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Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[FDO 30, Amdt. 3]

PART 1406—DEHYDRATED FRUIT, VEGETABLES AND SOUPS

CONSERVATION AND DISTRIBUTION OF DEHYDRATED VEGETABLES

Food Distribution Order No. 30, issued by the Secretary of Agriculture on March 19, 1943, as amended (8 F.R. 3385, 7627, and 13378), is further amended by deleting the provisions of § 1406.1 (b) and inserting, in lieu thereof, the following:

(b) *Restrictions on processors.* Without regard to existing contracts, every processor shall set aside for sale and delivery to government agencies, (i) 100 percent of all dehydrated Irish potatoes, dehydrated cabbage, dehydrated beets, dehydrated onions, and dehydrated rutabagas owned, controlled, or in his possession on November 30, 1943; (ii) 100 percent of all dehydrated cabbage, dehydrated beets, dehydrated onions, and dehydrated rutabagas processed subsequent to November 30, 1943; and (iii) no percent of all dehydrated Irish potatoes, dehydrated carrots, and dehydrated sweet potatoes processed subsequent to November 30, 1943. The Director shall have the right to change the above percentages at any time, and to fix percentages and change them from time to time on such other dehydrated vegetables as he may designate pursuant to the authority contained in paragraph (a) (1). All dehydrated vegetables produced on or subsequent to the effective date hereof which are to be aside for sale and delivery to government agencies shall, when the Director so determines, be processed, packaged, labeled, and cased in accordance with such directions as he may issue. Quantities of dehydrated vegetables set aside may be released at any time by notice to that effect from the Director.

This amendment shall become effective at 12:01 a. m., e. w. t., December 1, 1943.

With respect to violations of said Food Distribution Order No. 30, as amended, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Food Distribution Order No. 30, as amended, 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.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 14th day of December 1943.

ASHLEY SELLERS,

Assistant War Food Administrator.

[F. R. Doc. 43-20016; Filed, December 15, 1943; 4:23 p. m.]

[FDO 75, Amdt. 7]

PART 1410—LIVESTOCK AND MEATS

SLAUGHTER OF LIVESTOCK AND DELIVERY OF MEAT

Food Distribution Order No. 75, as amended (8 F.R. 11119, 14508, 15684, 15772, 16353), § 1410.15, issued under the authority of the War Food Administrator on August 9, 1943, is further amended by adding immediately after (1) (1) (iv) thereof, and as part of (1) (1), the following:

For hogs which produce soft or oily pork, applicable support prices may be reduced by the amount of the normal discount at the market. The discount for hogs which produce oily pork shall not exceed \$1.50 per cwt., and the discount for hogs which produce soft pork shall reflect not less than the normal difference between such discounts. Unless purchased "subject to kill", not less than the applicable support price shall be paid in all cases where a certificate is furnished by any county agent, vocational agricultural representative, or person acting in a similar capacity, to the effect that the hogs have been raised and fed in accordance with a production and feeding program that will ensure firm pork.

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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

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This amendment shall become effective at 12:01 a. m., e. w. t., December 15, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75, as amended, prior to the effective date of this amendment, all provisions of said Food Distribution Order No. 75, as amended, in effect prior to this amendment, shall be deemed to remain 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; E.O. 9392, 8 F.R. 14783)

Issued this 15th day of December 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-20017; Filed, December 15, 1943; 4:22 p. m.]

[FDO 42-1, Amdt. 1]

PART 1460—FATS AND OILS

REPORTS ON CONSUMPTION AND APPLICATIONS FOR QUOTA EXEMPTIONS

Food Distribution Order 42-1, § 1460.19 (8 F.R. 10389), is amended as follows:

1. By inserting after the phrase "Form FDA-523" wherever it appears the following: "(Revised)."

2. By deleting the word "triplicate" in paragraph (b) and inserting in lieu thereof the word "duplicate."

This amendment shall become effective December 17, 1943.

(FDO 42, 8 F.R. 13970; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 15th day of December, 1943.

C. W. KITCHEN,
Acting Director of Food Distribution.

[F. R. Doc. 43-20018; Filed, December 15, 1943; 4:22 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial 293]

ISSUANCE OF AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

SPECIAL CIVIL AIR REGULATION

Issuance of air-traffic control-tower operator certificates limited to the control of aircraft at airports operated by the United States Navy.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of December, 1943.

