, Boone, Greely, Garfield, Valley, Sherman, Buffalo, Kearney and Franklin Counties, the maximum price shall be $36.50 per ton.

(ii) Within the area north of that described in (i) of this subparagraph and bounded on the west by and including Boyd and Holt Counties, the maximum price shall be $37.50 per ton.

(iii) Within Scotts Bluff, Banner, Kimball, Box Butte, Morrill, Cheyenne and Deuel Counties, the maximum price shall be $39.00 per ton.

(iv) Within the remaining counties of this state not included in (i), (ii) and (iii) of this subparagraph, the maximum price shall be $38.50 per ton.

(7) At destinations in South Dakota, the maximum price shall be $37.75 per ton.

(8) At destinations in North Dakota, the maximum price shall be $35.75 per ton.

(9) At destinations in Montana, the maximum prices shall be determined as follows:

(i) At destinations in and east of Phillips, Garfield, Rosebud and Powder River Counties, except destinations on the Chicago, Milwaukee, St. Paul and Pacific Railroad in Rosebud and Custer Counties west of Miles City, the maximum price shall be $33.95 per ton, plus the charge at the highest carload railroad rate on wheat mill feeds applicable from Sydney, Montana to the destination.

(ii) At destinations west of the territory described in (i) of this subparagraph and including stations on the Chicago, Milwaukee, St. Paul and Pacific Railroad in Rosebud and Custer Counties west of Miles City, the maximum price shall be $32.55 per ton plus the lowest charge produced by using the highest carload rail rate on wheat mill feeds applicable from Great Falls or from Billings, Montana to the destination.

(10) At destinations in Wyoming, the maximum prices shall be as follows:

(i) South of the northern boundary of Teton, Freemont, Natrona, Converse and Niobrara Counties, except in Lincoln and Uinta Counties, the maximum price shall be $34.50 per ton plus the charge at the flat carload rail rate from Sterling, Colorado via Denver to the destination.

(ii) In Lincoln and Uinta Counties, the maximum price shall be $36.30 per ton plus the charge at the lowest carload transit balance rail rate from Ogden, Utah to the destination applicable on billing originating at Bancroft, Idaho.

(iii) North of the line described in (i) of this subparagraph, the maximum price shall be $32.55 per ton plus the charge at the lowest flat carload rail rate from Billings, Montana to the destination.

(11) At destinations in Colorado the maximum prices shall be as follows:

(i) At destinations on and east of the line of the Colorado and Southern Rail-

way which runs from Cheyenne, Wyoming to Fort Collins, Longmont and Boulder, Colorado to Denver including all points on branch rail lines west of this line in Larimer and Boulder Counties, and on and north of the line of the Union Pacific Railroad from Denver to the Kansas border near Chemung, Colorado, the maximum price shall be $38.00 per ton.

(ii) At destinations on and east of the line of the Atchison, Topeka and Santa Fe Railway from, but not including, Denver to Pueblo, and on and east of the Denver and Rio Grande Western Railway from Pueblo and Trinidad, and on and east of the Atchison, Topeka and Santa Fe Railway from Trinidad to the New Mexico border, and south of the line of the Union Pacific from, but not including, Denver to the Kansas border, near Chemung, Colorado the maximum price shall be $40.00 per ton.

(iii) At all other points in Colorado, the maximum price shall be $34.50 per ton plus the charge at the lowest flat carload railroad rate from Sterling, Colorado via Denver to the destination.

(12) At destinations in New Mexico, the maximum prices shall be determined as follows:

(i) On and east of the line of the Chicago, Rock Island and Pacific Railway which runs from Dalhart, Texas, to Tucumcari, New Mexico, and thence on and east of the line of the Southern Pacific Company to El Paso, Texas, the maximum price shall be $34.95 per ton plus the charge at the lowest flat carload rail rate from Enid, Oklahoma, to destination.

(ii) At all other destinations in New Mexico, the maximum price shall be $34.50 per ton plus the charge at the lowest flat carload rail rate from Sterling, Colorado to destination.

(13) At destinations in Arizona, the maximum price shall be $34.50 per ton plus the charge at the lowest flat carload railroad rate from Sterling, Colorado to the destination.

(14) At destinations in California the maximum price shall be determined as follows:

(i) At destinations located on or north of the line drawn as follows: From a point on the Pacific Coast due west from Los Gatos in a straight line to Los Gatos and thence in a straight line to San Martin; from San Martin along the line of the Southern Pacific Lines to San Jose and thence to Niles; from Niles in a straight line to Vernales; from Vernales in a straight line to Lathrop; from Lathrop along the line of the Southern Pacific Lines to Turlock; from Turlock in a straight line to Denair; thence along the main line of the Atchison, Topeka and Santa Fe Railway from Denair to Riverbank; from Riverbank along the line of the Sierra Railway Company of California to Tuolumne; from Tuolumne in a straight line due east to the Nevada border, with the exception of Colusa and points located on or adjacent to the main line of the Northwestern Pacific Railroad Company north of Santa Rosa, the maximum price shall be $36.50 per ton, plus the charge at the lowest railroad transit balance rate applicable from Seattle, Washington, to the destination on transit billing originating at Spokane, Washington.

(ii) At destinations located south of the line described in (i) above, and including Colusa and points located on or adjacent to the main lines of the Northwestern Pacific Railroad Company as described in (i) above, the maximum price shall be $36.50 per ton, plus the charge at the lowest carload railroad transit balance rate applicable from Seattle, Washington to destination on transit billing originating at Havre, Montana; *except*, that at destinations located on the line of the Southern Pacific Line from Mojave, but not including Mojave, as follows: Mojave to Searles and thence to Laws and from Searles to Trona, there may be added to the maximum price at Mojave the charge at the lowest railroad carload rate from Mojave to destination.

(15) At destinations in Utah and Nevada, the maximum price shall be $36.30 per ton plus the lower of the charges resulting from the use of the flat carload rail rate from Ogden, Utah, to destination or the carload transit balance rail rate applicable from Ogden, Utah to destination on billing originating at Bancroft, Idaho.

(16) At destinations in Washington and Oregon, the maximum prices shall be:

(i) West of a line drawn along the line of the Great Northern Railway from the Canadian border through Oroville to, but not including, Trinidad and thence along the west bank of the Columbia River to a point due east of Leslie, thence in a straight line to Leslie, thence in a straight line to Erie, thence in a straight line to Plymouth, thence westerly along the Columbia River to the western boundary of Umatilla County, Oregon, thence southward along the western boundaries of Umatilla, Grant and Harney Counties to the California border, and including all points on this line, the maximum price shall be $31.30 per ton plus the charge at the lowest flat carload rail rate from Spokane, Washington to the destination.

(ii) East of a line drawn along the Great Northern Railway from the Canadian border through Oroville to Trinidad, and thence along the east bank of the Columbia River to its junction with the Snake River and thence easterly along the north bank of the Snake River to the Idaho border, and including all points on this line except points west and north of Trinidad on the Great Northern Railway, the maximum price shall be $34.50 per ton.

(iii) At destinations in Walla Walla, Columbia, Garfield and Asotin Counties in the State of Washington, the maximum price shall be $35.30 per ton.

(iv) At destinations in Oregon on and north of the lines of the Union Pacific Railroad from Umatilla through Hinkle, Pendleton, Athena and Freewater to the Washington border, the maximum price shall be $35.30 per ton.

(v) At destinations in Oregon in Umatilla County except that portion of Umatilla County described in (iv) above, in Union, Wallowa and Baker Counties and in Grant County on the line of the Sumpter Valley Railroad from Baker to Bates, the maximum price shall be $31.30 per ton, plus the charge at the lowest flat carload rail rate from Spokane to the destination.

(vi) At destinations in Oregon in Grant County except that portion of Grant County described in (v) above, and in Harney and Malheur Counties, the maximum price shall be $36.30 per ton, plus the charge at the lowest carload transit balance rail rate from Ogden, Utah on billing originating at Bancroft, Idaho.

(17) At destinations in Idaho, the maximum prices shall be:

(i) North of the southern boundary of Idaho County, the maximum price shall be $35.30 per ton.

(ii) South of the southern boundary of Idaho County, the maximum price shall be $36.30 per ton.

(18) At destinations in Minnesota, except Minneapolis, the maximum prices shall be:

(i) Within the area bounded on the east and south by the main line of the Minnesota and International Railway Company from International Falls to Brainerd, thence along the line of the Northern Pacific Railway to Minneapolis, thence westerly along the line of the Chicago, Milwaukee, St. Paul and Pacific Railroad to Granite Falls, thence southwesterly along the line of the Great Northern Railway Company to the South Dakota border near Jasper, Minnesota, including all points on the lines of the Great Northern Railway Company and of the Northern Pacific Railway mentioned above, but not including points on the lines of the Minnesota and International Railway and the Chicago, Milwaukee, St. Paul and Pacific Railroad, the maximum price shall be $37.75 per ton.

(ii) At all other destinations in Minnesota not included in the area in (i) above, the maximum price shall be $37.75 per ton, plus the charge at the lowest carload intrastate proportional rail rate from Minneapolis to the destination.

(19) At destinations in Wisconsin and Iowa, and in the northern peninsula of Michigan, the maximum price shall be $37.75 per ton plus the charge at the lowest rail carload proportional rate from Minneapolis, Minnesota, or $36.50 per ton plus the charge at the lowest rail carload proportional rate from the applicable Missouri River rate break point to destination, whichever is less.

(b) The foregoing maximum prices may be increased, where the destination is not a rail point, by transportation charges actually incurred by the miller from the nearest rail point to said destination.

SEC. 8. *Maximum prices for sales by millers (except as a wholesaler or retailer) of sacked wheat mill feeds shipped in mixed cars, pool cars or any less than carload quantity.* (a) The maximum price for the sale of wheat mill feeds, sacked, in mixed cars or pool cars by millers (except as a wholesaler or retailer) shall be the maximum price for a sale in carload quantities at a like destination as set forth in section 7 hereof plus $1.00 per ton.

(b) The maximum price for the sale of wheat mill feeds, sacked, in any less than carload lot quantity, by a miller (except as a wholesaler or retailer) shall be the maximum price for a sale, in carload quantities, sacked, with the mill where produced as the destination, as set forth in Section 7 hereof, plus $1.00 per ton plus transportation charges actually incurred by the seller from said mill to the actual destination, that is, his buyer's receiving point.

SEC. 9. *Maximum prices for sales by jobbers of sacked wheat mill feeds.* (a) The maximum price for sales of wheat mill feeds, sacked and shipped in carload quantities or mixed cars by a jobber shall be 50 cents per ton above the maximum price for a like sale of a like quantity at a like destination by a miller as set forth in sections 7 or 8 hereof.

(b) The maximum price for sales of wheat mill feeds, sacked and shipped in less than carload quantities or in pool cars by a jobber shall be $1.00 per ton above the maximum price for a like sale of a like quantity at a like destination by a miller as set forth in section 8 hereof.

SEC. 10. *Maximum prices for sales by wholesalers of sacked wheat mill feeds.* The maximum price for the sale of wheat mill feeds, sacked, by a wholesaler shall be $2.50 per ton over the maximum price for a sale in carload quantities by a miller (or a jobber if purchased from a jobber) at wholesaler's warehouse as the destination as above set forth plus the transportation charges actually incurred by the wholesaler from his said warehouse to the destination, that is, his buyer's receiving point.

SEC. 11. *Maximum prices for sales by retailers of sacked wheat mill feeds.* (a) The maximum price for the sale of wheat mill feeds, sacked, by a retailer shall be $4.00 per ton maximum markup over the maximum price which could lawfully have been paid the miller, jobber, or wholesaler for the quantity purchased or delivered by said persons to said retailer at retailer's store or place of sale as the destination as above set forth (from out of which lot the sale or delivery to the retailer's customer is made) plus the transportation charges actually incurred by the said retailer from his said store or place of sale to the destination, that is, his buyer's receiving point.

(b) Paragraph (a) of this section shall have no application to a sale by a miller as a retailer from his mill where the wheat mill feeds in question were produced. For such a sale, the maximum price shall be $1.00 per ton maximum markup for sales in carload quantities and $4.00 per ton maximum markup for sales in less than carload quantities over said miller's maximum price for sales in carload quantities sacked, at said mill where produced as the destination as above set forth, plus transportation charges actually incurred by said seller from his said mill to the destination, that is, his buyer's receiving point.

SEC. 12. *Maximum prices for sales of wheat mill feeds shipped in bulk or in buyer's sacks.* (a) The maximum price of any seller for the sale of wheat mill feeds in bulk shall be the maximum price in sacks as set forth in this regulation, less the customary differential used for bulk sales on July 3, 1942.

(b) The maximum price of any seller for the sale of wheat mill feeds in buyer's sacks shall be the maximum price in sacks above set forth less the customary differential used for sales in buyer's sacks on July 3, 1942.

SEC. 13. *Maximum prices for sales of bran specially prepared as a substrate for growing bacterial cultures.* The maximum price for any sale by any person of bran specially selected and prepared for use as a substrate for the growing of bacterial cultures shall be the maximum price for a like sale of wheat mill feeds at a like destination by a miller in carload quantities, sacked, as set forth in section 7 hereof, plus $3.00 per ton.

SEC. 14. *Maximum prices for imported wheat mill feeds used in mixed feed.* Any person importing wheat mill feeds for use in mixed feed produced by him shall in determining his maximum prices under Maximum Price Regulation 378 on his mixed feed for animals and poultry calculate his "cost" of any wheat mill feeds so imported and used by him at the maximum price thereof to him as if purchased from a domestic miller in carload quantities with his production plant as the destination.

SEC. 15. *Maximum prices for export sales.* For export shipments the maximum prices shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.[2] For the purpose of determining maximum prices in accordance with the Second Revised Maximum Export Price Regulation, the maximum domestic prices shall be the maximum prices for a sale computed hereunder as if the Port of Exit were the destination.

SEC. 16. *Transportation rates.* Wherever in this revised maximum price regulation wheat mill feed prices are determined by adding a rail transportation charge to a basic price, that rail transportation charge shall be calculated by using the rail rates in effect prior to May 15, 1943, until (a) August 1, 1943, for maximum prices which include a rail transportation charge from Enid, Oklahoma; Kansas City, Missouri; Missouri River Rate break points; Sterling, Colorado; and Ogden, Utah; (b) September 1, 1943, for prices including a rail transportation charge from Minneapolis, Minnesota; Billings or Great Falls, Montana; Spokane, Washington, and Seattle, Washington. Thereafter the rates then applicable shall be used in calculating maximum prices.

SEC. 17. *Federal and State taxes including certain licenses or inspection fees.* (a) Any tax upon or incident to the sale, delivery, processing or use of wheat mill feeds including license or inspection fees levied on a tonnage basis imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof shall be treated as follows in determining the seller's maximum price for wheat mill feeds, and in preparing the records of such seller with respect thereto; if at the time the seller determines his maximum price, the statute or ordinance imposing the tax does not prohibit the seller from stating and collecting the tax separately from the purchase price and the seller does state it separately, the seller may collect in addition to the maximum price, the amount of tax or fee actually paid by him or an amount equal to the amount of tax or fee paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

(b) This section shall have no application to the 3 per cent transportation tax mentioned in section 620 of the Revenue Act of 1942 and provided for in section 5 of this regulation.

SEC. 18. *Evasive practices.* The price limitations set forth in Revised Maximum Price Regulation No. 173 shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to wheat mill feed, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

Article III—Miscellaneous Provisions

SEC. 19. *Petitions for amendment.* Persons seeking any modification of this Revised Maximum Price Regulation No. 173 may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1[3] issued by the Office of Price Administration.

SEC. 20. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 21. *Records and reports.* (a) Every person making a sale or purchase of wheat mill feeds in the course of trade or business after July 3, 1942 except sales at retail and sales of bran for human consumption or heavy bran flakes, shall

[2] 8 F.R. 4132, 5987, 7662.

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

keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records and documents of such sales and purchases including the date thereof, name of the seller and purchaser, price paid or received, buyer's receiving point and the quantity of wheat mill feed sold or purchased.

(b) Persons affected by Revised Maximum Price Regulation No. 173 shall submit such records to the Office of Price Administration as it may from time to time require.

SEC. 22. *Enforcement.* Persons violating any provisions of Revised Maximum Price Regulation No. 173 are subject to the criminal penalties, civil enforcement actions, licenses suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942 as amended.

This Revised Maximum Price Regulation No. 173 shall become effective July 16, 1943.

NOTE.—The reporting and record keeping provisions of this revised regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11155; Filed, July 10, 1943; 12:26 p. m.]

PART 1383—SHOES AND SHOE FINDINGS

[MPR 420,[1] Amdt. 1]

HARDWOOD HEEL BLOCKS AND FINISHED HARDWOOD HEELS

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

Section 3 (c) (1) is amended by inserting in the table after Cuban fancy 10/8-17½/8 inches the following item:

Style	Price (per pair)		
	Column I	Column II	Column III
*	*	*	*
Cuban Fancy 18/8—21/8 inches	$.14	$.1475	$.205
*	*	*	*

This amendment shall become effective July 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11157; Filed, July 10, 1943; 12:28 p. m.]

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

[1] 8 F.R. 9331.

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 27]

SHOES

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

Ration Order 17 is amended in the following respects:

1. Section 2.11 (e) is added to read as follows:

(e) Any establishment (other than one whose sales were principally by mail order) whose sales of shoes to consumers for ration currency during the period from February 7, 1943 to April 10, 1943, inclusive, exceeded its other transfers of rationed shoes during that period may transfer shoes as non-rationed under this paragraph in accordance with the following provisions:

(1) Such transfers in any of the following classes shall not exceed the applicable stated percentage of the number of pairs of shoes within the same class which the establishment had in its inventory on April 10, 1943 (as reported on OPA Form R-1701) reduced by the number of pairs of shoes within that class which the establishment had in its inventory at the close of business on July 6, 1943 of types which were released from rationing control by Amendment No. 25, to this order.

	Percent
Class I—Men's dress shoes, men's work shoes, youths' and boys' shoes	1
Class II—Women's shoes	4
Class III—Misses', Children's and Infants' shoes	2
Class IV—All other rationed footwear	2

(2) Shoes may be transferred as non-rationed under this paragraph only to consumers and only during the period from July 19 to July 31, 1943, inclusive.

(3) The sale price of each pair so transferred may not exceed a price ten percent above the price paid for the shoes by the owner of the establishment, or, if such price cannot be ascertained or the shoes were made by the owner of the establishment, a price twenty-five percent below the establishment's regular retail selling price for the shoes on July 1, 1943.

(4) When such shoes are offered for sale in any notice or advertisement, they shall be referred to as "OPA Odd Lot Release."

(5) Shoes so transferred shall be marked "Odd Lot" after the sale to the consumer but before they are removed from the establishment. The mark shall be written or stamped on one shoe of each pair with ink, indelible stamp, or indelible pencil.

(6) The restrictions on the percentage of shoes within each class that may be transferred as non-rationed under this paragraph do not apply to shoes acquired as non-rationed shoes from another establishment pursuant to section 2.11 (f).

2. Section 2.11 (f) is added to read as follows:

(f) Any establishment not eligible for relief under paragraph (e) above, may transfer shoes as non-rationed pursuant to the following provisions:

(1) Application shall be made in writing to the district office for permission to mark shoes non-rationed. Only one application may be made for an establishment.

(2) The application need not be in any prescribed form but the applicant shall furnish: a copy of its inventory Form R-1701 as of April 10, 1943, with a statement of the number of pairs of shoes of the establishment in each class specified in section 2.11 (e) (1) which were released from rationing control by Amendment No. 25 to this order; a statement of the number of pairs of shoes in each class which it desires to transfer as non-rationed under this paragraph; and all other information needed to establish the eligibility of the applicant under this paragraph including, where necessary, a statement of its volume of sales of shoes on mail orders.

(3) Such transfers in any class shall not exceed the maximum amount specified for that class by paragraph (e) (1) above.

(4) The district office, if satisfied that the establishment is eligible, shall issue to it the number of non-rationed stickers, Form R-1711, requested, but not more than the maximum number of pairs of shoes within each class permitted to be transferred by the applicant as non-rationed. The district office (or the applicant if required by the district office) shall write on each sticker the class number for which the sticker may be used, the letters "O. L.", and a code number assigned by the district office. Such stickers shall be affixed to one shoe of each pair before the shoes are offered for sale or transferred as non-rationed shoes. A sticker may be affixed only to a shoe of the same class as that designated on the sticker.

(5) Shoes marked in accordance with this paragraph may be transferred as non-rationed by and to any person at any time on or after July 19, 1943.

(6) The price at which such shoes may be sold to any buyer by the establishment securing the permission to mark them non-rationed may not exceed the price paid for the shoes by the owner of the establishment or, if such price cannot be ascertained or the shoes were made by the owner of the establishment, a price twenty-five percent below the establishment's regular selling price for the shoes on July 1, 1943 to a buyer of the same class. If such non-rationed shoes are transferred directly or indirectly to another establishment owned by the same person, the sale price of the shoes by the establishment acquiring them as non-rationed shall not exceed ten percent mark-up on the sale price permitted to be charged by the estab-

[1] 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3953, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 6046, 6687, 7198, 7261, 8001, 8064, 8357, 8601, 9062.

lishment marking the shoes as non-rationed.

(7) When such shoes are offered for sale in any notice or advertisement, they shall be referred to as "OPA Odd Lot Release."