The following special civil air regulation is made and promulgated to become effective December 8, 1943.

Applicants for air-traffic control-tower operator certificates who are on active duty with the United States Navy as air-traffic control-tower operators and are 18 years of age or more may be issued such certificates upon compliance with all re-

quirements of Part 26 for their original issuance except § 26.1 (a). These certificates shall be valid only while serving as air-traffic control-tower operators in control towers operated by the United States Navy. The limitation may be removed when the holder of such certificate reaches the age of 21 years.

No certificate shall be issued pursuant to this regulation after the termination of the war, but certificates previously issued shall continue in effect unless otherwise ordered by the Board.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-20027; Filed, December 16, 1943; 10:56 a. m.]

[Civil Air Regs., Amdt. 29-1]

PART 29—PHYSICAL STANDARDS FOR AIRMEN

WAIVER OF PHYSICAL STANDARDS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of December 1943.

Effective December 10, 1943, § 29.2 of the Civil Air Regulations is amended to read as follows:

§ 29.2 *Waiver of physical standards.* An airman certificate shall be issued to an applicant, other than an applicant for the original issuance of an airline transport pilot certificate, who does not meet the appropriate physical standards if his aeronautical experience, ability, and judgment compensate for his physical deficiency and he meets all other requirements for the issuance of said certificate. Any certificate issued under these circumstances shall state that the applicant does not meet the appropriate physical standards prescribed herein but that his physical deficiencies were found to be compensated by his demonstrated aeronautical experience, ability, and judgment. Such certificate may be limited as to type of operation, type of aircraft, or period of reexamination.

(52 Stat. 984, 1007; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-20028; Filed, December 16, 1943; 10:56 a. m.]

[Civil Air Regs., Amdt. 97-1]

PART 97—RULES OF PRACTICE GOVERNING SUSPENSION AND REVOCATION PROCEEDINGS BEFORE THE BOARD UNDER SECTION 609 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

MISCELLANEOUS AMENDMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 8th day of December, 1943.

Effective December 8, 1943, Part 97 of the Civil Air Regulations is amended as follows:

1. By amending § 97.13 to read as follows:

§ 97.13 *Answer.* After service upon him of the complaint, the respondent shall have ten days within which to answer in writing the charges set forth therein. Such answer shall be deemed filed as of the date of mailing to the Civil Aeronautics Board. Failure to answer any of the charges within the prescribed ten-day period shall be deemed an admission of the charges not answered. Upon good cause shown, the examiner to whom the case is assigned or the Chief of Safety Section shall grant additional time within which to answer.

2. By amending § 97.14 to read as follows:

§ 97.14 *Requests for hearing.* An appropriate form for requesting or waiving hearing shall be sent respondent with the copy of the complaint. Respondent shall have ten days from the date of service of the complaint upon him in which to request a hearing. Failure to make such request within the prescribed time shall be deemed a waiver of respondent's right to hearing. Upon good cause shown, the examiner to whom the case is assigned or the Chief of Safety Section shall grant additional time within which to request a hearing.

3. By amending § 97.17 to read as follows:

§ 97.17 *Amendment of pleadings.* Either party to the proceeding may amend his pleadings, as a matter of course, by filing with the Board at any time more than 15 days prior to the date of hearing three copies of the pleadings, as amended. After that time amendment shall be allowed at the discretion of the Board or its designated examiner.

4. By adding new § 97.18 to read as follows:

§ 97.18 *Depositions.* After answer is filed by respondent, the testimony of any person within the United States may be taken by deposition at the instance of either the Administrator or respondent. Such depositions shall be taken before any person having power to administer oaths who is designated either by the examiner to whom the case is assigned or the Chief of the Safety Section.

5. By renumbering former § 97.18 to be § 97.19.

6. By renumbering § 97.19 as § 97.20 and amending it to read as follows:

§ 97.20 *Limitation of actions.* The Board shall dismiss any allegations in a complaint filed with it which charges a violation of the Civil Air Regulations or other act occurring more than six months prior to the date of filing the complaint,

unless the complainant shall show good cause for the delay.