3. Section 2.13 (b) (4) is amended by adding at the end thereof the following:

and, a record of the shoes marked and transferred as non-rationed pursuant to section 2.11 (e) or 2.11 (f) showing, for each pair, the name and address of the buyer, the date of transfer, the type, style number, and selling price;

This amendment shall become effective July 19, 1943.

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

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507, and 421, 77th Cong.; W.P.B. Directive 1, 7 F.R. 562, Supplementary Directive 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11158; Filed, July 10, 1943; 12:28 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 55 Under § 1499.3 (b) of GMPR]

MANUFACTURERS OF COMMERCIAL REFRIGERATION EQUIPMENT

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

§ 1499.1993 *Authorization of maximum prices of reconditioned and rebuilt parts and subassemblies not sold or delivered during March 1942 for commercial refrigeration equipment.* (a) Specific authorization is hereby given to manufacturers of commercial refrigeration equipment to determine maximum prices of such reconditioned and rebuilt parts or subassemblies which were not sold or delivered during March 1942 where such maximum prices cannot be determined under § 1499.2 of the General Maximum Price Regulation, according to the methods set forth in (b) below:

(b) *Maximum prices.* The maximum prices for the sale and delivery of reconditioned and rebuilt parts or subassemblies covered by this Order No. 555 shall not be more than (1) 75% of the presently established list price of an equivalent new part or subassembly, or (2) 75% of the presently established net price of an equivalent new part or subassembly where such equivalent new part or subassembly has no presently established list price.

(c) *Discounts and services.* The maximum prices established under (b) above shall be subject to the same extension of discounts and the same rendition of services which the manufacturer extended or rendered or would have extended or rendered on comparable sales of equivalent new parts or subassemblies to purchasers of the same class on March 1, 1942.

(d) *Transportation.* All sales made under this Order No. 555 shall be f. o. b. point of shipment.

(e) *Definitions.* (1) For the purpose of this Order No. 555 the term "rebuilt or reconditioned part or subassembly" means a part or subassembly (i) in which all worn or missing components which should have been replaced or repaired for satisfactory operation have been replaced or repaired, (ii) which will give substantially the equivalent performance to that of an equivalent new part or subassembly, (iii) which carries a binding written guarantee of satisfactory operation for a period of 90 days or more, and (iv) which is expressly invoiced as a rebuilt or reconditioned part or subassembly.

(2) The term "commercial refrigeration equipment" includes but is not limited to compressors under 25 horsepower; coils and fancoils regardless of size, such as unit coolers, evaporating condensers; drinking water coolers; and evaporators.

(f) *Reports.* All sellers subject to the provisions of this Order No. 555 shall submit such reports as the Office of Price Administration shall at any time request subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective June 25, 1943.

Issued this 24th day of June 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11168; Filed, June 25, 1943; 9:58 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 426, Amdt. 1]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

Maximum Price Regulation No. 426 is amended in the following respects:

1. Appendix C, entitled "Maximum Prices for Fruits and Vegetables Based on Maximum Prices, F. O. B. Country Shipping Point" is added to Article III, section 15, to read as set forth below:

APPENDIX C

MAXIMUM PRICES FOR FRUITS AND VEGETABLES BASED ON MAXIMUM PRICES F. O. B. COUNTRY SHIPPING POINT

(a) This appendix establishes maximum prices for certain fruits and vegetables, f. o. b. country shipping point. For these commodities, the maximum prices for carlot or truckloot sales at any wholesale receiving point and the maximum prices for less-than-carlot or less-than-truckloot sales in any market are computed respectively from the maximum price, f. o. b. country shipping point, by the addition of the cost of transportation (including refrigeration and other protective services) and a stipulated dollar-and-cent markup.

(b) When used in this regulation, the term:

(1) "Country shipping point" means a farm or other place in or near the producing area from which fruits and vegetables are sold, shipped, delivered or otherwise transferred to any person, or at which fruits and vegetables are prepared for sale, shipment, delivery, or other transfer to any person. "Prepared" means, for example, loading, sacking, grading, sizing or harvesting.

(2) "Cost of transportation" means:

(i) If shipment is by a common carrier whose maximum rates and charges are regulated by the Interstate Commerce Commission or other Federal or State regulatory body, the amount actually paid to the carrier, in conformance with its lawfully established rates and charges, including charges for pre-cooling, icing and other protective or accessorial services actually performed. Any allowance made by the carrier to a shipper or consignee for performing pre-cooling or other services may, nevertheless, be included in "cost of transportation" and may be retained by the person performing the services for which the allowance is made. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(ii) If shipment is by a carrier for hire othe than a common carrier (such as a contract carrier) the amount actually paid to the carrier but not in excess of the maximum charges as determined by the General Maximum Price Regulation, amendments, and supplementary regulations thereto, or such other regulations of the Office of Price Administration as may be applicable to the services of such carrier at the time of movement. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(iii) If shipment is by a carrier other than described in (i) and (ii) above (such as an unregulated common carrier or a private carrier) the amount actually paid to the carrier but not in excess of an amount computed by applying to the actual weight of the shipment the lowest published rail carload rate between the rail stations nearest to the points of origin and destination plus rail charges for protective and accessorial services if equivalent services are performed. If the shipment is less than 20,000 pounds, an additional charge of 2 cents per 100 pounds may be made, *Provided:* That the total charge for a shipment of less than 20,000 shall not exceed the charge for a shipment of 20,000 pounds. In applying rail accessorial and protective charges which are stated in amounts per car, the per car charge may be made against a shipment of 20,000 pounds or more moving in a single conveyance, but only the proportion of such per car charge which the weight of the shipment bears to 20,000 pounds, may be made against a shipment of less than 20,000 pounds. When pre-cooling or icing, not included in the carrier's rates and charges, is performed by or for account of the shipper, the cost of this service, but not to exceed maximum prices prescribed by Maximum Price Regulation No. 165, may be added. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, may be added, if the shipment is subject to that tax.

(iv) If shipment is by a means owned or controlled by the seller an amount not in excess of the lowest of the rates mentioned in (i), (ii), or (iii) above, available to the seller. The amount of the transportation

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

tax imposed by section 620 of the Revenue Act of 1942, may be added if the shipment is subject to that tax.

(c) The first person (including a grower) and every person thereafter who makes sales of any of the fruits or vegetables covered by this Appendix C shall notify his purchaser on his invoice or other written evidence of the sale the exact amount of the "cost of transportation" as defined herein.

(d) The maximum prices for sales of red sour cherries shall be as follows:

Column 1	Column 2	Column 3
Maximum prices per pound, f. o. b. country shipping point.	Maximum prices per pound, for carlot or trucklot sales at any wholesale receiving point.	Maximum prices for less than carlot or less than trucklot sales to any person other than ultimate consumers.
10 cents per pound	10 cents per pound plus "cost of transportation" as defined above.	10 cents per pound plus "cost of transportation" as defined above, plus 1½ cents per pound.

2. The effective date of Maximum Price Regulation No. 426 is amended to read as follows:

This regulation shall become effective July 10, 1943 as to Appendix C of Article III, section 15, and on July 20, 1943 as to Articles I through III except Appendix C of Article III, section 15.

This amendment shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

Approved: July 9, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-11164; Filed, July 10, 1943; 4:41 p. m.]

PART 1410—WOOL

[MPR 163,[1] Amdt. 13]

WOOLEN AND WORSTED CIVILIAN APPAREL FABRICS

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

Section 1410.102a (a) is amended to read as follows:

(a) The maximum price for a manufacturer's special sales to retail stores shall be the sum of:

(1) The manufacturer's maximum price for sales of the particular fabric to jobbers or cutters, determined pursuant to § 1410.102; plus

(2) The amount resulting from multiplying the maximum price for sales of the fabric to jobbers or cutters by the percentage figure representing the amount by which the manufacturer's average selling price for special sales to retail stores exceeded his average selling price for other sales during the calendar year 1941: *Provided,* That in no event shall the manufacturer's maximum price for special sales to retail stores exceed his maximum price for sales of the fabric to jobbers or cutters, determined pursuant to § 1410.102, divided by the division factor .85.

The percentage figure representing the amount by which the manufacturer's average selling price for special sales to retail stores exceeded his average selling price for other sales during the calendar year 1941 shall be determined with reference only to those woolen or worsted apparel fabrics of which the manufacturer, during that period, made special sales to retail stores as well as sales to jobbers or cutters, and shall be computed in the following manner:

STEP 1: Segregate from total 1941 sales of woolen and worsted apparel fabrics, all sales of those styles of fabrics with respect to which special sales to retail stores as well as sales to jobbers or cutters were made during the calendar year 1941.

STEP 2: Determine the total amount received for each individual style of fabric from special sales to retail stores during the calendar year 1941 and divide by the number of yards of such style sold in special sales to retail stores during that period.

STEP 3: Add together the results obtained by applying Step 2 to each individual style and divide by the total number of individual styles sold.

STEP 4: Determine the total amount received for each individual fabric from sales other than special sales to retail stores during the calendar year 1941 and divide by the total number of yards of such style sold in sales other than special sales to retail stores during that period.

STEP 5: Add together the results obtained by applying Step 4 to each individual style and divide by the total number of individual styles sold.

STEP 6: Subtract the result obtained in Step 5 from the result obtained in Step 3.

STEP 7: Divide the result obtained in Step 6 by the result obtained in Step 5.

This amendment shall become effective July 10, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 10th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11165; Filed, July 10, 1943; 4:41 p. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 261—TRESPASS

REMOVAL OF TRESPASSING CATTLE IN COCHETOPA NATIONAL FOREST

Whereas a number of cattle are trespassing and grazing on land in the West Bassam Division of the Cochetopa National Forest, in the State of Colorado; and

Whereas these cattle are consuming forage needed for domestic livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551), and the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), the following order for the occupancy, use, protection and administration of land in the West Bassam Division of the Cochetopa National Forest is issued:

Temporary closure from cattle grazing.[1] (a) The West Bassam Division of the Cochetopa National Forest is hereby closed for a two-month period beginning August 1, 1943, and ending September 30, 1943, to the grazing of cattle, excepting those that are lawfully grazing on or crossing land in such Division pursuant to the regulations of the Secretary of Agriculture, or that are used in connection with operations authorized by such regulations.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all cattle found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such cattle, shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Cochetopa National Forest is located.

Done at Washington, D. C., this 9th day of July, 1943. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

[F. R. Doc. 43-11154; Filed, July 10, 1943; 11:55 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 135]

PART 95—CAR SERVICE

DEMURRAGE CHARGES AT MEXICAN BORDER POINTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 10th day of July, A D. 1943.

It appearing, That the detention of cars loaded with freight, due to customs clearance and other reasons, originating at points in, or moving through the United States and destined to points in Mexico has resulted in serious congestion

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

[1] 7 F.R. 4513, 4733, 4734, 5827, 5872, 6887, 6973, 7454, 7663, 8941, 8948, 8 F.R. 262, 608, 1682, 4733, 8505.

[1] This affects tabulation contained in 36 CFR 261.50.

at Bisbee Junction, Arizona, Brownsville, Texas, Calexico, California, Division, California, Douglas, Arizona, Eagle Pass, Texas, El Paso, Texas, Laredo, Texas, Naco, Arizona, Nogales, Arizona, Presidio, Texas, and Yuma, Arizona; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic:

It is ordered, That:

§ 95.502 *Demurrage charges at Mexican border points.* (a) After expiration of the free time allowed by tariffs lawfully on file with this Commission on interstate or foreign shipments in carloads originating at points in, or moving through, the United States and destined to points in Mexico the demurrage charges at Bisbee Junction, Arizona, Brownsville, Texas, Calexico, California, Division, California, Douglas, Arizona, Eagle Pass, Texas, El Paso, Texas, Laredo, Texas, Naco, Arizona, Nogales, Arizona, Presidio, Texas, and Yuma, Arizona, on such carload shipments shall be $5.50 per car per day or fraction thereof, for each of the first two (2) days, and shall be $22.00 per car per day or fraction thereof, for each succeeding day.

(b) *Average agreements.* Carload shipments from and to the points set forth in paragraph (a) of this section shall not be included in any average agreement at named border points.

(c) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of paragraphs (a) and (b) of this section is hereby suspended.

(d) *Announcement of suspension.* Each railroad, or its agent, on or before the effective date of this order, and upon not less than one day's notice to the Commission and the public, shall file and post a supplement to each of its tariffs affected hereby, substantially in the form authorized in Rule 9 (k) of Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of the operation of any of the provisions therein, and establishing the substituted provisions above set forth. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17)).

It is further ordered, That this order shall become effective at 12:01 a. m., July 26, 1943, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 43-11202; Filed, July 12, 1943; 11:43 a. m.]

Chapter II—Office of Defense Transportation

[Gen. Order ODT 41]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

SUBPART I—FREIGHT SHIPMENTS TO PORTS IN PUERTO RICO

Pursuant to Executive Orders 8989, 9156, and 9214, and in order to coordinate and direct movements of freight so as to prevent traffic congestion at ports in Puerto Rico, to assure the orderly and expeditious movement of freight to such ports, and to maintain the maximum flow of necessary traffic, the attainment of which purposes is essential to the prosecution of the war, *It is hereby ordered,* That:

Sec.
502.175 General outline of the order.
502.176 Designation of port structures or facilities requiring permits.
502.177 ODT permit required for transportation to designated port structures or facilities.
502.178 Application for and issuance of ODT permits.
502.179 Suspension, alteration or cancellation of ODT permits.
502.180 Suspension of provisions of this order and of orders issued hereunder.
502.181 Definitions.
502.182 Applicability.
502.183 Communications.

AUTHORITY: §§ 502.175 to 502.183, inclusive, issued under E.O. 8989, 9156, and 9214; 6 F.R. 6725, 7 F.R. 3349, 6097.

§ 502.175 *General outline of the order.* This order is designed to relieve and prevent traffic congestion at ports in Puerto Rico by establishing a control over the movement to ports by railroad, motor vehicle, or watercraft, of freight destined for transshipment by ocean-going watercraft. If the Regional Director of the Office of Defense Transportation for Puerto Rico deems it advisable for the purpose of preventing undue traffic congestion, he is authorized to prohibit the movement of such freight to any warehouse, wharf, pier, dock, or other structure or facility in the port which he may designate. Thereafter no person may ship and no carrier may transport any freight to any structure or facility so designated by the Regional Director, unless such transportation has been authorized by a permit issued by the Regional Office of Defense Transportation for Puerto Rico.

§ 502.176 *Designation of port structures or facilities requiring permits.* Whenever the Regional Director shall deem it advisable for the purpose of preventing undue congestion of traffic at any port, he may by written order designate any warehouse, wharf, pier, dock, or other structure or facility in such port as one in respect of which an ODT permit shall be required for the transportation of freight thereto. Such designation shall remain in effect until the further written order of the Regional Director.

§ 502.177 *ODT permit required for transportation to designated port structures or facilities.* No person shall offer for transportation, and no carrier shall accept for transportation or transport, any shipment of freight weighing 2,240 pounds or more, from any point in Puerto Rico to any structure or facility designated by the Regional Director as one requiring an ODT permit for transportation thereto, unless (1) there is in force and effect an ODT permit authorizing such transportation of such freight to such structure or facility, and (2) the number of such ODT permit has been endorsed or inscribed upon the face of the waybill, bill of lading, or other shipping documents, or such permit accompanies such shipment of freight.

§ 502.178 *Application for and issuance of ODT permits.* Application for an ODT permit may be made to the office of the Regional Director at San Juan or to any local office of the Office of Defense Transportation in Puerto Rico. ODT permits issued hereunder shall be issued by, or under the authority of, the Regional Director, shall be in such form as he may prescribe, and shall contain such terms and conditions as he may deem advisable to prevent undue congestion of traffic at any port.

§ 502.179 *Suspension, alteration or cancellation of ODT permits.* Any ODT permit issued hereunder may be suspended, altered or cancelled whenever in the judgment of the Regional Director traffic conditions, or other circumstances, make such suspension, alteration or cancellation necessary or proper to prevent undue congestion of traffic at any port.

§ 502.180 *Suspension of provisions of this order and of orders issued hereunder.* The provisions of this order, or any part thereof, and the provisions of any order issued hereunder, or any part thereof, may be suspended from time to time by written order of the Regional Director.

§ 502.181 *Definitions.* As used in this order (§§ 502.175 to 502.183, inclusive), or in any order, permit, regulation, or other document issued hereunder, the term:

(a) "Puerto Rico" means the Island of Puerto Rico and islands adjacent thereto belonging to the United States.

(b) "Person" means any individual, partnership, corporation, association, joint-stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee or personal representative, and includes any department or agency of the United States, or of any other government, the Insular Government of Puerto Rico, or any other political, governmental or legal entity.

(c) "Carrier" means any person engaged in transporting property by railroad, motor vehicle or watercraft, and includes common carriers, contract carriers, and private carriers.

(d) "Port" means any location on a harbor or water area in Puerto Rico that is used for the loading of freight into

and the unloading of freight from ocean-going watercraft, and includes all warehouses, wharves, piers, docks, yards, grounds, depots, railroad tracks, carriers' terminals and facilities, and all other structures and facilities used in connection with the transfer or interchange of freight between ocean-going watercraft and any other transportation agency or with the handling, preservation or storage of freight incidental to such transfer or interchange.

(e) "Freight" means any property transported, or offered by any person for transportation, by any carrier.

(f) "Regional Director" means the Regional Director of the Office of Defense Transportation for Puerto Rico.

(g) "ODT permit" means a permit issued by the Regional Director, authorizing the transportation of freight to a port.

§ 502.182 *Applicability.* This order shall be applicable only within Puerto Rico.

§ 502.183 *Communications.* Communications concerning this order should refer to "General Order ODT 41," and, unless otherwise directed, should be addressed to the Regional Director, Office of Defense Transportation, San Juan, Puerto Rico.

This order shall become effective July 10, 1943.

Issued at Washington, D. C., this 10th day of July 1943.

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

[F. R. Doc. 43-11117; Filed, July 10, 1943; 10:47 a. m.]

[Administrative Order ODT 1, Amdt. 4]

PART 503—ADMINISTRATION

DELEGATIONS OF AUTHORITY; DIVISION OF LOCAL TRANSPORT

Pursuant to Executive Orders 8989, 9156, 9214, and 9294, subparagraph numbered (14) of paragraph (a) of § 503.3 of Administrative Order ODT 1 (8 F.R. 6001, 7285), is hereby amended to read as follows:

§ 503.3 *Division of Local Transport.* (a) * * *

(14) *Taxicabs and taxi service.* To execute and issue, in his discretion, and in the name of the Director of the Office of Defense Transportation, special permits as provided by General Orders ODT 20A (8 F.R. 9231) and ODT 22 (7 F.R. 7206), or as either may be amended hereafter.

(E.O. 8989, 9156, 9214, 9294; 6 F.R. 6725, 7 F.R. 3349, 6097, 8 F.R. 221)

This Amendment 4 to Administrative Order ODT 1 shall become effective on July 12, 1943.

Issued at Washington, D. C., this 12th day of July 1943.

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

[F. R. Doc. 43-11181; Filed, July 12, 1943; 10:38 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter Q—Alaska Commercial Fisheries

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

SALMON FISHERIES

Effective only through December 31, 1943, § 211.12 is hereby amended as follows:

§ 211.12 *Areas open to salmon traps.* Paragraph (bb) is hereby suspended, and paragraphs (h), (i), and (v) are hereby amended to read as follows:

(h) Western side of Valdez Arm from 60 degrees 58 minutes north latitude to 60 degrees 59 minutes north latitude.

(i) Southwest coast of Bligh Island within 2,500 feet of a point at 60 degrees 48 minutes 56 seconds north latitude, 146 degrees 49 minutes 23 seconds west longitude.

* * * * *

(v) Western coast of Montague Island from 59 degrees 55 minutes 30 seconds north latitude, 147 degrees 46 minutes 10 seconds west longitude northward to a point south of Hanning Bay at 59 degrees 56 minutes 45 seconds north latitude, 147 degrees 45 minutes 15 seconds west longitude.

OSCAR L. CHAPMAN,
Assistant Secretary.

JULY 1, 1943.

[F. R. Doc. 43-11112; Filed, July 10, 1943; 10:04 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

STUDERUS COAL COMPANY

CONSIDERATION OF REGISTRATION APPLICATION

An application for registration as a distributor has been filed by the following and is under consideration by the Director:

Name and Address: Studerus Coal Co., 619 Passaic Avenue, Kearney, New Jersey. Date application filed: 6-29-43.

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of the above-named applicant for registration as a distributor under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before August 9, 1943. This information should be mailed or presented to the Bituminous Coal Division, Department of the Interior, Washington, D. C.

Dated: July 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11118; Filed, July 10, 1943; 10:55 a. m.]

ALL PETITIONS SCHEDULED FOR HEARINGS

CANCELLATION ORDER

In the matter of all petitions, filed pursuant to section 4 II (d) of the Act, now set for hearing. Docket Nos. A-1864, A-1906, A-1923, A-1958, A-1959, A-1977, A-1981, A-1991, A-1997, A-2004, A-2022, A-2024, A-2034, A-2036, A-2038, A-2042, A-2044, A-1846, Part II; A-1847, Part II; A-1907, Part II; A-1913, Part II; A-1918, Part II; A-1943, Part II; A-1989, Part II; A-1949, Part II; A-2006, Part II; A-2017, Part II; A-2032, Part II.

Hearings in each of the above designated dockets having heretofore been duly scheduled; and it appearing appropriate to cancel each of said hearings;

Now, therefore, it is ordered, That each of the hearings now scheduled in the above designated dockets be, and the same hereby is, cancelled.

Dated: July 8, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11120; Filed, July 10, 1943; 10:55 a. m.]

[Docket No. B-375]

FLAT CREEK COAL COMPANY

ORDER CANCELLING HEARING

The above-entitled matter having been scheduled for hearing on July 13, 1943, at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Madisonville, Kentucky; and

The above-named Code Member having filed an application, dated June 21, 1943, and an amendment thereto dated July 2, 1943, asking for disposition of said matter without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure; and

The Director deeming it advisable to cancel said hearing in order to consider said application as amended;

It is therefore ordered, That the hearing in the above-entitled matter be and the same hereby is cancelled.

Dated: July 9, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11119; Filed, July 10, 1943; 10:55 a. m.]

PINE HILL MINING CO., ET AL.

ORDER CANCELLING HEARINGS

In the Matters of Pine Hill Mining Company, code member, Docket No. B-360; Red Top Coal Company, Inc., code member, Docket No. B-355; Joseph G. Michaels, code member, Docket No. B-379; Smokeless Coal Company, Inc., code member, Docket No. B-378; R. C. Tway Coal Sales Company, registered distributor, Docket No. B-374; Carl Hicks, Dale Hicks and Melvin Hicks, individually and as partners doing business under the name and style of Hicks & Sons, code member, Docket No. B-377; Walter Scott and Freda Gilmore, individually and as copartners doing business under the name and style of Garfield Coal Company, code member, Docket No. B-376; Consolidated Coal Company, code member, Docket No. B-381; Campbell Coe, do-

ing business as Campbell Coe Coal Company, registered distributor, registration No. 1683, registered distributor, Docket No. B-312; Elza Parke, code member, Docket No. B-343.

A hearing has heretofore been scheduled in each of the above matters at the time and place shown below:

Docket No.	Time	Place
B-380	July 12, 1943	Madisonville, Ky.
B-355	July 13, 1943	Altoona, Pa.
B-379	July 16, 1943	Clearfield, Pa.
B-378	July 17, 1943	Fort Smith, Ark.
B-374	July 23, 1943	Louisville, Ky.
B-377	July 26, 1943	Grand Junction, Colo.
B-376	July 27, 1943	Grand Junction, Colo.
B-381	July 31, 1943	St. Louis, Mo.
B-312	Aug. 5, 1943	Newark, N. J.
B-343	Aug. 7, 1943	Evansville, Ind.

It is now, however, ordered, That each of the afore-mentioned hearings be, and same is, hereby canceled.

Dated: July 9, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11121; Filed, July 10, 1943; 10:55 a. m.]

[Docket No. A-2018]

DISTRICT BOARD 10

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for the coals of Mine Index No. 1209.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with the Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Union Mine, Mine Index No. 1209, of Union Mining Company, in District No. 10, for shipment by rail from the McLaren Fuel Company's preparation plant located on the Illinois Central and Missouri Pacific Railroads at Marion, Illinois, and for all the advantages and privileges granted to other mines by the order of February 17, 1942, in Docket No. A-1079.

Although this petition did not set forth sufficient facts upon which permanent relief may be based, reasonable necessity appears for the granting of temporary relief in the manner hereinafter set forth.

No petitions of intervention having been filed with the Division in the above-entitled matter; and the following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the schedule of effective minimum prices for District No. 10 for all shipments except truck is supplemented to include the price classifications and minimum prices set forth in the schedule marked Supplement R annexed hereto and made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The original petition in this matter also requests that no exceptions be allowed with respect to the coals of this mine sold to off-line railroads for locomotive fuel use. Nevertheless, since locomotive fuel Price Exceptions 2-H, 61 and 64 established by Orders of the Director in Dockets Nos. A-98, A-125 and A-420, respectively, are applicable to the coals of all other mines in Price Group No. 5 of District No. 10 for which minimum prices have been established for all shipments except truck, including the mines involved in Docket No. A-1079, and since no reason has been advanced for denying the application of these Price Exceptions to the coals of Mine Index No. 1209, the relief granted herein affords this producer the same competitive opportunity available to all other producers similarly situated by making said Price Exceptions applicable to the coals of Mine Index No. 1209.

An order scheduling a hearing for the purpose of adducing facts upon which final relief in this matter may be based will be issued in due course.

The original petition further states that the mining operations of the said mine which is located in Williamson County, Illinois, have progressed from the No. 6 Vein to the No. 5 Vein, in which it is now operating. Although the minimum prices established for the coals produced in these two veins in Williamson County for truck shipments are identical, in the interest of accuracy the schedule of effective minimum prices for District No. 10 for truck shipments should be amended to reflect the seam in which the coals of this mine are actually produced.

Now, therefore, it is ordered, That the schedule of effective minimum prices for District No. 10 for truck shipments, be, and it hereby is amended by changing the seam designation for the Union Mine, Mine Index No. 1209 of Union Mining Company from "6" to "5".

Dated: June 8, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11122; Filed, July 10, 1943; 11:10 a. m.]

[Docket No. 3-FD]

APPALACHIAN COALS, INC.

ORDER GRANTING PROVISIONAL APPROVAL FOR AMENDMENT

In the matter of the application of Appalachian Coals, Incorporated, for provisional approval as a marketing agency.

Order granting provisional approval for the amendment of subparagraph (b) of section 6, to the contract dated June 1, 1936, between Appalachian Coals, Incorporated and the M. A. Hanna Coal Company, covering the sale of coal produced by Clover Splint Coal Company.

Appalachian Coals, Incorporated, hereinafter referred to as the Applicant, having been granted provisional approval as a marketing agency pursuant to section 12 of the Bituminous Coal Act of 1937, by order of the National Bituminous Coal Commission, (predecessor of the Bituminous Coal Division) dated September 22, 1937; and

Applicant having requested approval for the amendment of sub-paragraph (b) of section 6 of the agreement dated June 1, 1936 between Applicant and the M. A. Hanna Coal Company, covering the sale of coal produced by Clover Splint Coal Company, which amendment eliminates subparagraph (b) of section 6 of the said agreement and inserts in lieu thereof the following new subparagraph (b):

Where coal is sold to registered distributors authorized to accept and retain a discount from the Producer's f. o. b. mine price, and where the Sub-agent allows such discount to such distributor from said f. o. b. mine price, the Sub-agent's commission shall be ten percent (10%), computed on said f. o. b. mine price, which shall cover all compensation and any and all costs and expenses of selling, which expenses of selling shall include any discount to such distributor: *Provided, however,* Such discounts shall not exceed the maximum discount or price allowance prescribed from time to time by the Bituminous Coal Division upon such sales, upon one of which such sales only one such discount shall be allowed, and, *Provided, further,* The Producer shall have the right at any time, and from time to time, to require the Sub-agent to cease and desist from making sales subject to discounts to distributors, even though such discounts would have been covered by and included in, the Sub-agent's commission, as aforesaid.

It is ordered, That the aforesaid amendment to the said agreement is provisionally approved, effective thirty (30) days from the date hereof unless it shall be otherwise ordered.

It is further ordered, That pleadings in opposition to the relief granted herein may be filed with the Division within twenty-five (25) days from the date of this Order, pursuant to the Rules of Practice and Procedure before the Bituminous Coal Division.

Dated: July 8, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-11190; Filed, July 12, 1943; 10:53 a. m.]

[Docket No. B-370]

BROWN FUEL COMPANY

ORDER GRANTING APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDING

Order granting application for disposition of compliance proceeding without formal hearing, directing code member

to cease and desist, and cancelling hearing.

The above proceeding was instituted by the Bituminous Coal Division (the Division) acting in lieu of District Board for District No. 3 pursuant to the provisions of section 4 II (j), 5 (b) and 6 (a) of the Bituminous Coal Act of 1937, as amended (the Act), by a Notice of and Order for Hearing dated February 26, 1943 and served upon Brown Fuel Company (the Code Member) on March 4, 1943 to determine whether the Code Member had wilfully violated the Code, or orders, and rules and regulations promulgated thereunder, particularly Rule 13 (A) of section II of the Marketing Rules and Regulations.

The said proceeding was scheduled for hearing on March 31, 1943 and said hearing was postponed by Order of the Director dated March 27, 1943 to a time and place to be thereafter designated; and

An application based upon admissions for the disposition of the above-entitled matter without formal hearing (the Application) was filed on April 16, 1943 pursuant to § 301.132 of the Rules of Practice and Procedure before the Division and notice thereof published in the FEDERAL REGISTER on June 1, 1943; and

Said Notice provided that interested parties desiring to do so might, within fifteen (15) days from the date thereof, file recommendations or requests for informal conferences with respect to the Application. It appears, however, that no such recommendations or requests have been filed.

In its application Code Member:

1. Admits its identity as set forth in the Notice of and Order for Hearing.

2. Admits the payment of sales agency commissions in excess of the maximum discounts allowable under the Order in General Docket No. 12, dated June 12, 1940, pursuant to sales agency contracts entered into after August 8, 1940, on coals produced at its Henshaw Mine (Mine Index No. 77), as set forth in the Notice of and Order for Hearing, and the failure to secure permission of the Division to pay said excess commissions as required by Rule 13 (A) of section II of the Marketing Rules and Regulations.

3. Consents to the entry of an order directing it to cease and desist from violations of the Code and regulations thereunder.

4. Represents that it has not, to the best of its knowledge and belief, committed any other violations of the Act, the Code, or regulations thereunder.

Now, therefore, pursuant to the authority vested in the Division by the Act, and upon the application filed pursuant to section 301.132 of the Rules of Practice and Procedure before the Division for disposition of this proceeding without formal hearing, and upon evidence in the possession of the Division; it is found that;

1. The Brown Fuel Company is a corporation, duly organized and existing under the laws of the State of West Virginia, having its principal place of business in Brownton, West Virginia, and operates the Henshaw Mine (Mine Index No. 77) located in Barbour County, West Virginia.

2. The Code Membership of the Brown Fuel Company became effective on June 29, 1937.

3. The Code Member entered into a sales agency agreement with Eastern Coal and Coke Company on August 14, 1940, and during the period January 4 to August 29, 1941, sold through said sales agent a total of 13,928.8 tons of coal produced at Code Member's aforesaid mine and allowed to the above-named sales agent commissions in the amount of $1,992.53, in wilful violation of Rule 13 (A) of section II of the Marketing Rules and Regulations. The allowable commissions should not have exceeded $1,592.17. However, on the fifteenth day of January 1943 the said sales agent refunded to the Code Member the sum of $400.36, the amount of the excess commissions paid to him.

4. The Code Member entered into a sales agency agreement with MacQuown Fuels on October 16, 1940 and during the period January 22 to December 30, 1941 sold through said sales agent a total of 9,040.6 tons of coal produced at Code Member's aforesaid mine and allowed to the above-named sales agent commissions in the amount of $1,393.83 in wilful violation of Rule 13 (A) of section II of the Marketing Rules and Regulations. The allowable commissions should not have exceeded $452.04. Code Member has demanded a refund of $941.79 from said sales agent, this being the amount of the excess commission allowed said sales agent.

5. The Code Member entered into a sales agency agreement with A. K. Althouse & Company January 30, 1941 and during the period February 3 to March 15, 1941 sold through the above-named sales agent 439.95 tons of coal produced at Code Member's aforesaid mine and allowed the above-named sales agents commissions in the amount of $69.18 in wilful violations of Rule 13 (A) of section II of the Marketing Rules and Regulations. The allowable commissions should not have exceeded $44.00. On March 7, 1942 said sales agent refunded to Code Member $25.18 the amount of the excess commission received by him.

Now, therefore, upon the basis of the foregoing findings, the said admissions and the said consent filed by the Code Member pursuant to § 301.132 of the Rules of Practice and Procedure before the Division;

It is ordered, That the aforesaid application be and it hereby is granted.

It is further ordered, That the Brown Fuel Company, its successors, assigns, and other persons in privity with it, cease and desist from further violations of the Bituminous Coal Code and regulations made thereunder. Notice is hereby given that upon failure to comply with any of the terms or provisions of this Order, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement hereof, or this matter may be reopened by the Director and such action taken and orders taken and orders entered as may be necessary and proper under the circumstances.

It is further ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: June 25, 1943.

[SEAL] DAN H. WHEELER, *Director*.

[F. R. Doc. 43-11191; Filed, July 12, 1943; 10:53 a. m.]

[Docket No. B-363]

SOUTHWEST COAL SALES

ORDER GRANTING APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDING

In the matter of Thos. S. Laser, an individual operating as Southwest Coal Sales, registered distributor, Registration No. 5414.

Order granting application for disposition of compliance proceeding without formal hearing, suspending registration, directing return of excess discounts to code members, directing registered distributor to cease and desist, and cancelling formal hearing.

The above proceeding was instituted by the Bituminous Coal Division (the Division) on its own motion, pursuant to provisions of the Bituminous Coal Act of 1937, as amended, (the Act) by a Notice of and Order for Hearing dated March 3, 1943, and served on Thos. S. Laser, (the Registered Distributor) on March 8, 1943, to determine whether said registered distributor had violated any provisions of section 4 II (i) of the Act, the Marketing Rules and Regulations, pertinent orders of the Division, and the Distributor's Agreement (the Agreement) dated August 4, 1939; and

The said proceeding was scheduled for hearing on April 14, 1943 pursuant to said Notice of and Order for Hearing, and said hearing was postponed by an Order of the Director dated April 9, 1943, to a time and place to be thereafter designated; and

An application (the Application) based upon admissions for the disposition of the above-entitled matter without formal hearing, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division, was filed on April 9, 1943; and

Notice of the Application was published in the FEDERAL REGISTER on May 3, 1943, pursuant to said § 301.132 of the Rules of Practice and Procedure; and

Said Notice provided that interested parties desiring to do so might within fifteen (15) days from the date of publication of said Notice, file recommendations or requests for informal conferences with respect to the Application. It appears, however, that no such recommendations or requests have been filed.

In his Application the Registered Distributor:

A. Admits his identity as set forth in the Notice of and Order for Hearing.

B. Admits that paragraphs 1 to 9, inclusive, of the said Notice of and Order for Hearing correctly describe the transactions involved herein and the provisions of the Marketing Rules and Regulations, Distributor's Rules and Regulations, and the Distributor's Agreement applicable to such transactions; and that

he wilfully committed the acts, and failed to take certain action, which resulted in violations of the Code and regulations thereunder as set forth in paragraphs 1 to 9 inclusive, of said Notice of and Order for Hearing.

C. Consents to the entry of an order (1) directing the Registered Distributor, his successors, assigns, and other persons in privity with him to cease and desist from further violations of the Act, the Code, regulations made thereunder, and the Agreement; (2) suspending his registration as a registered distributor for a period of 60 days beginning with the effective date of said Order; and (3) directing him to return to the Code Member producers named in paragraph 3 of the said Notice of and Order for Hearing the excess commissions or discounts totalling $89.90 as follows:

Watson Coal Company	$4.03
Crescent Coal Company	69.16
J. M. Bates Coal Company	4.53
Smokeless Coal Company	12.18

D. Represents that he has not, to the best of his knowledge and belief, committed any other violations of the Act, the Code or regulations thereunder.

E. Agrees to restore to the Code Members listed in paragraph C (3) above the amounts set opposite their respective names.

Now, therefore, pursuant to the authority vested in the Division by the Act, upon the application, filed pursuant to section 301.132 of the Rules of Practice and Procedure before the Division for Disposition of this proceeding without formal hearing, and upon evidence in the possession of the Division;

It is found that:

A. Thos. S. Laser, operating as Southwest Coal Sales, 2019 Foshay Tower, Minneapolis, Minnesota is a registered distributor, Registration No. 5414.

B. The registration of said Thos. S. Laser, operating as Southwest Coal Sales, became effective as of November 15, 1940.

C. Said Registered Distributor wilfully violated;

1. Paragraph (e) of the Agreement by accepting and retaining commissions, while acting as subsales agent for the Rainbow Coal Company, a Code Member, located in District No. 14, on approximately 5076.65 net tons of various sizes of coal produced at said Code Member's Rainbow Mine (Mine Index No. 184) and sold to various purchasers during the period October 18, 1940 to October 29, 1941, inclusive, in excess of the commissions provided in the subagency contract between the Distributor and said Code Member, no modification of said subagency contract having been reduced to writing and filed with the Statistical Bureau as required by Rule 4 of section II of the Marketing Rules and Regulations.

2. Paragraph (e) of the Agreement by accepting or retaining commissions, while acting as subsales agent for the Harding Coal Company, a Code Member, located in District No. 14, on approximately 5611.90 net tons of various sizes of coal produced at said Code Member's Harding Mine (Mine Index No. 47) and sold to various purchasers during the period November 20, 1940 to November 14, 1941, inclusive, in excess of the commissions provided in the sub-agency contract between the Distributor and said Code Member, no modification of said sub-agency contract having been reduced to writing and filed with the Statistical Bureau, as required by Rule 4 of section II of the Marketing Rules and Regulations.

3. Paragraph (a) of the Agreement by purchasing for resale and reselling, during the period November 19, 1940 to January 7, 1942, inclusive, to various purchasers in St. Paul and Minneapolis, Minnesota, and Huron, South Dakota, approximately 782.35 net tons of various sizes of coal produced at their respective mines by Watson Coal Company (Mine Index No. 117), Crescent Coal Company (Mine Index No. 131), J. M. Bates Coal Company (Mine Index No. 103), and Smokeless Coal Company (Mine Index No. 90) and accepted and retained discounts thereon in excess of the maximum distributor's discounts prescribed by Order of the Division issued in General Docket No. 12 on June 19, 1940.

4. Paragraphs (b), (c) and (e) of the Agreement by granting 2% discounts from effective minimum prices to the purchasers of approximately 436.25 net tons of coal produced at their respective mines by Crescent Coal Company (Mine Index No. 131), Carbon Coal Company (Mine Index No. 16), Smokeless Coal Company (Mine Index No. 90), New Union Coal Company (Mine Index No. 77), and Rainbow Coal Company (Mine Index No. 184) purchased for resale from said producers and resold to S. Brand Coal Company and A. A. Carlstrom and Son, both of St. Paul, Minnesota, during the period October 21, 1940 to July 7, 1941 which discounts were prohibited by section 4 II (i) 4 of the Act and Rule 4 of section XIII of the Marketing Rules and Regulations.

5. Paragraphs (b) and (e) of the Agreement by granting adjustments for alleged substandard quality or preparation to various purchasers during the period November 14, 1940 to July 21, 1941, inclusive, which adjustments had the effect of reducing the sales prices below the effective minima, on approximately 481.50 net tons of various sizes of coal produced at their respective mines by said Carbon Coal Company, Crescent Coal Company, New Union Coal Company, Rainbow Coal Company and by Paris Purity Coal Company (Mine Index No. 43) without reporting such adjustments to the Statistical Bureau as required by section X of the Marketing Rules and Regulations.

6. Paragraph (b) of the Agreement by granting discounts from the effective minimum prices during the period October 8 to November 7, 1940, inclusive, to the Pittsburg Coal Company of Wisconsin (a non-registered distributor at that time) on approximately 297.15 net tons of coal produced at their respective mines by said Rainbow Coal Company, New Union Coal Company, Carbon Coal Company and by Boyd Excelsior Coal Company (Mine Index No. 13) which had the effect of reducing the sales prices on said coal below the effective minima.

7. Paragraph (e) of the Agreement by prepaying freight charges, during the period August 27 to October 15, 1941, inclusive, on approximately 155.90 net tons of coal produced by the said Harding Coal Company, and by Boyd-Sicard Coal Company (Mine Index No. 14), and sold to Allen Edwards Fuel Company, Minneapolis, Minnesota, which prepayment of freight was prohibited by Rule 1 (j), section VII of the Marketing Rules and Regulations.

8. Paragraph (e) of the Agreement by failing to file copies of invoices, spot orders, commitments and contracts during the period October 1, 1940, to December 27, 1941, while acting as subsales agent of the Harding Coal Company (a Code Member) relating to approximately 8080.45 net tons of various sizes of coal produced by said Code Members and sold to various purchasers, as required by Rule 3 of section (b) and Rule 7 of section (b) (i) of the Marketing Rules and Regulations.

9. Paragraph (e) of the Agreement by failing to file copies of invoices, spot orders, commitments and contracts during the period October 7, 1940 to December 31, 1941 while acting as subsales agent for said Rainbow Coal Company (a Code Member), relating to approximately 11,866.15 net tons of various sizes of coal produced by said Code Member and sold to various purchasers, as required by Rule 3 of section (b) and Rule 7 of section (b) (i) of the Marketing Rules and Regulations.

Now, therefore, upon the basis of the foregoing findings and the said admissions and the consent filed by said Registered Distributor pursuant to § 301.132 of the Rules of Practice and Procedure before the Division,

It is ordered, That the Application for disposition of this compliance proceeding without formal hearing be, and the same is, hereby granted.

It is further ordered, That Thos. S. Laser, the Registered Distributor, return to the Code Member producers named in paragraph 3 of the said Notice of and Order for Hearing the excess discounts retained by him in the amount of $89.90 as follows:

Watson Coal Company	$4.03
Crescent Coal Company	69.16
J. M. Bates Coal Company	4.53
Smokeless Coal Company	12.18

It is further ordered, That the registration of Thos. S. Laser, an individual operating as Southwest Coal Sales, as a registered distributor, Registration No. 5414 be, and the same is, hereby suspended for a period of sixty (60) days beginning fifteen (15) days after the date of this Order. Prior to the termination of this period of suspension the Registered Distributor shall file with the Division an affidavit as required by § 304.15 of the Rules and Regulations for the Registration of Distributors which shall be accompanied by evidence that the refunds totalling $89.90 have been made to the Code Members as required by this order.

It is further ordered, That in the event that the Distributor shall violate any of the agreements set forth in said application, or fail to comply with this

Order, this matter may be reopened and such action taken and orders entered herein as may be necessary and proper under the circumstances and jurisdiction of this matter is hereby expressly reserved for this purpose.

It is further ordered, That Thos. S. Laser, his successors, assigns, and other persons in privity with him cease and desist from further violations of the provisions of section 4 II (i) of the Bituminous Coal Act of 1937, as amended, the Bituminous Coal Code, the Distributor's Agreement, the Marketing Rules and Regulations, and pertinent orders of the Division. Notice is hereby given that upon any failure to comply with the Cease and Desist Order herein, the Division may apply to any Circuit Court of Appeals of the United States having jurisdiction for the enforcement thereof, or this matter may be reopened by the Division and such action taken and orders entered as the Director may deem just and proper under the circumstances.

It is further ordered, That the hearing in the above-entitled matter, which has heretofore been postponed by Order dated April 9, 1943 to a time and place to be thereafter designated, be, and the same is, hereby cancelled.

Dated: July 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11192; Filed, July 12, 1943; 10:54 a. m.]

[Docket No. B-6]

CLYDE H. HOYT COMPANY

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTERED DISTRIBUTOR

In the matter of the Clyde H. Hoyt Company, registered distributor, Registration No. 4566, Respondent.

On May 28, 1943, after notice and hearing, W. A. Cuff, a duly designated Examiner of the Division, submitted a report in which he found that respondent, The Clyde H. Hoyt Company, a registered distributor (Registration No. 4566), wilfully violated sections 4 II (i) 11 and 12 of the Bituminous Coal Act of 1937, Rule 10 of section II, Rules 11 and 12 of section XIII of the Marketing Rules and Regulations and paragraphs (d), (e) and (g) of respondent's Distributor's Agreement, by wilfully accepting and retaining distributor's discounts from the effective minimum prices during the period between October 1, 1940, and March 22, 1941, inclusive, on approximately 6,206.65 tons of bituminous coal, purchased for resale, and resold to the Blue Line Fuel Company, a retailer affiliate. The Examiner further found that in the period between February 14, 1941, and March 20, 1941, inclusive, respondent sold, as a sales agent, 108 tons of bituminous coal, to its retailer affiliate, on which it accepted and retained sales agency commissions.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report but no exceptions have been filed.[1]

After consideration of the record, I believe that the Report is accurate and adequate and follows principles laid down by me in such cases as Matter of Central States Fuel Co., Docket No. B-53, and Matter of Huerfano Trading Company, Docket No. B-272. I believe, therefore, that the proposed findings of fact and conclusions of law should be adopted as the findings of fact and conclusions of law of the Director. I believe, however, that a suspension of respondent's registration for a period of thirty days is, in the light of the nature and seriousness of its violations, more appropriate than the period recommended by the Examiner.

On the basis of the entire record, *It is ordered,* That the proposed findings of fact and proposed conclusions of law are approved and adopted as the findings of fact and conclusions of law of the Director;

It is further ordered, That the registration of The Clyde H. Hoyt Company, as a distributor (Registration No. 4566), is suspended, effective fifteen days from the date hereof, for a period of thirty days thereafter; that respondent shall at least five (5) days prior to the expiration of said thirty-day period, petition the Division for reinstatement as a registered distributor; that any application for reinstatement subsequently filed by respondent shall be accompanied by an affidavit to the effect that during the period in which respondent's registration as a distributor was suspended, respondent neither directly nor indirectly transacted business as a registered distributor, nor received, nor was promised a discount which distributors are entitled to receive by virtue of registration, and that satisfactory proof of the facts as set forth in such affidavit be a further condition to reinstatement of respondent as a registered distributor.

It is further ordered, That upon reinstatement as a registered distributor, respondent shall cease and desist from violation of sections 4 II (i) 11 and 12 of the Act, Rule 10 of section II, Rules 11 and 12 of section XIII of the Marketing Rules and Regulations and paragraphs (d), (e) and (g) of respondent's Distributor's Agreement, or from otherwise violating the Act, or rules and regulations promulgated thereunder.

Dated: July 10, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-11193; Filed, July 12, 1943; 10:53 a. m.]

Bureau of Reclamation.

SANTA BARBARA COUNTY PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 14, 1943.

The SECRETARY OF THE INTERIOR.

Sir: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

SANTA BARBARA COUNTY PROJECT, CALIFORNIA

SAN BERNARDINO MERIDIAN

Tequepis Reservoir Site

T. 5 N., R. 23 W.,
That part in San Marcos Rancho (Lot 37).
T. 6 N., R. 23 W.,
That part in San Marcos Rancho (Lot 37).
T. 5 N., R. 29 W.,
Secs. 2 and 3;
That part in San Marcos Rancho (Lot 37);
That part in Tequepis Rancho (Lot 38).
T. 6 N., R. 29 W.,
Secs. 16, 17, 20, 29 and 30;
That part in San Marcos Rancho (Lot 37);
That part in Rancho Canada de los Pinos or College Rancho (Lot 38);
That part in Tequepis Rancho (Lot 39);
That part in Rancho Lomas de la Purificacion (Lot 40).
T. 6 N., R. 30 W.,
That part in Rancho Canada de los Pinos (Lot 37);
That part in Rancho Lomas de la Purificacion (Lot 38).

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: June 25, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JULY 3, 1943.

[F. R. Doc. 43-11113; Filed, July 10, 1943; 10:04 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATE

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

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 September 20, 1940 (5 F.R. 3743)

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[1] By letter dated June 9, 1943, respondent's attorney advised the Division that it did not intend to file any exceptions herein.

and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

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

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

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) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

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 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

Apparel Industry

Esskay Manufacturing Company, 1335 Buena Vista Street, San Antonio, Texas; Boys' clothing; 10 learners (A. T.); effective July 12, 1943, expiring July 12, 1944.

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

Chaffee Manufacturing Company, Incorporated, North Main Street, Chaffee, Missouri; Men's & boys' trousers; 10 percent (T); effective July 12, 1943, expiring July 12, 1944.

Crown Dress Manufacturing Company, 136 Harrison Avenue, Boston, Massachusetts; Cotton work and house dresses; 5 learners (T); effective July 12, 1943, expiring July 12, 1944.

Debby Garments Company, 289 Pleasant Street, Fall River, Massachusetts; Ladies' cotton, rayon and acetate dresses; 20 learners (E); effective July 8, 1943, expiring January 8, 1944.

Finkle Coat Manufacturing Company, 14 Third Street, Chelsea, Massachusetts; Men's and boys' leather and wool jackets; 2 learners (T); effective July 14, 1943, expiring July 14, 1944.

Freeland Dress Company, 721 Birkbeck Street, Freeland, Pennsylvania; Cotton dresses; 20 learners (E); effective July 8, 1943, expiring January 8, 1944.

M. & G. Sportwear Company, 613 Main Street, Rockland, Maine; Trousers; 8 learners (T); effective July 14, 1943, expiring July 14, 1944.

Piedmont Spread Company, Cartersville, Georgia; Chenille robes for women; 10 percent (T); effective July 12, 1943, expiring July 12, 1944.

John W. Shaw Company, Incorporated, 329 N. Main Street, Decatur, Illinois; Cotton house dresses; 10 percent (T); effective July 10, 1943, expiring July 10, 1944.

Troutman Shirt Company, Troutman, North Carolina; Work shirts; 5 percent (T); effective July 24, 1943, expiring July 24, 1944.

Wayne Garment Company, Forest City, Pennsylvania; Children's outerwear; 10 learners (E); effective July 8, 1943, expiring January 8, 1944.

Glove Industry

The Cross Glove Company, Inc., 33 Grand Street, Gloversville, New York; Leather dress gloves; 5 percent (T); effective July 7, 1943, expiring July 7, 1944.

Jasper Glove Company, Inc., 611 Main Street, Jasper, Indiana; Work gloves; 10 percent (AT); effective July 12, 1943, expiring January 12, 1944.

Streeter, Hackney & Company, 321 West State Street, Johnstown, New York; Leather dress gloves; 5 learners (T); effective July 9, 1943, expiring July 9, 1944.

Hosiery Industry

Climax Hosiery Mill, Athens, Georgia; Seamless hosiery; 5 percent (T); effective July 7, 1943, expiring July 7, 1944.

Efland Knitting Company, Efland, North Carolina; Full-fashioned hosiery; 5 learners (T); effective July 14, 1943, expiring July 14, 1944.

C. C. Hill Mill, West Main Street, Thomasville, North Carolina; Seamless hosiery; Misses' cotton anklets; 5 learners (T); effective July 12, 1943, expiring July 12, 1944.

The Pen-Harris Company, Reading and New Holland Avenues, R. D. #1, Reading, Pennsylvania; Seamless hosiery; 2 learners (T); effective July 7, 1943, expiring July 7, 1944.

Southland Hosiery Mills, 2210 High Point Rd., Greensboro, North Carolina; Seamless hosiery; 10 learners (A. T.) effective July 12, 1943, expiring January 12, 1944.

Millinery Industry

Holly-Vogue Hat Company, 910 S. Broadway, Los Angeles, Calif.; Popular-priced millinery; 2 learners (T); effective July 12, 1943, expiring January 12, 1944.

Textile Industry

Colonial Chenille Company, Rome, Georgia; Cotton bedspreads and chenille; 20 learners (A. T.); effective July 9, 1943, expiring January 9, 1944.

Monroe Silk Mills, Stroudsburg, Pennsylvania; Ribbon and narrow fabrics; 3 percent (T); effective July 12, 1943, expiring July 12, 1944

Pepperell Braiding Company, Lowell Street, East Pepperell, Massachusetts; Shoe laces and braids; 3 learners (T); effective July 24, 1943, expiring July 24, 1944.

Wrightsville Textile Corporation, North Front Street, Wrightsville, Pennsylvania; Broad tie goods (rayon); 3 percent (T); effective July 7, 1943, expiring July 7, 1944.

Signed at New York, N. Y., this 10th day of July, 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11203; Filed, July 12, 1943; 11:57 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective July 10, 1943.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of the Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

The Runkle Company, 901 S. Wayne Street, Kenton, Ohio; Candy; 4 learners (T); Candy Stroker for a learning period of 240 hours at 35¢ per hour until January 24, 1944.

Signed at New York, N. Y., this 10th day of July 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-11204; Filed, July 12, 1943; 11:57 a. m.]

[Administrative Order 204]

MEAT, POULTRY, AND DAIRY PRODUCTS INDUSTRY

COMMITTEE RESIGNATION AND APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of Meyer Stern of New York, New York from Industry Committee No. 61 for the Meat, Poultry, and Dairy Products Industry, and do appoint in his stead James J. Stanton of Chicago, Illinois as representative for the Employees on such Committee.

Signed at New York, New York this 8th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11205; Filed, July 12, 1943; 11:57 a. m.]

[Administrative Order 205]

MEAT, POULTRY, AND DAIRY PRODUCTS INDUSTRY

COMMITTEE RESIGNATION AND APPOINTMENT

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor,

Do hereby accept the resignation of John Brandt of Minneapolis, Minnesota, from Industry Committee No. 61 for the Meat, Poultry, and Dairy Products Industry, and do appoint in his stead M. L.

Totten of Minneapolis, Minnesota, as representative for the Employers on such Committee.

Signed at New York, New York, this 10th day of July 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-11206; Filed, July 12, 1943; 11:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6525]

CHARGES FOR PHOTO SERVICE BY WIRE OR BY RADIO

ORDER FOR INVESTIGATION AND HEARING

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of July, 1943;

The Commission, having under consideration the matter of the charges of carriers subject to the Communications Act of 1934, as amended, for interstate and foreign photo service, by wire or by radio; and

It appearing that photo service is a class of service of which increasing use is being made, and that the charges for such service may not be established on a proper basis, and may be unjust and unreasonable, or otherwise unlawful;

It is ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of the charges for interstate and foreign photo service, by wire or by radio;

It is further ordered, That each carrier subject to the Communications Act of 1934, as amended, which furnishes photo service by wire or by radio be, and it is hereby made a party respondent to this proceeding; and that a copy of this order shall be served on each carrier subject to the Communications Act of 1934, as amended, and on the United States Office of War Information;

It is further ordered, That this proceeding be, and it is hereby, assigned for hearing beginning at 10:00 a. m. on the 11th day of August, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11114; Filed, July 10, 1943; 10:04 a. m.]

[Docket No. 6526]

PRESS WIRELESS, INC.

ORDER FOR HEARING

In the matter of Press Wireless, Inc. Revised Charges for Radiophoto Reception Service.

At a meeting of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of July, 1943;

It appearing that Press Wireless, Inc., has filed with the Commission new tariff schedules, effective July 7, 1943, revising its presently effective tariff schedules for Radiophoto Reception Service furnished at New York, N. Y., and Los Angeles, California, to provide for changes wholly on a time basis, such new schedules being designated as follows:

Press Wireless, Inc.
Tariff F. C. C No. 10.
Fourth Revised Page No. 1
Second Revised Page No. 2

It further appearing that such new schedules may result in increased charges for communication service, and may be unjust and unreasonable, or otherwise unlawful; and that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of such schedules should be postponed, pending hearing and decision as to their lawfulness;

It is ordered, That the Commission, upon its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the charges contained in the above-cited tariff schedules:

It is further ordered, That the operation of the above-cited tariff schedules be suspended; that the use of the charges therein stated be deferred until October 7, 1943, unless otherwise ordered by the Commission; and that during such period of suspension, no changes shall be made in such charges, or in the charges sought to be altered, unless authorized by the Commission;

It is further ordered, That a copy of this order be filed in the offices of the Federal Communications Commission with said tariff schedules herein suspended; that Press Wireless, Inc., and any other carrier subject to the Communications Act of 1934 which participates in the rendition of the service provided under such tariff schedules be, and they are hereby, each made a party respondent to this proceeding; and a copy of this order shall be served upon the respondents, and upon the United States Office of War Information;

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at the offices of the Federal Communications Commission, in Washington, D. C., beginning at 10:00 a. m., on the 28th day of July, 1943.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-11115; Filed, July 10, 1943; 10:05 a. m.]

FEDERAL POWER COMMISSION.

[Docket IT-5833]

OTTER TAIL POWER CO. AND INTERSTATE POWER CO. OF NORTH DAKOTA

NOTICE OF APPLICATION

JULY 9, 1943.

Notice is hereby given that on July 1, 1943 (exhibits filed July 7, 1943), an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota, and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, and Interstate Power Company of North Dakota, a corporation organized under the laws of the State of North Dakota, and doing business in said State, with its principal busines office in Dubuque, Iowa. Said applicants seek an order authorizing the acquisition by Otter Tail Power Company from a third company, Interstate Power Company, of 314 shares of common stock and $75,000 principal amount of First Mortgage Gold Bonds of Interstate Power Company of North Dakota (being all of the latter's outstanding stock and bonds), and an account payable from Interstate Power Company of North Dakota to Interstate Power Company which, on February 28, 1943, amounted to $99,438.84, for a consideration stated in the application to be $125,000 in cash, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

The applicants also seek the approval of the transfer of the Presidential permit held by Interstate Power Company of North Dakota dated August 13, 1941, with respect to the construction and maintenance of an electric substation at a point in the State of North Dakota at the international boundary line near Gretna, Manitoba, Canada, for the importation of electric energy into the United States, to Otter Tail Power Company, as more fully appears in the application.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 28th day of July 1943, file with the Federal Power Commission a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-11163; Filed, July 10, 1943; 2:56 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4922]

P. LORILLARD COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, July 20, 1943, at ten o'clock in the forenoon of that day (eastern

standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

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

[F. R. Doc. 43-11198; Filed, July 12, 1943; 11:29 a. m.]

[Docket No. 4920]

MINNEAPOLIS-HONEYWELL REGULATOR COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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. 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), (38 Stat. 731, 15 U.S.C.A., section 14, as amended), and (49 Stat. 1526 U.S.C.A., section 13, as amended),

It is ordered, That Charles A. Vilas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, August 10, 1943, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

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

[F. R. Doc. 43-11199; Filed, July 12, 1943; 11:29 a. m.]

[Docket No. 4770]

WILLIAM R. WARNER & COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

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., 1943.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41).

It is ordered, That John W. Norwood, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, July 21, 1943, at ten o'clock in the morning of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence with his conclusions of fact and law and his recommendation for appropriate action by the Commission.

By the Commission.

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

[F. R. Doc. 43-11123; Filed, July 10, 1943; 11:47 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1632]

GAETANO NANNI

Re: Interest in real property located in New Orleans, Louisiana, household furnishings and bank accounts owned by Gaetano Nanni.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Gaetano Nanni is a resident of Italy and is a national of a designated enemy country (Italy);

2. Finding that Gaetano Nanni is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Gaetano Nanni, and of every other national of a designated enemy country in and to an undivided one-half interest in that certain real property situated at 4700-4702 Constance Street, New Orleans, Parish of Orleans, Louisiana, particularly described in Exhibit A attached hereto and made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims of Gaetano Nanni for rents, refunds and benefits or other payments arising from the ownership of said real property,

b. Household furnishings particularly described in Exhibit B hereto attached and by reference made a part hereof, located at 4700 Constance Street, New Orleans, Louisiana, which are owned by Gaetano Nanni,

c. All right, title, interest and claim of any name or nature whatsoever of Gaetano Nanni, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Gaetano Nanni by Whitney National Bank of New Orleans, New Orleans, Louisiana, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations and including particularly account No. 20384 in said bank, which account is due and owing to and held for Gaetano Nanni in the name of Paul Caruso, and

d. All right, title, interest and claim of any name or nature whatsoever of Gaetano Nanni and of every other national of a designated enemy country in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to Gaetano Nanni by American Bank and Trust Company, New Orleans, Louisiana, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations and including particularly account No. 59068 in said bank, which account is due and owing to and held for Gaetano Nanni in the name of Captain G. Nanni and Mrs. Mary Nanni,

is property within the United States owned or controlled by a national of a designated enemy country (Italy);

4. Determining that the property described in subparagraphs 3-c and 3-d hereof is necessary for the maintenance and safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country (Italy);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby (i) vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States, and (ii) undertakes the direction, management, supervision and control of the property described in subparagraph 3-a hereof to the extent deemed necessary or advisable from time to time by the undersigned.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof or to indicate that compensation will not be paid in lieu thereof, or to vary the extent of such direction, management, supervision or control or to terminate the same, if and when it should be determined that any of such action should be taken.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 7, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Re: Interest in Real Property in New Orleans, Louisiana, owned by Gaetano Nanni.

All that lot or parcel of land situated in the Parish of Orleans, State of Louisiana, described as follows:

A certain Portion of ground, together with all bldgs. and impts. thereon etc. situated in square 177, bb. Valence, Constance, Bordeaux, Laurel Sts. said portion of ground measures 54' front on Valence St. by 120' in depth and front on Constance St. and is composed of the whole of the lots 27 and 28 which adjoin and measure each, 27' front on Valence St. by 120' in depth Lot No. 28 forms the corner of Constance and Valence Sts.

Re: Household furnishings at 4700 Constance Street. New Orleans, Louisiana, owned by Gaetano Nanni.

EXHIBIT B

Living room:
- Sofa
- 2 overstuffed chairs
- 1 Ottoman
- 1 coffee table
- 1 large table
- 1 small stand
- 1 L. art square
- 1 Occasional rug

Dining room:
- 1 dining room table
- 7 straight chairs
- 1 M. chair
- 1 Buffet
- 1 server
- 1 china closet
- 1 L. table
- 1 gas heater
- 1 large art square
- 2 occasional rugs
- 1 pr. curtains
- 1 shade

Bath:
- Two shower curtains

Front bed room:
- 1 bed spring mattress
- 2 pillows
- 1 wardrobe
- 1 chest of drawers
- 1 mirror
- 1 bed table
- 1 gas heater
- 2 chairs
- 1 large art square
- 2 occasional rugs

Back bed room:
- 1 large art square
- 3 occasional rugs

Kitchen:
- 1 Florence gas range
- 1 table
- 2 chairs
- 1 electrolux (3 trays, 1 drip pan)
- 2 pr. curtains
- 2 shades

[F. R. Doc. 43-11033; Filed, July 9, 1943; 9:57 a. m.]

[Vesting Order 1712]

CITIZENS OF NON-ENEMY COUNTRIES

Re: Inventions and disclosures of citizens of non-enemy countries residing in enemy-occupied countries.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in the column headed "Owner" in Exhibits A and B attached hereto and made a part hereof, if an individual, is a citizen of, or, if a business organization, is organized under the laws of, the country represented by the code number set forth after its respective name in said Exhibits A and B under the heading "Cit" in accordance with the following:

17—Czechoslovakia
51—Norway
27—France
19—Denmark
55—Poland
49—Netherlands

and, if an individual, is a resident of, or, if a business organization, has its principal place of business in, the foreign country represented by the code number set forth after its respective name in said Exhibits A and B under the heading "Res" in accordance with the following:

7—Belgium
27—France
19—Denmark
51—Norway
55—Poland
49—Netherlands

and is therefore a national of such foreign country or countries, respectively;

2. Finding that the disclosures, inventions and other property related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" opposite the respective identifications thereof in said Exhibits A and B;

3. Finding that the property described as follows:

The disclosures identified in Exhibits A and B attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures,

is property of nationals of foreign countries;

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

TC number	Inventor	Invention	Date of execution	Owner	Cit	Res
TC-157 (a)	Victor Donath	Wrapping material and its method of manufacture	1/3/41	Victor Donath	17	7
TC-157 (b)	Victor Donath	Method of preparing a concentrate extract of coffee or coffee substitutes or mixed materials of this kind.	1/3/41	Victor Donath	17	7
TC-210	Arthur Augustin Viroux	Method for the evaporation of aqueous or other solutions and a plant for carrying this method into practice.	5/20/42	Societe Francaise Krebs & Cie	27	27
TC-277	Soren Peter Sorensen	Food for poultry	12/18/39	F. L. Smidth & Co	19	19
TC-305	Johan Bernhard Odberg	Cuff stud	10/15/41	Johan Bernhard Odberg	51	51

EXHIBIT B

TC Number	Inventor	Invention	Other Identification	Owner	Cit	Res
TC-236	Unknown	Container		Societe a Responsabilite Limitee Lasegue & Cie.	27	27
TC-252	Svend S. C. Fleischer	Method of and device for ensuring the proper order of threads isolated from a sheet of warp threads.	Corresponding Danish appln. filed 2/28/40.	Svend S. C. Fleischer	19	19
TC-266	Unknown	Electric furnaces serving notably for the production of glass.		Societe Anonyme des Manufactures des Glaces et Produits Chimiques de Saint-Gobain, Chauny & Cirey.	27	27
TC-286	Matheus Marinus, Paulus Vallen & Jan Mathijs Henricus Van den Dolder.	Blue-print materials sensitive to light and processes for their production.	Corresponding Dutch appln. 100,059.	Matheus Marinus, Paulus Vallen & Jan Mathijs Henricus Van den Dolder.	49	49
TC-297	Marcel Mialhe	Polytour		Marcel Mialhe	27	27
TC-318	Fernand Texier	Annular extrusion	Corresponding French appln. PV 451,645.	L'Air Liquide	27	27
TC-318 (a)	Emile Gagnan & Robert Bollard.	Gas Expansion valves	Corresponding French appln. PV 452,830.	L'Air Liquide	27	27
TC-318 (b)	Alfred Etienne	Process for separating the constituents of gaseous mixtures by liquefaction.	Corresponding French appln. PV 453,377.	L'Air Liquide	27	27
TC-318 (c)	Unknown	Means for starting and operating electric discharge apparatuses.	Corresponding French appln. filed 7/28/41.	Etablissements Claude-Paz & Silva	27	27
TC-318 (d)	Unknown	Means for starting and operating a gas filled electric discharge apparatus.	Corresponding French appln. filed 7/28/41.	Etablissements Claude-Paz & Silva	27	27
TC-399	E. G. Dorgelo & H. J. Lemmens.	Devices comprising an electric discharge tube.	Corresponding Dutch appln. 995,534.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-399 (a)	J. D. Repko	Cement seals for components of electric apparatus.	Corresponding Dutch appln. 102,221.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-399 (b)	J. L. H. Jonker	Electric discharge tubes	Corresponding Dutch appln. 102,406.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-399 (c)	M. J. O. Strutt & A. Van der Ziel.	Circuits for transmitting high frequency electric oscillations.	Corresponding Dutch appln. 100,053.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-399 (d)	J. M. Unk	Inductance	Corresponding Dutch appln. 102,015.	N. V. Philips' Gloeilampenfabrieken	49	49
TC-445	Oktawiam Popowicz	Air heaters		Oktawiam Popowicz	55	55

[F. R. Doc. 43-11084; Filed, July 9, 1943; 12:43 p. m.]

[Vesting Order 1715]

NATIONALS OF ENEMY COUNTRIES

Re: Inventions and disclosures thereof of nationals of enemy countries.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that each of the persons to whom reference is made in the column headed "Owner" in Exhibits A and B attached hereto and made a part hereof, if an individual, is a citizen of, or, if a business organization, is organized under the laws of, the country represented by the code number set forth after its respective name in said Exhibits "A" and "B" under the heading "Cit" in accordance with the following:

28—Germany
38—Italy
39—Japan
34—Hungary

and, if an individual, is a resident of, or, if a business organization, has its principal place of business in, the foreign country represented by the code number set forth after its respective name in said Exhibits "A" and "B" under the headings "RES" in accordance with the following:

28—Germany
38—Italy
39—Japan
34—Hungary

and is therefore a national of such foreign country or countries, respectively;

2. Finding that the disclosures, inventions and other property related thereto described in subparagraph 3 hereof are property of the persons whose names appear in the column headed "Owner" opposite the respective identifications thereof in said Exhibits "A" and "B";

3. Finding that the property described as follows:

The disclosures identified in Exhibits "A" and "B" attached hereto and made a part hereof, together with the entire right, title and interest throughout the United States and its territories in and to, together with the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such disclosures.

is property of nationals of foreign countries;

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 21, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

TC-12 (b)

EXHIBIT A

TC Number	Inventor	Invention	Date of Execution	Owner	Cit	Res
TC-101	Theodor Kertesz, Peter Veghelyi, & Sigismund Kende.	Food acidulaters and process for their manufacturing	11/12/41	Theodor Kertesz, Peter Veghelyi, & Sigismund Kende.	34	34
TC-125	Istvan Goldberg & Lajos Klein	Hydrophilous hydrokeratin colloids suitable for Industrial purposes and a process for their manufacture.	4/21/41	Istvan Goldberg & Mrs. Lajos Klein nee Berta Segner.	34	34
TC-180	Zoltan Foldi & Gabor Fodor	Process for the preparation of degranation products of sterols.	4/15/42	Zoltan Foldi & Gabor Fodor	34	34
TC-201	Kichigoro Kaneko	Gear pumps	10/16/41	Kichigoro Kaneko	39	39
TC-296	Robert Horn	Bituminous composition	6/28/41	Rutgerswerke, A. G.	28	28
TC-302	Antonio Ferretti	Process for manufacturing protein textile fibres	10/6/41	Antonio Ferretti	38	38
TC-409	Emil Schimanek	Process and arrangement for the operation and use of piston engine.	10/9/41	Emil Schimanek	34	34
TC-456	Joseph Fulep	Process for rousing up or quick developing of certain properties determinable in advance of plants.	3/11/42	Joseph Fulep	34	34

EXHIBIT B

TC Number	Inventor	Invention	Other Identification	Owner	Cls	Res
TC-146	Claus Jochims	Device for roasting fish		Claus Jochims	23	23
TC-169	Josef Seidenschwann	Weeding implement	Corresponding German appln. filed 7/14/33.	Josef Seidenschwann	23	23
TC-170	Kurt Bilau	Windmotor	Corresponding German appln. filed 9/11/33.	Kurt Bilau	23	23
TC-171	Josef Seidenschwann	Hook strip		Josef Seidenschwann	23	23
TC-174	Karl Konrad Volkert & Wilhelm Fender.	Hydraulic lift for plows	Corresponding German appln. P. 81 091.	Dr. Ing. h. c. F. Porsche K.-G.	23	23
TC-185	Josef Kales	Tractors		Dr. Ing. h. c. F. Porsche K.-G.	23	23
TC-191	Hungarian Rubber Goods Factory Limited.	Impregnation of rayon fibres with resorcin, phenil hydrasin, hydroquinon, pyrogallol to ensure a good adhesion of the fibres to rubber.		Hungarian Rubber Goods Factory Limited.	34	34
TC-192	Unknown	Hydraulic clutch		International Patents	33	33
TC-193	Salvatore Stefanini, Jader Vichi, Borgo S. Lorenzo, Domenico Varriale, & Agostino Varriale.	Making wearing apparel from hosiery.		Salvatore Stefanini, Jader Vichi, Borgo S. Lorenzo, Domenico Varriale, & Agostino Varriale.	35	35
TC-200	Toyohiko Kagawa	Chemical chess		Toyohiko Kagawa	39	39
TC-242	Arnold Besag	Apparatus for cleansing barrels	Corresponding German appln. filed 4/11/37 & Div. appln. of U. S. Ser. No. 178,622.	Mannesmann Stahlblechbau, A. G.	23	23
TC-250	Wilhelm Wirbatz & Martin Schenck.	Process and apparatus for the preparation of fiber-shaped cellulose derivatives.		Schering, A. G.	23	23
TC-254	Bernhard Wempe	Glass, sheets and process and apparatus for manufacturing same.	Continuation of U. S. Ser. No. 123,832.	Bernhard Wempe	23	23
TC-263	Unknown	Dissolving, softening, swelling and gelatinizing agents.	Corresponding German appln. D. 78,662.	Deutsche Hydrierwerke, A. G.	23	23
TC-263 (a)	Unknown	Dissolving, softening, swelling and gelling agents.	Corresponding German appln. D. 78,669.	Deutsche Hydrierwerke, A. G.	23	23
TC-263 (b)	Unknown	Insulating materials	Corresponding German appln. D. 78,692.	Deutsche Hydrierwerke, A. G.	23	23
TC-263 (c)	Unknown	Dissolving, softening and gelling agents.	Corresponding German appln. D. 78,677.	Deutsche Hydrierwerke, A. G.	23	23
TC-263 (d)	Unknown	Dissolving, softening and gelling agents.	Corresponding German appln. D. 78,678.	Deutsche Hydrierwerke, A. G.	23	23
TC-263 (e)	Unknown	Dissolving, softening and gelling agents.	Corresponding German appln. D. 78,711.	Deutsche Hydrierwerke, A. G.	23	23
TC-263 (f)	Unknown	Dissolving, softening and gelling agents.	Corresponding German appln. D. 78,712.	Deutsche Hydrierwerke, A. G.	23	23
TC-263 (g)	Unknown	Process for the preparation of capillary-active agents.	Corresponding German appln. D. 78,720.	Deutsche Hydrierwerke, A. G.	23	23
TC-263 (h)	Unknown	Process for the preparation of resinous condensation products.	Corresponding German appln. D. 78,721.	Deutsche Hydrierwerke, A. G.	23	23
TC-263 (i)	Unknown	Dissolving, softening, swelling and gelling agents.	Corresponding German appln. D. 78,931.	Deutsche Hydrierwerke, A. G.	23	23
TC-285 (m)	W. Prahl	Removal of hydrogen sulfide from water.		W. Prahl	23	39
TC-309	Kurt Tank	Control system for aircraft		Focke-Wulf Flugzeugbau, G. m. b. H.	23	23
TC-316	Bernhard Osann & Hermann Alexander Brassert.	Method of regulating the course of processes in shaft furnaces, especially blast furnaces.	Corresponding German appln. B. 183,007.	H. A. Brassert & Co.	23	23
TC-316 (a)	Bernhard Ossan & Hermann Alexander Brassert.	Process of making steel in a converter	Corresponding German appln. B. 183,011.	H. A. Brassert & Co.	23	23
TC-316 (b)	Hermann Alexander Brassert.	Process of and apparatus for producing steel from iron ores.	Corresponding German appln. B. 183,[illegible].	H. A. Brassert & Co.	23	23
TC-316 (c)	Hermann Alexander Brassert.	Pig iron mixer	Corresponding German appln. B. 183,[illegible].	H. A. Brassert & Co.	23	23
TC-316 (d)	Hermann Alexander Brassert.	Regenerative hearth furnaces especially Siemens-Martin furnaces.	Corresponding German appln. B. 183,047.	H. A. Brassert & Co.	23	23
TC-316 (j)	Unknown	Sheet straightening machine		Erhardt & Schmer	23	28
TC-316 (k)	Arthur Burkhardt	Magnesium alloids	Continuation-in-part of U. S. appln. [illegible],010.	Arthur Burkhardt	23	23
TC-316 (l)	Rudolf Hintze & Helmut Glombitza.	Means for detaching ice cubes		Rudolf Hintze & Helmut Glombitza.	23	23
TC-316 (m)	Rudolf Hintze, Kurt Nesselmann, & Peter Pfaff.	Refrigerators of the compression type		Rudolf Hintze, Kurt Nesselmann, & Peter Pfaff.	23	23
TC-316 (n)	Adalbert Etzrodt	Controllable electric discharge vessel	Corresponding German appln. Filed 8/21/39.	Siemens & Halske, A. G.	23	23
TC-316 (o)	Manfred von Ardenne	Electron microscope	Corresponding German appln. filed [illegible].	Siemens & Halske, A. G.	23	23
TC-316 (p)	Ernst Ruska	Electronic microscopes	Corresponding German appln. filed [illegible].	Siemens & Halske, A. G.	23	23
TC-316 (q)	Heinz Otto Muller	Method for treating objects to be examined microscopically.	Corresponding German appln. filed [illegible].	Siemens & Halske, A. G.	23	23
TC-316 (r)	Bodo von Borries	Arrangement for producing magnified images of object surfaces with the aid of an electron microscope.	Corresponding German appln. filed 1/8/14/39.	Siemens & Halske, A. G.	23	23
TC-317	Heinrich Lussenhop	Multiple electrolytic condenser, especially of large capacity.	Corresponding German appln. filed 12/12/38.	Siemens & Halske, A. G.	23	23
TC-317 (a)	Werner Herrmann Paul Werner, & Anneliese Wolter.	Electrolyte, especially for electrolytic condensers.	Corresponding German appln. S. 139,[illegible].	Siemens & Halske, A. G.	23	23
TC-317 (b)	Wilhelm Hermanns	Electrolytic condenser, especially for multiple electrolytic condenser.	Corresponding German appln. S. 4162/GM.	Siemens & Halske, A. G.	23	23
TC-317 (c)	Werner Herrmann	Electrolytic cell, especially for electrolytic condenser.	Corresponding German appln. S. 137,[illegible].	Siemens & Halske, A. G.	23	23
TC-317 (d)	Hans Schulz	Electrolytic condenser	Corresponding German appln. S. 137,[illegible].	Siemens & Halske, A. G.	23	23
TC-317 (e)	Willy Prang	Process for the formation of electrodes, especially for electrolytic condensers.	Corresponding German appln. S. 137,318.	Siemens & Halske, A. G.	23	23
TC-317 (f)	Ludwig Linder	Dry electrolyte condenser	Corresponding German appln. S. 137,016.	Siemens & Halske, A. G.	23	23
TC-317 (g)	Paul Werner	Process for producing an electrode with an enlarged surface, especially for electrolytic condensers.	Corresponding German appln. S. 137,[illegible].	Siemens & Halske, A. G.	23	23
TC-317 (h)	Erich Evers	Electrolytic condenser	Corresponding German appln. S. 138,119.	Siemens & Halske, A. G.	23	23
TC-317 (i)	Paul Werner	Electrolytic condenser	Corresponding German appln. S. 139,[illegible].	Siemens & Halske, A. G.	23	23
TC-317 (j)	Ludwig Linder	Electrolytic condenser	Corresponding German appln. S. 139,074.	Siemens & Halske, A. G.	23	23
TC-317 (k)	Werner Herrmann	Electrolyte for electrolytic cells, especially for electrolytic condensers.	Corresponding German appln. S. 139,[illegible].	Siemens & Halske, A. G.	23	23
TC-317 (l)	Wilhelm Wolf & Leonhart Schmidt.	Electrolyte condenser, especially for higher tension.	Corresponding German appln. S. 140,[illegible].	Siemens & Halske, A. G.	23	23
TC-317 (m)	Christian Wachenhusen	Electrolytic condenser for the purpose of eliminating disturbances.	Corresponding German appln. S. 140,[illegible].	Siemens & Halske, A. G.	23	23

EXHIBIT B—Continued

TC Number	Inventor	Invention	Other Identification	Owner	Cit	Res
TC-317 (n)	L. Linder, W. Herrmann, and A. Wolter.	Electrolyte for electrolytic cells, especially for electrolytic condensers.	Corresponding German appln. S. 140,343.	Siemens & Halske, A. G.	28	23
TC-317 (o)	Ludwig Linder & Paul Werner.	Electrolyte, especially for electrolytic condensers.	Corresponding German appln. S. 140,498.	Siemens & Halske, A. G.	28	28
TC-317 (p)	Paul Werner	Process for the production of electrolytic condensers.	Corresponding German appln. S. 141,023.	Siemens & Halske, A. G.	28	23
TC-317 (q)	Paul Werner	Electrolyte, especially for electrolytic condensers.	Corresponding German appln. S. 141,148.	Siemens & Halske, A. G.	28	23
TC-317 (r)	Ludwig Linder	Electrolytic condenser	Corresponding German appln. S. 141,289.	Siemens & Halske, A. G.	28	23
TC-317 (s)	Paul Werner	Electrolyte, especially electrolyte for preliminary forming of electrodes of electrolytic condensers.	Corresponding German appln. filed 9/10/40.	Siemens & Halske, A. G.	28	2
TC-317 (t)	W. Herrmann	Process for the production of an electrolytic condenser, especially for low temperatures, and electrolytic condenser produced according to this process.	Corresponding German appln. S. 142,230.	Siemens & Halske, A. G.	28	23
TC-317 (u)	Paul Werner	Electrolytic condenser, especially for low temperatures.	Corresponding German appln. S. 142,241.	Siemens & Halske, A. G.	28	23
TC-317 (v)	Joachim Nestler	Electrolytic condenser	Corresponding German appln. S. 142,270.	Siemens & Halske, A. G.	28	23
TC-317 (w)	Paul Werner	Electrolytic condenser, especially electrolyte-condenser for liquids.	Corresponding German appln. S. 142,573.	Siemens & Halske, A. G.	28	23
TC-317 (x)	Paul Werner	Process for the production of electrodes with an enlarged surface, especially for electrolytic condensers.	Corresponding German appln. S. 142,709.	Siemens & Halske, A. G.	28	23
TC-317 (y)	W. Herrmann	Electrolytic condenser	Corresponding German appln. S. 143,698.	Siemens & Halske, A. G.	28	23
TC-317 (z)	W. Herrmann	Valve, especially for electrolytic condensers.	Corresponding German appln. S. 144,247.	Siemens & Halske, A. G.	28	28
TC-317 (aa)	W. Herrmann & Paul Werner.	Electrolytic condenser	Corresponding German appln. S. 144,248.	Siemens & Halske, A. G.	28	23
TC-317 (bb)	W. Herrmann & Paul Werner.	Electrolytic condenser	Corresponding German appln. S. 144,249.	Siemens & Halske, A. G.	28	28
TC-317 (cc)	W. Herrmann & Paul Werner.	Electrolytic condenser	Corresponding German appln. S. 144,438.	Siemens & Halske, A. G.	28	23
TC-317 (dd)	Paul Werner	Process for producing electrolytic condensers.	Corresponding German appln. S. 144,391.	Siemens & Halske, A. G.	28	28
TC-317 (ee)	Paul Werner	Closing-device, especially for metallic cup of electrolytic condensers.	Corresponding German appln. S. 144,439.	Siemens & Halske, A. G.	28	28
TC-417	Cesare Berselli	Calculating machine having a totalizer with unlimited capacity.		Cesare Berselli	38	38
TC-419	Sante Arnaldo Falavigna, Carlo Alberto Falavigna, & Antonio Falavigna.	System of ensilage and construction of the silo used in connection therewith.		Sante Arnaldo Falavigna, Carlo Alberto Falavigna, & Antonio Falavigna.	38	38

[F. R. Doc. 43-11085; Filed, July 9, 1943; 12:43 p. m.]

[Vesting Order 1743]

SERGE VASILACH, ET AL.

Re: Invention and disclosure thereof of Serge Vasilach, Paul Aginski and Henri Renault.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Serge Vasilach is a resident of France and a citizen of Roumania and is therefore a national of foreign countries (Roumania and France);

2. Finding that Paul Aginski and Henri Renault are citizens and residents of France and are therefore nationals of a foreign country (France);

3. Finding that the unfiled patent application and other property related thereto identified in subparagraph 4 hereof are property of Serge Vasilach, Paul Aginski and Henri Renault;

4. Finding that the unfiled patent application identified as follows:

TC No.	Inventors	Title	Date of execution
TC-212	Serge Vasilach, Paul Aginski and Henri Renault.	Improvements in or relating to transmitting and amplificating control devices.	1-21-42

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of nationals of foreign countries (Roumania and France);

5. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 4, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid,

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11086; Filed, July 9, 1943; 12:43 p. m.]

[Vesting Order 1745]

RUTH SARA CRZELLITZER, ET AL.

Re: Invention and disclosure thereof of Ruth Sara Crzellitzer, Stefan Peter Crzellitzer and Camillo-Georg Crzellitzer.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Ruth Sara Crzellitzer, Stefan Peter Crzellitzer and Camillo-Georg Crzellitzer are residents of Belgium and citizens of Germany and each of them is therefore a national of foreign countries (Belgium and Germany);

2. Finding that the unfiled patent application and other property related thereto identified in subparagraph 3 hereof are property of Ruth Sara Crzellitzer, Stefan Peter Crzellitzer and Camillo-Georg Crzellitzer;

3. Finding that the unfiled patent application identified as follows:

TC No.	Inventor	Title	Date of execution
TC-1065	Robert Wolfgang Crzellitzer (deceased).	Device for levelling machines.	1-27-41

together with the entire right, title and interest throughout the United States and its territories in and to, including the right to file applications in the United States Patent Office for Letters Patent for, the invention or inventions shown or described in such application,

is property of nationals of foreign countries (Belgium and Germany);

4. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

5. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property hereinbefore described in subparagraph 3, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on June 24, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-11087; Filed, July 9, 1943; 12:43 p. m.]

[Vesting Order 1596]

GUSTAV OTTO RICHARD HOFMEISTER

Note: The following Exhibit A of Vesting Order 1596 was not filed as part of the original document printed on page 9077 of the issue of July 2, 1943. A copy of the exhibit has subsequently been attached to the original document.

EXHIBIT A

Re: Real property owned by Gustav Otto Richard Hofmeister.

All those two adjoining lots, tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Township of Palisades, in the County of Bergen and State of New Jersey, known and designated on a certain map filed in the Clerk's office of the said county of Bergen May 29, 1891 entitled "Map of the S. S. Demarest property at Bergen Fields, N. J." as lot No. 184 and part of lot 185 in Beach F: Said two lots are located on the northwesterly corner of Main Street and Demarest Avenue and taken together from a plot 52 feet and 5/10's of a foot (52.5/10') wide in front on Demarest Avenue, the same width in the rear, one hundred (100') feet deep on the north side and one hundred (100') deep on the south side of Main Street. Bounded northerly by lot number 183 easterly by Demarest Avenue, southerly by Main Street and westerly by Lot No. 186 as laid down by said map.

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Rev.-39]

ADAMS TRANSFER & STORAGE COMPANY AND THE SANTA FE TRAIL TRANSPORTATION COMPANY

COORDINATED OPERATIONS BETWEEN KANSAS CITY, MISSOURI, AND POINTS IN KANSAS

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property in less-than-truckload lots between Kansas City, Missouri, and points in Kansas, filed with the Office of Defense Transportation by Adams Transfer & Storage Company, a corporation, Kansas City, Missouri, and The Santa Fe Trail Transportation Company, a corporation, Wichita, Kansas, designated herein as Adams and Santa Fe Trail, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. Adams shall:

(a) Suspend the transportation, on its route between Kansas City, Missouri, and Salina, Kansas, of shipments in less-than-truckload lots moving to and from the intermediate points of Fort Riley, Junction City, and Abilene, Kansas, including shipments moving through Salina and shipments originating at or moving through Kansas City, and divert such shipments to Santa Fe Trail; and

(b) Suspend the transportation, on its routes between Kansas City, Missouri, and Wichita, Kansas, of shipments in less-than-truckload lots moving to and from the intermediate points of Emporia and Newton, Kansas, including shipments originating at or moving through Kansas City or Wichita, and divert such shipments to Santa Fe Trail.

2. Santa Fe Trail shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of Adams.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, and regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-39", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of July 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11182; Filed, July 12, 1943; 10:38 a. m.]

[Supplementary Order ODT 3, Rev. 40]

ADAMS TRANSFER & STORAGE COMPANY, KNAUS TRUCK LINES, INC., AND RISS & COMPANY, INC.

COORDINATED OPERATIONS BETWEEN POINTS IN ILLINOIS AND MISSOURI

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of shipments in less-than-truckload lots between points in Illinois and Missouri, filed with the Office of Defense Transportation by Adams Transfer & Storage Company, a corporation; Knaus Truck Lines, Inc.; and Riss & Company, Inc., all of Kansas City, Missouri, designated herein as Adams, Knaus, and Riss, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered,* That:

1. Adams and Riss shall suspend the transportation in interstate commerce on their routes between Kansas City, Missouri, and Chicago, Illinois, of shipments in less-than-truckload lots moving between those points and the intermediate point of Springfield, Illinois, including shipments routed through Kansas City or Chicago, and shall divert such shipments to Knaus: *Provided, however,* That Adams and Riss may transport shipments in less-than-truckload lots to Springfield, when equipment is moved to and from Springfield pursuant to prior commitments not involving the operation of empty or partially loaded equipment.

2. Knaus shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised—40", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C. this 12th day of July 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11183; Filed, July 12, 1943; 10:38 a. m.]

[Supplementary Order ODT 3, Rev. 41]

ADAMS TRANSFER & STORAGE COMPANY AND CHIEF FREIGHT LINES COMPANY

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI, KANSAS, AND OKLAHOMA

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property in less-than-truckload lots between points in Missouri, Kansas, and Oklahoma, filed with the Office of Defense Transportation by Adams Transfer & Storage Company, a corporation, and Chief Freight Lines Company, a corporation, both of Kansas City, Missouri, designated herein as Adams and Chief, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. Adams shall suspend the transportation in interstate commerce on its routes between Kansas City, Missouri, and Tulsa, Oklahoma, of shipments in less-than-truckload lots moving between Kansas City and Tulsa and the intermediate points of Altoona, Caney, Cherryvale, Coffeyville, Earlton, Fredonia, Liberty, Neodesha, Thayer, Kansas; Copan, Bartlesville, Collinsville, Delaware, Dewey, Glenoak, Lenapah, and Watova, Oklahoma, including shipments moving through Kansas City or Tulsa, and divert such shipments to Chief.

2. Chief shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of Adams.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having

jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order, and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-41", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of July 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11184; Filed, July 12, 1943; 10:38 a. m.]

[Supplementary Order ODT 3, Rev. 42]

ADAMS TRANSFER & STORAGE COMPANY AND MANLEY TRANSFER COMPANY

COORDINATION OPERATIONS BETWEEN KANSAS CITY, MISSOURI, AND POINTS IN KANSAS

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property in less-than-truckload lots between Kansas City, Missouri, and points in Kansas, filed with the Office of Defense Transportation by Adams Transfer & Storage Company, a corporation, Kansas City, Missouri, and F. L. Manley, doing business as Manley Transfer Company, Chanute, Kansas, designated herein as Adams and Manley, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. Adams shall suspend the transportation in interstate commerce on its route between Kansas City, Missouri, and Chanute, Kansas, of shipments in less-than-truckload lots moving between Kansas City and Chanute and the intermediate points of Ottawa, Princeton, Richmond, Garnett, Welda, Colony, Iola, and Humboldt, Kansas, including shipments moving through Kansas City or Chanute, and divert such shipments to Manley.

2. Manley shall accept and transport all shipments diverted to it under this order pursuant to the lawfully applicable rates, charges, rules, and regulations of Adams.

3. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

4. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

6. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

7. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

8. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-42", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of July, 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11185; Filed, July 12, 1943; 10:38 a. m.]

[Supplementary Order ODT 3, Rev. 43]

ADAMS TRANSFER & STORAGE COMPANY, HALL BROTHERS TRUCK LINES, AND KANSAS TRANSPORT FREIGHT LINES

COORDINATED OPERATIONS BETWEEN KANSAS CITY, MISSOURI, AND POINTS IN KANSAS

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of property in less-than-truckload lots between Kansas City, Missouri, and points in Kansas, filed with the Office of Defense Transportation by P. F. Felton and R. J. LaBenne, co-partners, doing business as Kansas Transport Freight Lines, Salina, Kansas; Adams Transfer & Storage Company, a corporation, Kansas City, Missouri; and Russell A. Hall, doing business as Hall Brothers Truck Lines, Lawrence, Kansas, herein called Kansas Transport, Adams, and Hall, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services, and equipment and to conserve and providently utilize vital equipment, materials, and supplies of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered,* That:

1. Kansas Transport shall suspend the transportation, on its routes between Kansas City, Missouri, and Manhattan, Kansas, of shipments in less-than-truckload lots moving between those points, including shipments moving through Kansas City, and divert such shipments to Adams.

2. Adams shall:

(a) Accept all shipments diverted to it by Kansas Transport pursuant to this order; and

(b) Suspend the transportation, on its routes between Kansas City, Missouri, and Topeka, Kansas, of shipments in less-than-truckload lots moving between Kansas City, Missouri, and Lawrence, Midland, Perry, Newman, Grantville, and Topeka, Kansas, including shipments moving through Kansas City or Topeka, and divert such shipments to Hall.

3. Hall shall accept all shipments diverted to it by Adams pursuant to this order.

4. The carrier to which a shipment has been diverted under this order shall

transport such shipment pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

5. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

6. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

7. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to permit any carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

8. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

9. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

10. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-43", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

11. This order shall become effective July 19, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 12th day of July, 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11186; Filed, July 12, 1943; 10:39 a. m.]

TRANSPORTATION AND DELIVERY OF FLOWERS IN CUYAHOGA COUNTY, OHIO

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), Elsie Kirchner, Lakewood Floral Co., Eickhoff Florists, F. H. Ziechmann, Nick Castello, McFarlands Florists, Bramley-Pepper Florist, A. J. Heil, L. A. Ellacott, and Jos. W. Fifer, all of Cuyahoga County, Ohio, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Cuyahoga and adjoining counties.

The participants in the plan, wholesale and retail florists, propose to eliminate wasteful operations in the transportation and delivery of flowers and related articles by reducing the number of delivery trips and by transferring orders. Each will make not more than one delivery trip a day in the three general directions, northeast, south, and west, serving customers in Cuyahoga, Lake, Geauga, and Summit Counties. Sunday deliveries to hospitals are to be discontinued; and all other Sunday deliveries are to be curtailed as much as practicable. Orders received by a participant in the western portion of Cuyahoga County for deliveries in the eastern portion of the delivery area, and vice versa, will be transferred to the participant nearest the delivery point. A truck will not be started on a delivery trip unless fully loaded. The participants estimate that effectuation of the plan will result in savings of 35 percent of their truck-mileage, based on their 1941 experiences.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 6th day of July, 1943.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 43-11195; Filed, July 12, 1943; 11:27 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Amdt. 1 to Order 36 Under Rev. MPR 148]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 1 to Order No. 36 under Revised Maximum Price Regulation No. 148—Dressed Hogs and Wholesale Pork Cuts.

The second paragraph of Order No. 36 under Revised Maximum Price Regulation No. 148 is amended to read as follows:

This designation shall remain in effect to and including August 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11107; Filed, July 9, 1943; 4:08 p. m.]

[Amdt. 1 to Order 33 Under Rev. MPR 169]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 1 to Order 33 Under Revised Maximum Price Regulation No. 169—Beef and Veal Carcasses and Wholesale Cuts.

The second paragraph of Order No. 33 under Revised Maximum Price Regulation No. 169 is amended to read as follows:

This designation shall remain in effect to and including August 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11109; Filed, July 9, 1943; 4:08 p. m.]

[Amdt. 1 to Order 3 Under Rev. MPR 230]

NEW MEXICO AND CERTAIN COUNTIES IN TEXAS

DESIGNATION AS CRITICAL MEAT SHORTAGE AREAS

Amendment No. 1 to Order No. 3 under Revised Maximum Price Regulation No.

239—Lamb and Mutton Carcasses and Cuts at Wholesale and Retail.

The second paragraph of Order No. 3 under Revised Maximum Price Regulation No. 239 is amended to read as follows:

This designation shall remain in effect to and including August 1, 1943, unless sooner terminated or unless extended by an amendment to this order.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of July 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-11108; Filed, July 9, 1943; 4:08 p. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on July 9, 1943.

Order No.	*Name*
RPS 57, Order 37	Hardwick & Magee Co.
RPS 64, Order 103	Union Stove Works, Incorp.
MPR 188, Order 480	Emergency Equipment Co.
MPR 121, Order 16	Vinton Coal & Coke Co.
MPR 188, Order 481	Locke Insulator Corp.
RPS 67, Order 15	The Kindt-Collins Co.
RPS 10, Order 7	Eastern Gas and Fuel Associates
MPR 157, Order 29	Sun Bias Binding Textiles Co.
MPR 152, Order 40	Paulus Bros. Packing Co.
MPR 185, Order 18	Paulus Bros. Packing Co.
MPR 220, Order 2	Stelton Mfg. Co.
RMPR 195, Order 5	D. C. Dunham Lumber Co.
MPR 157, Order 28	M. Fine & Sons Mfg. Co., Inc.
RPS 56, Order 6	Essex Rubber Co.
MPR 188, Order 483	Fredericksburg Art Pottery Co.
Rev. Supp. Reg. 1, Order 28	J. C. Bennett Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11140; Filed, July 10, 1943; 11:49 a. m.]

LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC. UNDER PRICE REGULATIONS

The following order was filed with the Division of the Federal Register on July 10, 1943.

Order number:	*Name*
MPR 188, Order 492	Abington Wood Products Co.

Copies of this order may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-11201; Filed, July 12, 1943; 11:38 a. m.]

Regional, District and State Office Orders.

[Region VIII Order G-4]

FLUID MILK IN CERTAIN NEVADA AREAS

Order No. G-4 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. 5); Fluid milk prices at wholesale and retail in certain localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold and delivered at wholesale and at retail in certain specified localities in the State of Nevada.* The maximum price for fluid milk sold and delivered at wholesale or at retail, other than sales to the Armed Forces and to Federal, State, County and Municipal institutions, in the localities set forth below and in the quantities and under the conditions of delivery set forth below, shall be the applicable adjusted maximum price specified in the schedule set forth below.

(a) *City of Reno:*

WHOLESALE PRICES F. O. B. PURCHASER'S BUSINESS LOCATION

Quantity	Not less than 3.5% milk fat	Not less than 4.5% milk fat
Gallon	$0.44	$0.48
Half-gallon	.23	.25
Quart-container, glass	.12	.13
Quart-container, fiber	.12½	
Pint container	.06	.07
Half pint container	.04	.04
RETAIL PRICES		
Gallon	$0.49	$0.53
Half gallon	.26	.28
Quart container	.14	.15
Pint container	.07	.08

(b) *Carson City:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.40
Half gallon	.20
Quart container, glass	.11
Quart container, fiber	.11½
Pint	.06
Half pint	.035
	Retail prices
Gallon	$0.45
Half gallon	.23
Quart container	.13
Pint container	.07

(c) *Virginia City:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.44
Half gallon	.23
Quart container, glass	.12
Quart container, fiber	.12½
Pint container	.06
Half-pint container	.04
	Retail prices
Gallon	$0.49
Half gallon	.26
Quart container	.14
Pint container	.07

(d) *Gardnerville, Minden and Yerington:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.35
Half gallon	.19
Quart container, glass	.10
Quart container, fiber	.10½
Pint container	.05
Half-pint container	.03
	Retail prices
Gallon	$0.40
Half gallon	.22
Quart container	.12
Pint container	.03

(e) *Hawthorne and Winnemucca:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.47
Half gallon	.25
Quart container, glass	.13
Quart container, fiber	.13½
Pint container	.07
Half-pint container	.05
Quantity:	*Retail prices*
Gallon	$0.52
Half gallon	.23
Quart container	.15
Pint container	.03

(f) *McGill, Ely, Elko, Panaca, Pioche, Caliente, and the settlement of Gabbs Valley:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.44
Half gallon	.23
Quart container, glass	.12
Quart container, fiber	.12½
Pint container	.06
Half-pint container	.04
	Retail prices
Gallon	$0.49
Half gallon	.26
Quart container	.14
Pint container	.07

(g) *Tonopah:*

Quantity:	*Wholesale prices f. o. b. purchaser's business location*
Gallon	$0.55
Half gallon	.29
Quart container, glass	.15
Quart container, fiber	.15½
Pint container	.03
Half-pint container	.05
	Retail prices
Gallon	$0.60
Half gallon	.32
Quart container	.17
Pint container	.09

(h) *Beowawe:*

WHOLESALE PRICES F. O. B. PURCHASER'S BUSINESS LOCATION

Quantity	If container not supplied by seller	If container is supplied by seller
Gallon	$0.35	$0.40
Half gallon	.19	.23
Quart container	.10	.12

RETAIL PRICES

Gallon	$0.42	$0.45
Half gallon	.24	.26
Quart container	.12	.14

(i) *Getchell Mine, Post Office Red House:*

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Quart container	$0.15	$0.17

(j) *Unionville:*

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Quart container	$0.10	$0.12

(2) *Maximum prices for fluid milk sold to the Armed Forces of the United States and to Federal, State, County and Municipal Institutions.* The maximum delivered price of fluid milk sold and delivered by sellers, whose places of business are in the localities enumerated above, to the Armed Forces of the United States and to Federal, State, County and Municipal institutions, shall be an adjusted maximum price equal to the adjusted maximum price hereinabove specified for sales at wholesale in the locality of the seller's place of business, except that the maximum price of fluid milk delivered to the Reno Air Base shall be 12½ cents per quart.

(3) No seller affected by this order shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

(4) Definitions. For purposes of this order:

(a) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(b) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than the ultimate consumer. College dormitories, fraternities and sororities shall be considered commercial users.

(c) "Sale at retail" means a sale of fluid milk to an ultimate consumer other than an industrial or commercial user.

(d) The name of any place includes the area within a radius of 5 miles from the city limits if the place is an incorporated city or town, and from the center of the city, town or settlement if it is not incorporated.

(5) Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(6) This order may be revoked or amended by the Office of Price Administration at any time.

(7) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11066; Filed, July 9, 1943; 11:33 a. m.]

[Region VIII Amdt. 1 to Order G-4]

FLUID MILK IN CERTAIN NEVADA AREAS

Amendment No. 1 to Order No. G-4 (formerly Order No. 5) under § 1499.18 (c), as amended, of the General Maximum Price Regulation; fluid milk prices at wholesale and retail in certain localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, and § 1499.18 (c), as amended, of the General Maximum Price Regulation, and in accordance with the authority reserved in Paragraph 6 of Order No. G-4 issued pursuant to § 1499.18 (c) to amend the said order at any time, the said Order No. G-4 is hereby amended in the following particulars:

(1) Paragraph (f) of Section (1) of said Order No. G-4 is hereby amended by striking out the heading, *"McGill, Ely, Elko, Panaca, Pioche, Caliente, and the settlement of Gabbs Valley,"* substituting therefor the following heading:

McGill, Ely, Elko, Panaca, Pioche and Caliente

(2) Section (1) of said Order No. G-4 is hereby amended by adding at the end thereof the following:

The settlement of Gabbs Valley:

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Quart container	$0.13	$0.15
Pint container	.07	.08

(3) Said Order No. G-4 as amended by this Amendment No. 1 may be further amended or revoked by the Office of Price Administration at any time.

(4) This Amendment No. 1 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871).

Issued this 19th day of January 1943.

HARRY CAMP,
Regional Administrator.

[F. R. Doc. 43-11067; Filed, July 9, 1943; 11:28 a. m.]

[Region VIII, Amdt. 2 to Order G-4]

FLUID MILK IN CERTAIN NEVADA AREAS

Amendment No. 2 to Order No. G-4 (formerly Order No. 5) under § 1499.18 (c), as amended, of the General Maximum Price Regulation; fluid milk prices at wholesale and retail in certain localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, and § 1499.18 (c), as amended of the General Maximum Price Regulation, and in accordance with the authority reserved in Paragraph 6 of Order No. G-4 issued pursuant to § 1499.18 (c) to amend the said Order at any time, the said Order No. G-4 is hereby amended in the following particulars:

(1) Section (1) of said Order No. G-4 as amended is hereby amended by adding at the end thereof the following:

The towns of Wells, Deeth, and Alazon:

[Not less than 3.5% milk fat]

Quantity	Wholesale delivered	Retail price
Quart container	$0.10	$0.12
Pint container	.06	.07
Half-pint container	.04	.....

The towns of Imlay and Mill City:

[Not less than 3.5% milk fat]

Quantity	Wholesale delivered	Retail price
Quart container	$0.12	$0.14
Pint container	.07	.08
Half-pint container	.04	.....

The town of Genoa:

[Not less than 3.5% milk fat]

Quantity	Retail delivered	Retail f. o. b. distributors' plant
Quart container	$0.12	$0.10

(2) Said Order No. G-4 as amended by this Amendment No. 2 may be further amended or revoked by the Office of Price Administration at any time.

(3) This amendment No. 2 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 3d day of April 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11068; Filed, July 9, 1943; 11:29 a. m.]

[Region VIII Order G-1]

FLUID MILK IN RENO, NEVADA

Order No. G-1 under § 1351.807 of Maximum Price Regulation No. 280, as amended—Maximum Prices for Specific

Food Products; fluid milk prices in bulk in Reno, Nevada, formerly Order No. 2.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.807 of Maximum Price Regulation No. 280, as amended, *It is hereby ordered:*

(1) The maximum price for fluid milk of not less than 3.5% butterfat content sold and delivered at wholesale other than in glass or paper containers to stores, hotels, restaurants and institutions in Reno, Nevada, shall be 39 cents per gallon.

(2) For purposes of this order, the term "Reno, Nevada," includes the area within a radius of five miles from the city limits of the city of Reno, Nevada.

(3) This order may be revoked or amended by the Office of Price Administration at any time.

(4) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 4th day of January 1943.

HARRY F. CALIP,
Regional Administrator.

[F. R. Doc. 43-11110; Filed, July 9, 1943; 4:09 p. m.]

[Region VIII Order G-4]

FLUID MILK IN CERTAIN NEVADA AREAS

Order No. G-4 under § 1351.807 of Maximum Price Regulation 280 as amended—Maximum Prices for Specific Food Products (formerly Order No. 4); fluid milk prices in bulk in certain localities in the State of Nevada.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.807 of Maximum Price Regulation No. 280 as amended, *It is hereby ordered:*

(1) The maximum price for fluid milk of not less than 3.5% butterfat content sold and delivered at wholesale other than in glass or paper containers to stores, hotels, restaurants and institutions in the localities set forth below, shall be as follows:

THE TOWNS OF WELLS, DEETH, AND ALAZON

Quantity:	*Wholesale delivered*
Gallon	$ .40

(2) No seller affected by this order shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

(3) For purposes of this order, the name of any town includes an area within a radius of 5 miles from the center of such town.

(4) This order may be further amended or revoked by the Office of Price Administration at any time.

(5) This order No. 4 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: April 3, 1943.

HARRY F. CALIP,
Regional Administrator.

[F. R. Doc. 43-11111; Filed, July 9, 1943; 4:31 p. m.]

[Region VIII Order G-7]

FLUID MILK IN OREGON

Order No. G-7 Under § 1499.18 (c), as amended of the General Maximum Price Regulation (formerly Order No. 8)—Fluid Milk Prices at Wholesale and Retail in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold and delivered at wholesale and at retail in certain specified localities in the State of Oregon.* (a) The maximum price for fluid milk sold and delivered at wholesale or at retail, other than sales to the Armed Forces and to Federal, State, County, and Municipal institutions, in the localities set forth below, and in the quantities and under the conditions of delivery set forth below, shall be the seller's previous maximum price, as determined under § 1499.2 of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Baker County:		
Quart container	$0.10	$0.12
Pint container	.06	.08
Half-pint container	.03	.05
Benton County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Clackamas County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Clatsop County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Columbia County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Crook County—except the city of Prineville:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Prineville:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Curry County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Deschutes County—except the cities of Bend and Redmond:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Cities of Bend and Redmond:		
Quart container	$0.11	$0.13
Pint container	.06	.08
Half-pint container	.035	.05
Douglas County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Gilliam County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Harney County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Hood River County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Jackson County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Jefferson County—except the City of Madras:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Madras:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.0325	.05
Klamath County—except the City of Klamath Falls:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Klamath Falls:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Lake County—except the city of Lake View:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Lake View:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.035	.05
That portion of Lane County east of the Coast Range:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
That portion of Lane County west of the Coast Range:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.0325	.05
Lincoln County:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.0325	.05
Linn County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.0325	.05
Malheur County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Marion County—except the city of Salem:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
City of Salem:		
Quart container	.1175	.133
Pint container	.06	.08
Half-pint container	.035	.05
Morrow County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Multnomah County—except the city of Portland:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
City of Portland:		
Quart container	.12	.14
Pint container	.065	.08
Half-pint container	.035	.05
Sherman County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Tillamook County — except the city of Tillamook:		
Quart container	$0.11	$0.13
Pint container	.06	.08
Half-pint container	.035	.05
City of Tillamook:		
Quart container	.1175	.135
Pint container	.06	.08
Half-pint container	.035	.05
Union County—except the city of La Grande:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of La Grande:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.035	.05
Umatilla County—except the city of Pendleton:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of Pendleton:		
Quart container	.12	.14
Pint container	.065	.08
Half-pint container	.035	.05
Wallowa County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Wasco County—except the city of The Dalles:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
City of The Dalles:		
Quart container	.1075	.125
Pint container	.06	.08
Half-pint container	.035	.05
Washington County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05
Yamhill County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.035	.05

(b) The adjusted maximum price for sales at retail of milk delivered directly at the producer's ranch or farm or at the distributor's plant shall, in each of the localities specified above, be at the rate of 1 cent per quart less than the retail price specified for the particular locality and for the particular container size.

(2) The adjusted maximum price under this order for any seller of fluid milk in gallon glass containers affected by this order shall be determined by determining the differential in cents between the seller's maximum price prior to this order for fluid milk in gallon glass containers and his maximum price prior to this order for fluid milk in quart glass containers sold at wholesale or at retail as the case may be in the particular locality, and applying the same differential in cents to the seller's adjusted maximum price under this order for such sales of fluid milk in quart glass containers.

(3) The adjusted maximum prices hereinabove specified are for fluid milk in glass containers. The adjusted maximum price under this order for any seller of fluid milk in paper or fiber containers affected by this order shall be determined by determining the differential in cents between the seller's maximum price prior to this order for such fluid milk in paper or fiber containers and his maximum price prior to this order for fluid milk in glass containers of the corresponding size in the particular locality, and applying the same differential in cents to the seller's adjusted maximum price under this order for such fluid milk in glass containers.

(4) The adjusted maximum price under this order for any seller of skim milk, plain buttermilk or Bulgarian buttermilk affected by this order shall be determined by determining the differential in cents between the seller's maximum price prior to this order for such item and his maximum price prior to this order for fluid milk in the particular locality and in the same container size, and applying the same differential in cents to the seller's adjusted maximum price under this order for such milk.

(5) *Maximum prices for fluid milk sold to the Armed Forces of the United States and to Federal, State, County and Municipal Institutions.* The maximum delivered price of fluid milk sold and delivered by sellers, whose places of business are in the localities enumerated above, to the Armed Forces of the United States and to Federal, State, County and Municipal Institutions, shall be an adjusted maximum price equal to the adjusted maximum price hereinabove specified for sales at wholesale in the locality of the seller's place of business.

(6) No seller affected by this order shall change his customary allowances or discounts unless such change results in a lower price.

(7) In the case of single unit sales, any adjusted maximum price resulting in a fraction of a cent must be reduced to the next lower even cent if the fraction is less than one-half cent and may be increased to the next higher even cent if the fraction is one-half cent or more. In the case of multiple unit sales, the fractional unit price, if any, shall be multiplied by the number of units, and, if the result contains a fractional cent, it shall be similarly adjusted. Home deliveries shall be considered multiple unit sales unless separate collections are made for single units delivered.

(8) *Definitions.* For purposes of this order:

(a) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk, having a milk-fat content of not less than 3.8%, except that where a lower-minimum milk-fat content is prescribed by legal authority, then the term "milk" shall include milk of a milk-fat content of not less than such legal minimum. The term "milk" shall also include chocolate milk.

(b) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than an ultimate consumer. College dormitories, fraternities and sororities shall be considered commercial users.

(c) "Sale at retail" means a sale of fluid milk to an ultimate consumer other than an industrial or commercial user.

(d) Where the name of any city or town mentioned in this Order is also the name of a sales area as defined by the Oregon Milk Control Board, the name of such city or town shall, for the purposes of this Order, include the area within the boundaries of such sales area as defined by said Board. The name of any other city or town includes the area within a radius of 25 miles in the case of Klamath Falls, 15 miles in the case of Tillamook, and 3 miles in all other cases, from the city limits if said city or town is an incorporated municipality, and within a radius of 3 miles from the center of said city or town if it is not an incorporated municipality.

(9) Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(10) This order may be revoked or amended by the Office of Price Administration at any time.

(11) This order shall become effective January 15, 1943.

Issued this 15th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11134; Filed, July 10, 1943; 11:55 a. m.]

[Region VIII Order G-7, Amdt. 1]

FLUID MILK IN CERTAIN OREGON AREAS

Amendment No. 1 to Order No. G-7 (formerly Order No. 8) under § 1499.18 (c), as amended of the General Maximum Price Regulation—Fluid Milk Prices at Wholesale and Retail in Certain Localities in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, and in accordance with the authority reserved in paragraph 10 of Order No. G-7 issued pursuant to § 1499.18 (c) to amend the said order at any time, the said Order No. G-7 is hereby amended in the following particulars:

(1) Section (1) of said Order No. G-7 is hereby amended by adding at the end thereof the following:

Quantity	Wholesale prices f. o. b. purchaser's business location	Retail prices
Coos County:		
Quart container	$0.11	$0.13
Pint container	.06	.08
Half-pint container	.0325	.05
Grant County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05
Josephine County:		
Quart container	.11	.13
Pint container	.06	.08
Half-pint container	.0325	.05
Wheeler County:		
Quart container	.10	.12
Pint container	.06	.08
Half-pint container	.03	.05

(2) Said Order No. G-7 as amended by this Amendment No. 1 may be further amended or revoked by the Office of Price Administration at any time.

(3) This Amendment No. 1 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 19th day of January 1943.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43-11135; Filed, July 10, 1943; 11:51 a. m.]

[Region VIII Order G-7, Amdt. 2]

FLUID MILK IN CERTAIN OREGON AREAS

Amendment No. 2 to Order No. G-7 (formerly Order No. 8) under § 1499.18 (c), as amended, of the General Maximum Price Regulation—Fluid Milk Prices at Wholesale and Retail in Certain Localities in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c), as amended, of the General Maximum Price Regulation, and in accordance with the authority reserved in Paragraph 10 of Order No. G-7 under § 1499.18 (c) as amended, of the General Maximum Price Regulation, to amend the said order at any time, the said Order No. G-7 as amended is hereby further amended as follows:

1. Section 1a of the said Order No. G-7 as amended is hereby further amended by striking out the headings "Wasco County—Except the City of The Dalles" and "City of The Dalles" and the price schedules thereunder and substituting therefor the following:

Quantity	Wholesale prices f. o. b. purchaser's business	Retail prices
Wasco County—except the city of The Dalles:		
Quart container	$0.11	$0.13
Pint container	.06	.08
Half-pint container	.035	.05
City of The Dalles:		
Quart container	.1175	.135
Pint container	.06	.08
Half-pint container	.035	.05

2. Section 8d of the said Order G-7 is hereby amended to read as follows:

Where the name of any city or town mentioned in this order is also the name of a sales area as defined by the Oregon Milk Control Board, the name of such city or town shall, for the purposes of this order, include the area within the boundaries of such sales area as defined by said Board. The name of any other city or town includes the area within a radius of 25 miles in the case of Klamath Falls, 15 miles in the case of Tillamook, 10 miles in the case of The Dalles, and 3 miles in all other cases, from the city limits if said city or town is an incorporated municipality, and within a radius of 3 miles from the center of said city or town if it is not an incorporated municipality.

3. The said Order No. G-7 as amended by Amendment No. 1 and this Amendment No. 2 may be further amended or revoked by the Office of Price Administration at any time.

4. This Amendment No. 2 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong. E.O. 9250, 7 F.R. 7871)

FRANK E. MARSH,
Acting Regional Administrator.

MARCH 6, 1943.

[F. R. Doc. 43-11136; Filed, July 10, 1943; 11:52 a. m.]

[Region VIII Order G-7, Amdt. 3]

FLUID MILK IN CERTAIN OREGON AREAS

Amendment No. 3 to Order No. G-7 (formerly Order No. 8) under § 1499.18 (c) as amended of the General Maximum Price Regulation — Fluid Milk Prices at Wholesale and Retail in Certain Localities in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942 and § 1499.18 (c) as amended, of the General Maximum Price Regulation, and in accordance with the authority reserved in Paragraph 10 of Order No. G-7 under § 1499.18 (c), as amended, of the General Maximum Price Regulation, to amend the said order at any time, the said Order No. G-7 as amended is hereby further amended as follows:

(1) Section (8) (d) of said Order No. G-7 is hereby amended to read as follows:

Where the name of any city or town mentioned in this order is also the name of a sales area as defined by the Oregon Milk Control Board, the name of such city or town shall, for the purposes of this order, include the area within the boundaries of such sales area as defined by said Board. The name of any other city or town includes the area within a radius of 25 miles in the case of Klamath Falls, 20 miles in the case of Tillamook, 10 miles in the case of The Dalles, and 3 miles in all other cases, from the city limits if said city or town is an incorporated municipality, and within a radius of 3 miles from the center of said city or town if it is not an incorporated municipality.

(2) Said Order No. G-7 as amended by this Amendment No. 3 may be further amended or revoked by the Office of Price Administration at any time.

(3) This Amendment No. 3 shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 11th day of March 1943.

FRANK E. MARSH,
Acting Regional Administrator.

[F. R. Doc. 43-11137; Filed, July 10, 1943; 11:51 a. m.]

[Region VIII Order G-7, Amdt. 4]

FLUID MILK IN CERTAIN OREGON AREAS

Amendment No. 4 to Order No. G-7 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 8 under § 1499.18 (c) of the General Maximum Price Regulation as amended)—Fluid Milk Prices at Wholesale and Retail in the State of Oregon.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered*, That Order No. G-7 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 8 under § 1499.18 (c) of the General Maximum Price Regulation as amended) be amended as set forth below:

(a) The adjusted maximum prices for the sale of fluid milk in the City of Madras shall be as follows:

Quantity	Wholesale delivered price	Retail price
Quart	$.11	$.13
Pint	.06	.08
Half-pint	.0325	.05

(b) This amendment supersedes the provision of Order No. G-7 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 8 under § 1499.18 (c) of the General Maximum Price Regulation as amended) in relation to maximum prices established for the City of Madras but all other provisions of Order No. G-7 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Order No. 8 under § 1499.18 (c) of the General Maximum Price Regulation as amended) shall continue in effect.

(c) This Amendment No. 4 may be amended or revoked by the Office of Price Administration at any time.

This Amendment No. 4 shall become effective May 18, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of May 1943.

FRANK E. MARSH,
Regional Administrator.

[F. R. Doc. 43-11138; Filed, July 10, 1943; 11:52 a. m.]

[Region VIII Order G-1]

MILK IN THE DALLES, OREGON, AREA

Order No. G-1 under Maximum Price Regulation No. 329—Purchases of Milk from Producers for Resale on Fluid Milk (formerly Order No. 1); adjusted maximum prices on purchases of milk from producers in The Dalles, Oregon.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority conferred upon the Regional Administrator by the Emergency Price Control Act of 1942 and § 1351.403 of Maximum Price Regulation No. 329, *It is hereby ordered:*

(1) The adjusted maximum prices at which any person whose place of business

is located in The Dalles, Oregon, may purchase milk from a producer thereof for resale for human consumption as fluid milk shall be 80¢ per pound of milk fat f. o. b. the purchaser's business location, or the previously existing maximum prices established under Maximum Price Regulation No. 329, whichever is higher.

(2) *Definitions.* The term "The Dalles, Oregon" shall include the territory within a redius of 10 miles from the corporate limits of the city of The Dalles in the State of Oregon. All terms used in this order and also used in Maximum Price Regulation No. 329 shall, for the purposes of this order have the same meaning as in Maximum Price Regulation No. 329, unless the context clearly requires otherwise.

(3) Any adjusted maximum prices established by this order shall be subject to further adjustment at any time by the Office of Price Administration.

(4) This order may be amended or revoked at any time by the Office of Price Administration.

(5) This order shall become effective upon its issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: March 6, 1943.

FRANK E. MARSH,
Acting Regional Administrator.

[F. R. Doc. 43-11139; Filed, July 10, 1943; 11:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-755]

NEW ENGLAND POWER ASSOCIATION, ET AL.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of July, A. D. 1943.

In the matter of New England Power Association, Suburban Gas and Electric Company, North Boston Lighting Properties.

Notice is hereby given that a joint application and declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New England Power Association, a registered holding company, by North Boston Lighting Properties, a subsidiary holding company of New England Power Association, and by Suburban Gas and Electric Company, a subsidiary company of North Boston Lighting Properties.

Notice is further given that any interested person may, not later than July 24, 1943, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application and declaration, as filed or as amended, may be granted or may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said application and declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Suburban Gas and Electric Company proposes to issue and sell for cash 25,120 shares of additional capital stock (par value $25 each) at the price of $31.25 per share. In accordance with the provisions of section 18 of Chapter 164 of the General Laws of Massachusetts, the shares will be offered to the stockholders of Suburban Gas and Electric Company proportionately to their then holdings and warrants or rights will be issued to stockholders indicating the number of shares or fractions of shares to which each stockholder is entitled but no fractional shares will be issued. Holders of warrants will be allowed a period of twenty-one days after the mailing thereof within which to exercise their subscription rights and upon the expiration of said period of time said warrants shall become void. The proceeds from the sale are to be used by Suburban Gas and Electric Company to pay its indebtedness of $785,000 to North Boston Lighting Properties evidenced by promissory notes due July 30, 1943, and bearing interest at the rate of 3% per annum.

The Massachusetts Department of Public Utilities approved the issuance of the shares by Suburban Gas and Electric Company at $31.25 per share and the proposed application of the proceeds and has ordered that if any shares remain unsubscribed for by the stockholders entitled to take them, all such shares shall be offered for sale at public auction.

North Boston Lighting Properties owning approximately 97.5% of the outstanding capital stock of Suburban Gas and Electric Company will be entitled to receive warrants to subscribe for 24,493 full shares and fractional warrants representing 671/12,517ths shares and proposes to exercise its rights to subscribe to such stock and to acquire sufficient fractional warrants which together with the fractional warrants received will entitle it to subscribe to a full share. North Boston Lighting Properties further proposes to purchase and acquire from Suburban Gas and Electric Company at $31.25 per share all shares not subscribed for by other stockholders, subject to the approval by the Massachusetts Department of Public Utilities of such sale by Suburban Gas and Electric Company, or alternatively, will bid $31.25 per share for all unsubscribed shares if sold at public auction. In accordance with the terms of the bank credit letter agreement securing $13,000,000 principal amount of 2½% notes of North Boston Lighting Properties, due October 1, 1947, New England Power Association will cause all shares of Suburban Gas and Electric Company acquired by North Boston Lighting Properties to be pledged under said letter agreement together with such amount of cash as may be necessary to obtain the release of the aforesaid promissory notes of Suburban Gas and Electric Company in the face amount of $785,000 now pledged under said letter agreement.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-11159; Filed, July 10, 1943; 2:56 p. m.]

[File No. 54-80]

ENGINEERS PUBLIC SERVICE COMPANY

NOTICE OF FILING 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 9th day of July 1943.

Notice is hereby given that Engineers Public Service Company (Engineers), a registered holding company, has filed an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan, the purpose of which is to effect compliance with the provisions of section 11 (b) (1) of said Act. All persons are referred to said application, which is on file at the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Engineers now owns 51,357 shares (approximately 8½%) of the outstanding common stock of El Paso Natural Gas Company (El Paso). Engineers proposes to invite tenders from its preferred stockholders to exchange their stock for the El Paso common stock and cash on the following bases:

The holders of $6 preferred stock of Engineers would be offered, for each share held, 2 shares of common stock of El Paso plus $30 in cash.

The holders of $5.50 preferred stock of Engineers would be offered, for each share held, 2 shares of common stock of El Paso plus $25 in cash.

The holders of $5 preferred stock of Engineers would be offered, for each share held, 2 shares of common stock of El Paso plus $22 in cash.

As tenders of Engineers preferred stock are received, they will be numbered upon their receipt and on a specified date (not less than three weeks after such invitation is mailed to the stockholders) the tenders will be drawn by lot until all of the El Paso common stock held by Engineers is disposed of. The consummation of the transaction would result in the retirement of a maximum of 25,678 shares of Engineers preferred stock. (The odd share of El Paso common stock would be sold for cash.) The cash to be paid out by Engineers would vary between a maximum of $770,340, if nothing but $6 preferred stock were drawn by lot, and a minimum of $564,916, if nothing but $5 preferred stock were drawn by lot.

Engineers states in its application that the filing of the plan is pursuant to section 11 (e) for the purpose of enabling Engineers to comply with the Order of the Commission rendered pursuant to

section 11 (b) (1) of the Act, dated September 16, 1942 (Holding Company Act Release No. 3796), ordering (among other things) that Engineers divest itself of its interest in El Paso, and that said plan is in compliance with said Order insofar as the plan relates to the divestment of Engineers' interest in El Paso, and is necessary to effectuate the provisions of section 11 (b) (1) and is fair and equitable to the persons affected thereby.

Engineers proposes to hold the shares of its preferred stock acquired under the plan as reacquired securities without their cancellation.

Engineers has requested that the hearing upon the application be held on July 19, 1943.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the plan filed by Engineers pursuant to section 11 (e); and

It further appearing to the Commission that it is appropriate in the public interest that said hearing be held on July 19, 1943;

It is ordered, That a hearing under the applicable provisions of the Act and Rules of the Commission thereunder, with respect to the plan be held on the 19th day of July 1943 at 10:00 a. m., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty, or any other officer or officers designated by the Commission to preside at such hearing, shall exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

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

1. Whether the plan is necessary to effectuate the provisions of section 11 (b) (1) of the Act and is fair and equitable to the persons affected thereby.

2. Whether the proposed plan is in compliance with the Order of the Commission, dated September 16, 1942 (Holding Company Act Release No. 3796), ordering Engineers to divest itself of its interest in and sever its relationship with El Paso.

3. Whether the accounting treatment to be made on the books of Engineers with respect to the acquisition of the preferred stock under the plan will be in conformity with the standards of the Act and the Rules and Regulations of the Commission promulgated thereunder.

4. Whether, and, if so, to what extent, it may be appropriate in the public interest or in the interest of investors and consumers to impose any terms or conditions in connection with the application herein if granted.

By the Commission.

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

[F. R. Doc. 43-11160; Filed, July 10, 1943; 2:56 p. m.]

[File 70-682]

ASSOCIATED ELECTRIC CO. AND PANHANDLE PUBLIC SERVICE CO.

ORDER GRANTING APPLICATION AND 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 1943.

Associated Electric Company, a registered holding company, and its wholly owned subsidiary, Panhandle Public Service Company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 12 (b), 12 (c), 12 (d), and 12 (f) thereof, and the applicable rules promulgated thereunder, with respect to the sale of all the utility property and assets of Panhandle Public Service Company to Northwestern Electric Cooperative, Inc., a non-affiliate, for a base cash consideration of $175,000; said application-declaration being further concerned with the redemption of Panhandle Public Service Company's First Mortgage Bonds, Series A, 6%, due December 1, 1945, all of which are owned by its parent, Associated Electric Company; said application-declaration being further concerned with the acquisition by Associated Electric Company of all the remaining assets of Panhandle Public Service Company, subject to its liabilities, upon the surrender for cancellation of all the outstanding securities of, and claims against, Panhandle Public Service Company; said application-declaration being further concerned with the delivery, among other assets, to Associated Electric Company of 50 shares of common capital stock, $1 par value, of Atlantic Utility Service Corporation, and with the dissolution of Panhandle Public Service Company; and

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter, and having made and filed its Finding and Opinion therein;

It is hereby ordered, That the conveyance of the properties of Panhandle Public Service Company to Northwestern Electric Cooperative, Inc., and the other transactions herein referred to, and as described in said application-declaration, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935; and that a specification and itemization of the property to be transferred by Panhandle Public Service Company is set forth in Exhibit A of the form of agreement by and between Panhandle Public Service Company and Northwestern Electric Cooperative, Inc., which was filed as Exhibit G to the application-declaration filed by Associated Electric Company and Panhandle Public Service Company with this Commission under File No. 70-682; said exhibit being incorporated herein by reference; and

It is further ordered, That, pursuant to the applicable provisions of said Act, the aforesaid application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, except that the period of time within which the said transactions shall be completed, in accordance with the requirement of Rule U-24 (c) (1), be, and hereby is, extended to 120 days from the date of this order.

By the Commission.

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

[F. R. Doc. 43-11161; Filed, July 10, 1943; 2:56 p. m.]

[File Nos. 54-45 and 59-48]

SOUTHERN UNION GAS COMPANY, ET AL.

NOTICE OF FILING OF AMENDMENT 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 9th day of July, A. D. 1943.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Southern Union Gas Company and its subsidiary, Arkansas Western Gas Company, in the form of an amendment designated as Amendment No. 8 to its application, heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a Plan to effectuate the provisions of section 11 (b) of the Act. This Commission, by order dated September 19, 1942, supplemental order dated November 16, 1942, supplemental order dated January 21, 1943, and supplemental order dated May 17, 1943, has approved said Plan as heretofore modified.

All interested persons are referred to said Amendment No. 8, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

As a step in further compliance with the order of the Commission dated September 19, 1942, Southern Union Gas Company proposes to divest itself of all interest in, and all ownership and control of, its subsidiary, Arkansas Western Gas Company.

The amendment states that Southern Union owns all of the 2,500 presently outstanding shares of the 6% Cumulative Preferred Stock, par value $50, of Arkansas Western and 10,196.7 shares of the presently outstanding 11,270 shares of common stock, without par value, of Arkansas Western.

It is proposed that, by amending its Articles of Incorporation, Arkansas Western will reclassify all of its 3,000 shares of preferred and 12,250 shares of common stock presently authorized into 106,000 shares of common stock with a par value of $5 per share. Arkansas Western proposes to issue the new common stock to its preferred and common-stock holders in the ratio of 7.6545 new shares for each of the shares of the preferred and common stock, presently outstanding, without distinction as between such preferred and common stock. In lieu of issuing certificates for fractional shares of its new common stock, cash at the rate of $5 per share of such new stock will be paid to persons otherwise

entitled to such fractional shares. In addition, Arkansas Western proposes to pay in cash any dividends accumulated and unpaid on the preferred stock to the date of exchange.

The amendment further states that the exchange will result in Southern Union receiving 97.187 shares of the new common stock of Arkansas Western which Southern Union proposes to distribute as a dividend to its common stockholders on the basis of one share of Arkansas Western stock for each ten shares of Southern Union common stock. If requested by Southern Union, Arkansas Western proposes to issue certificates representing its new common stock directly to the Southern Union stockholders entitled to such stock and further proposes, in lieu of issuing certificates for fractional shares of its new common stock, to pay cash to the Southern Union stockholders at the rate of $5 per share of such new stock to such persons otherwise entitled to such fractional shares.

Arkansas Western further proposes to close out the "Earned Surplus—Restricted" account set up pursuant to the Commission's order dated December 13, 1940, in which there exists a credit balance of $120,000, by crediting its Capital Stock Account with approximately $7,560, and its Capital Surplus Account with the remainder, approximately $112,440.

Southern Union further proposes to pay into the sinking fund for application to the redemption of its 25-Year Sinking Fund 6% Debentures cash in an amount sufficient to retire $200,000 principal amount of such debentures.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held in respect to such matters; and that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission;

It is ordered, That the proceedings in this matter be reconvened and a hearing under the applicable provisions of said Act and the Rules of the Commission thereunder be held on July 23, 1943, at 10 o'clock a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by the Rules of Practice, Rule XVII, on or before July 19, 1943;

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings at such time. The officer so designated to preside at such hearing is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said Act and to the Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues, particular attention will be directed at such hearing to the following matters:

1. Whether the proposed reclassification and distribution of the stock of Arkansas Western is in furtherance of, and not inconsistent with, the order of this Commission entered herein on September 19, 1942, and is necessary to enable Southern Union to comply with the provisions of section 11 (b) of the Act.

2. Whether the proposed transactions are fair and equitable as between Southern Union and the minority stockholders of Arkansas Western.

3. Whether the proposed payments in cash, in lieu of issuing fractional shares, are fair and equitable to the minority stockholders of Arkansas Western and to the common stockholders of Southern Union.

4. Whether the proposed accounting entries and adjustments on the books of Arkansas Western and of Southern Union are appropriate.

5. Generally, whether, in any respect, the proposed transactions are detrimental to the public interest or to the interest of investors or consumers or will tend to circumvent any provisions of the Act or the Rules, Regulations or Orders promulgated thereunder.

It is further ordered, That notice of this hearing be given to the applicants or declarants, and to all other persons, said notice to be given to the applicants or declarants and to the Department of Public Utilities of the State of Arkansas by registered mail, and to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 43-11162; Filed, July 10, 1943; 2:56 p. m.]

BRENTLINGER AND HOSEA, INCORPORATED

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 10th day of July 1943

1. Brentlinger & Hosea, Inc., 602-3 Fletcher Trust Building, Indianapolis, Indiana, an Indiana corporation (hereinafter referred to as the "registrant"), is registered as a dealer pursuant to section 15 of the Securities Exchange Act of 1934.

2. The Commission instituted a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 to determine whether or not the registration of the registrant as a dealer should be revoked.

3. The registrant has admitted the facts set forth in the order for hearing and has consented to the revocation of its registration.

4. On the basis of the admission of the registrant, the Commission finds:

(a) The registrant has defrauded its customers in the execution of transactions with them at prices bearing no reasonable relationship to the prevailing market prices;

(b) The registrant has induced certain customers to purchase and sell various securities, including securities registered on a national securities exchange, by means of false representations as to: prevailing market prices, the market places upon which such transactions were to be effected, the registrant's profits or charges, and facts concerning the issuers of the securities;

(c) The registrant has falsely notified certain customers as to the capacity in which it was acting; has failed to notify certain customers of the capacity in which it was acting; and, in certain cases in which the registrant was acting as a broker, has failed to disclose or to offer to disclose to its customers the names of the persons from whom the securities were purchased or to whom they were sold, and the date and time of the transactions, and has failed to disclose the source and amount of its commission or remuneration;

(d) The registrant has failed to maintain full records of its transactions for customers and of securities carried by it;

(e) The registrant has failed to disclose to customers for whom it effected transactions in the stock of Gunning, Inc., an agreement under the terms of which the registrant received a commission and stock for distributing the stock of Gunning, Inc.;

(f) With the exception of certain of the transactions disclosed in paragraph (b) above, the transactions mentioned above were effected otherwise than on a national securities exchange and by means of the mails and instrumentalities of interstate commerce.

5. The Commission further finds that the registrant, in acting and failing to act in the manner described in paragraph 4 above, has willfully violated section 17 (a) of the Securities Act of 1933 and sections 9 (a) (4), 15 (c) (1) and 17 (a) of the Securities Exchange Act of 1934, and that it is in the public interest to revoke the registrant's registration.

On the basis of the foregoing, and pursuant to section 15 (b) of the Securities Exchange Act of 1934; *It is ordered,* That the registration of Brentlinger & Hosea, Inc., as a dealer be and it hereby is revoked.

By the Commission.

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

[F. R. Doc. 43-11170; Filed, July 12, 1943; 9:32 a. m.]

[File No. 7-699]

BOSTON STOCK EXCHANGE

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

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, A. D. 1943.

In the matter of application by the Boston Stock Exchange to extend unlisted trading privileges to Sylvania Electric Products, Inc., Common Stock, No Par Value.

The Boston Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1

promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the abovementioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Tuesday, July 27, 1943, at the office of the Securities and Exchange Commission, 82 Devonshire Street, Boston, Massachusetts, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Frank Kopelman, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, 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, and to perform all other duties in connection therewith authorized by law.

By the Commission.

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

[F. R. Doc. 43-11171; Filed, July 12, 1943; 9:32 a. m.]

[File Nos. 46-205 and 59-18]

MIDDLE WEST CORPORATION, ET AL.

NOTICE OF FILING OF APPLICATION FOR AN EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of July, 1943.

In the matter of The Middle West Corporation, Central and South West Utilities Company, and American Public Service Company, Respondents.

The Commission having heretofore by its order dated June 4, 1942, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ordered, among other things, that within one year the corporate existence of either Central and South West Utilities Company (Central) or American Public Service Company (American) be terminated and that the capitalization of the companies be reduced to a single class of common stock.

Notice is hereby given that on June 29, 1943, The Middle West Corporation (Middle West), Central and American, all registered holding companies, filed a joint application requesting the entry of an order by the Commission under section 11 (c) of the Act for an extension of time within which to comply with the Commission's order of June 4, 1942.

All interested persons are referred to the said application which is on file in the offices of the Commission for full details concerning said matters.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering the application:

It is hereby ordered, That a hearing in this proceeding shall be held on August 2, 1943, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in Room 318.

All persons desiring to be heard or otherwise wishing to participate in the proceeding should notify the Commission in the manner provided for by the Rules of Practice, Rule XVII, on or before 5:30 p. m., e. w. t., July 26, 1943. At such hearing the issues will be limited to a consideration of the issues presented by said applications.

It is further ordered, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at 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.

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

1. Whether Middle West, Central and American have exercised due diligence in their efforts to comply with the order of the Commission dated June 4, 1942.

2. Whether and to what extent an extension of time for compliance with our order of June 4, 1942, is necessary or appropriate in the public interest or for the protection of investors and consumers.

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 43-11172; Filed, July 12, 1943; 9:32 a. m.]

[File No. 59-32]

ASSOCIATED GAS AND ELECTRIC COMPANY

NOTICE OF PETITION FOR MODIFICATION OF DIVESTMENT ORDER AND FOR PERMISSION TO FILE SUPPLEMENTAL ANSWER AND FOR FURTHER HEARINGS AND ORDER FOR HEARING

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 1943.

In the matter of Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, Respondents.

The Commission having, on September 4, 1941, instituted proceedings against Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935; and said respondents having duly filed their answer on November 17, 1941, setting forth, among other things, that respondents' present holding company system consists of four integrated public utility systems, together with additional systems and incidental businesses retainable under section 11 (b) (1) of the Act; and the Commission having, on August 13, 1942, issued its Findings and Opinion, in which (1) it directed respondents to dispose of all of their interests in certain named companies, which companies included, among others, Jersey Central Power & Light Company and its subsidiary, Agincourt Land Corporation, (2) it provided that "inasmuch as there is some doubt as to whether the Trustees desire that Rochester Gas and Electric Corporation be included within the proposed New York-Northern Pennsylvania system or be held by or under common control with such system as an additional system we shall reserve jurisdiction to consider the question later," and (3) it ordered that jurisdiction be reserved with respect to all issues not disposed of in said order; and

Respondents at this time having filed a petition for modification of the divestment order and for permission to file a supplemental answer, in the following regards:

1. Respondents in their answer had alleged that the properties of Bradford Electric Company were retainable with the properties included in the New York-Northern Pennsylvania group described in paragraph 24 of their answer, as amended. Respondents now seek to adduce evidence that the properties of Bradford Electric Company are retainable with the properties included in the Western Pennsylvania group described in respondents' answer as amended.

2. Respondents in their answer had proposed that one of the four groups of integrated electric utility properties consists of the so-called Florida-Georgia group. Since the introduction of evidence in the section 11 (b) (1) proceedings, one of the companies in said group, namely Florida Power Corporation, has completed interconnection of its properties in Franklin County, Florida, serving Carrabelle and vicinity. In view of said interconnection and in view of other circumstances, respondents now desire to adduce additional evidence showing that said properties in Franklin County, Florida, and the properties owned by said Florida Power Corporation in Gulf County, Florida, serving Apalachicola, Port St. Joe and vicinity, are retainable under section 11 (b) (1) of the Act.

3. Respondents now seek to adduce evidence that the properties of Rochester Gas and Electric Corporation and Canadea Power Corporation are retainable under section 11 (b) (1) with the properties included in the New York-Northern Pennsylvania group.

4. Respondents now seek to adduce evidence that the electric properties of Jersey Central Power & Light Company constitute part of the single integrated

public utility system of the Eastern Pennsylvania-New Jersey group, that the gas facilities of Jersey Central Power & Light Company constitute either part of or one or more additional integrated public utility systems retainable with the companies comprising the Eastern Pennsylvania-New Jersey group, and further that the business conducted by Agincourt Land Corporation is reasonably incidental and economically necessary or appropriate to the operations of the Eastern Pennsylvania-New Jersey group.

It appearing to the Commission that it is appropriate in the public interest that permission to file a supplemental answer be granted and that a hearing be held in regard to the issues raised by the petition and supplemental answer filed by the Trustees of Associated Gas and Electric Corporation:

It is ordered, That permission to file a supplemental answer in the proceedings be and hereby is granted.

It is further ordered, That a hearing be held on August 3, 1943, at 10 o'clock a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as may be designated on said day by the hearing room clerk in room 318 at which hearing the respondents and any other interested persons shall be given an opportunity to be heard with respect to the matters filed in the petition and with respect to any issue raised in the respondents' supplemental answer.

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

1. Whether the electric properties of Bradford Electric Company, together with the other electric facilities in the presently dseignated Western Pennsylvania group, constitute a single integrated system within the meaning of the Act; and, if not, whether the electric facilities of Bradford Electric Company constitute a retainable additional system to the Western Pennsylvania group within the meaning of the Act.

2. Whether the utility properties of Rochester Gas and Electric Corporation and Canadea Power Corporation, together with the properties of the companies listed in respondents' answer designated as the New York-Northern Pennsylvania group, exclusive of the properties of Bradford Electric Company, constitute a single integrated public utility system within the meaning of the Act; and, if not, whether the utility properties of Rochester Gas and Electric Corporation and Canadea Power Corporation constitute one or more retainable additional systems to the New York-Northern Pennsylvania group within the meaning of the Act; and whether the non-utility properties of Rochester Gas and Electric Corporation and Canadea Power Corporation may be retained, pursuant to the provisions of section 11 (b) (1) of the Act.

3. Whether the electric properties of Jersey Central Power & Light Company, together with the companies listed in respondents' answer and designated therein as the Eastern Pennsylvania-New Jersey group, constitute a single integrated public utility system within the meaning of the Act, and, if not, whether they constitute an additional system retainable under section 11 (b) (1) of the Act; and whether the gas facilities of Jersey Central Power & Light Company constitute an additional integrated public utility system retainable with the properties of the companies comprising the Eastern Pennsylvania-New Jersey group.

4. Whether the business conducted by Agincourt Land Corporation is reasonably incidental or economically necessary or appropriate to the operations of an integrated public utility system.

5. Whether the electric facilities of Florida Power Corporation situated in the northwestern part of Florida constitute, in whole or in any part thereof, part of a single integrated public utility system within the meaning of the Act and, if not, whether they constitute, in whole or in part thereof, an additional system retainable under section 11 (b) (1) of the Act.

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 the hearing in such matters. The officer so designated to preside is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to the Trustees of Associated Gas and Electric Corporation and that notice is hereby given of said hearing to all persons heretofore having participated in the section 11 (b) (1) proceeding and to all other persons including security holders of Associated Gas and Electric Corporation and all its subsidiaries, all states, municipalities, and political subdivisions of states within which are located any utility assets of the respondents or of any of their subsidiaries or of any company hereinbefore mentioned by name in this order and all Federal and State commissions, state security commissions, and all agencies, authorities, or instrumentalities of the United States Government or of one or more states, municipalities or other political subdivisions having jurisdiction over respondents or its subsidiaries of such companies or over any of the businesses, affairs or operations of any of them; and that such notice shall be given further by general release of the Commission, distributed to the press, and mailed to the mailing list of the Commission for releases issued under the Public Utility Holding Company Act of 1935; and that further notice shall be given by publication in the FEDERAL REGISTER.

By the Commission.

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

[F. R. Doc. 43-11173; Filed, July 12, 1943; 9:32 a. m.]

[File No. 70-765]

SUPERIOR WATER, LIGHT AND POWER COMPANY, ET AL.

ORDER RELEASING JURISDICTION AS TO FEE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of July, A. D. 1943.

In the matter of Superior Water, Light and Power Company, Northern Power Company, American Power & Light Company.

The Commission having, by its Order dated April 5, 1943 (published as Holding Company Act Release No. 4220), reserve jurisdiction with respect to the payment of a fee of $17,500 by Superior Water, Light and Power Company to the investment banking firm of White, Weld & Company for services performed in connection with the issue and sale by Superior Water, Light and Power Company of $2,500,000 principal amount First Mortgage Bonds, 3⅜% Series, due 1973, and $1,000,000 principal amount of 4% Sinking Fund Debentures, due 1958, pending the development of further evidence with respect to the character of services performed by White, Weld & Company for Superior Water, Light and Power Company in said matter; and

White, Weld & Company having submitted a statement outlining in detail the character of services performed for Superior Water, Light and Power Company and having proposed to reduce its fee from $17,500 to $13,500; and

The Commission deeming it in the public interest and in the interest of investors and consumers to release jurisdiction as to the payment of such fee as reduced;

It is ordered, That jurisdiction be, and hereby is, released over the payment by Superior Water, Light and Power Company to White, Weld & Company of such reduced fee.

By the Commission.

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

[F. R. Doc. 43-11174; Filed, July 12, 1943; 9:32 a. m.]

[File No. 70-728 and 70-729]

ARKANSAS LOUISIANA GAS COMPANY, ET AL.

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of July 1943.

In the matters of Arkansas Louisiana Gas Company, File No. 70-728; Central Arkansas Public Service Corporation, Federal Light and Traction Company, and Gus B. Walton, File No. 70-729.

Arkansas Louisiana Gas Company, a subsidiary of Arkansas Natural Gas Corporation, a registered holding company, Federal Light & Traction Company, and its subsidiary, Central Arkansas Public Service Corporation, both registered holding companies, and Gus B. Walton,

an individual and an affiliate of a public utility company, having filed applications and declarations pursuant to sections 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, 43, 44, 50 and 62 promulgated thereunder, with respect to the following transactions:

1. The sale by Central Arkansas Public Service Corporation, and the acquisition by Gus B. Walton of all the securities of three of Central Arkansas Public Service Corporation's wholly owned subsidiaries, namely, Citizens Electric Company, Hot Springs Water Company and Hot Springs Street Railway Company, for $3,746,672.

2. The sale by Central Arkansas Public Service Corporation and the acquisition by Arkansas Louisiana Gas Company, an associate company, of all the securities of the remaining wholly owned subsidiary, namely consumers Gas Company, for $800,000.

3. The acquisition, redemption and retirement of all the outstanding securities of Central Arkansas Public Service Corporation with the proceeds of the aforementioned sales as follows: the redemption of $2,834,000 principal amount of 5% collateral bonds at the call price of 101% of par; the retirement of 15,000 shares of 7% preferred stock at the voluntary liquidating value of $100 a share; and the retirement of the 25,000 shares of common stock with the remaining cash proceeds of approximately $134,623 after expenses; and the sale and surrender by Federal Light & Traction Company of $172,000 principal amount of said bonds, 269 shares of said preferred stock, and all of the common stock.

4. The solicitation of proxies by mail by Central Arkansas Public Service Corporation to be voted at a stockholders' meeting to be called for the purpose of considering the aforementioned transactions and the dissolution of the company; and

Central Arkansas Public Service Corporation having requested that the sale of the aforesaid securities be exempted from the competitive bidding requirements of Rule U-50; and

A public hearing having been held upon such matters after appropriate notice, and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That said applications and declarations of Federal Light & Traction Company, Central Arkansas Public Service Corporation, Gus B. Walton and Arkansas Louisiana Gas Company are hereby granted and permitted to become effective respectively forthwith; and that the request for exemption for the sale of the securities from the competitive bidding requirements of Rule U-50 be and it is hereby granted, subject, however, to compliance with the terms and conditions prescribed by Rule U-24 of the General Rules and Regulations under the Act; and subject to the further condition that Arkansas Louisiana Gas Company shall either make a charge to earned surplus in the amount of $92,329, the excess of purchase price of the securities of Consumers Gas Company over underlying book value, or shall create and maintain a reserve from earned surplus in the same amount, pending issuance by the Federal Power Commission of a final order with respect to the original cost study of the properties being acquired.

By the Commission.

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

[F. R. Doc. 43-11175; Filed, July 12, 1943; 9:32 a. m.]

WAR PRODUCTION BOARD.

[Certificate 22]

TRANSPORTATION AND DELIVERY OF FLOWERS IN CUYAHOGA COUNTY, OHIO

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of flowers and related articles by motor vehicle in Cuyahoga and adjoining counties in Ohio.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the Recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON, *Chairman*.

JULY 6, 1943.

[F. R. Doc. 43-11196; Filed, July 12, 1943; 11:27 a. m.]

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[1] *Supra*.