(52 Stat. 984, 1907; 49 U.S.C. 425, 551)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-20029; Filed, December 16, 1943; 10:58 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 245]

PART 403—PROPERTY MANAGEMENT DIVISION

COMPETITIVE BIDS

Section 403.11-19 (8 F.R. 832) is amended by deleting the figure \$25 wherever such figure appears in said section and inserting in lieu thereof the figure \$50.

Effective December 14, 1943.

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

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 43-20011; Filed, December 16, 1943; 2:00 p. m.]

EXHIBIT A

CONSOLIDATED REPORT OF SHIPMENT OF VALUABLES EFFECTED UNDER THE GOVERNMENT LOSSES IN SHIPMENT ACT, AS AMENDED

Treasury Department
Fiscal Service
Bureau of Accounts
Division of Deposits
Form 10DD, Revised Nov. 22, 1943

The SECRETARY OF THE TREASURY,
Washington 25, D. C.

ATTENTION: Division of Deposits

Month ending..... 194...

| Method of shipment | Classification No. 1 currency, etc. | Classification No. 2 securities, etc. | Classification No. 3 cancelled coupons | Classification No. 4 all other | Total all classifications |
|--------------------------|--|--|---|-----------------------------------|------------------------------|
| I. Mail..... | \$ | \$ | \$ | \$ | \$ |
| II. Messenger..... | | | | | |
| III. Armored car..... | | | | | |
| IV. Express..... | | | | | |
| V. Steamship..... | | | | | |
| VI. Other (specify)..... | | | | | |
| Total..... | | | | | |

The above recapitulation is a true and complete statement of valuables, as defined in the Government Losses in Shipment Act, shipped by this Agency during the period specified, which shipments have been effected in accordance with the Act and regulations issued pursuant thereto.

(Signature)

(Title)

* Includes airmail, registered mail, parcel post.

TITLE 31—MONEY AND FINANCE:
TREASURY

Chapter II—Fiscal Service

Subchapter A—Bureau of Accounts

[1943 2d Supp. to Dept. Circ. 577]

PART 261—CLAIMS FOR REPLACEMENT OF VALUABLES, OR THE VALUE THEREOF, SHIPPED PURSUANT TO THE GOVERNMENT LOSSES IN SHIPMENT ACT

REPORT OF SHIPMENT

NOVEMBER 22, 1943.

Section 261.6 (appearing also as paragraph 6 of Department Circular No. 577, Accounts and Deposits, dated August 13, 1937), is hereby amended to read as follows:

§ 261.6 *Report of shipment.* As promptly as possible after the close of each month, a consolidated report of shipments made during the preceding month must be forwarded by the consignator to the Secretary of the Treasury, for attention of the Division of Deposits, substantially in the form attached hereto, marked as Exhibit A. This consolidated report (Form 10DD, Revised) shall be submitted in lieu of Forms 8DD, 9DD and 10DD, heretofore used.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

Approved: December 3, 1943.

FRANKLIN D. ROOSEVELT
The White House.

..... Agency
..... Location

Note: The types of valuables applicable to each classification indicated above are shown below for the information of consignors.

CLASSIFICATION No. 1

Bullion, coin, currency FRB and NB notes shipped to Currency Redemption Division. Mutilated currency—FRB, NB and US notes. Uncurrent coins. Diamonds and other precious stones. Gold, Silver, or other precious or rare metal. Works and Collections of Artistic Historical, Scientific or Educational value.

CLASSIFICATION No. 2

Bonds, notes, debentures, certificates of indebtedness, certificates of deposit and other negotiable securities. Documentary stamps uncancelled. Postage Stamps, stamped envelopes and postal cards. Food order stamps. Coupons, Stock Certificates, warehouse receipts. War Savings Stamps, uncancelled. Or other "valuables" of similar nature which are negotiable.

CLASSIFICATION No. 3

Cancelled coupons only from securities of U. S. or wholly-owned corporations, establishments or agencies of the United States.

CLASSIFICATION No. 4

All other "valuables" not included in first three classifications, which include, but are not limited to—
 Abstracts of title, Assignments. Cancelled securities, bonds, debentures, certificates of deposit, indebtedness, etc. Cancelled United States currency. (Include only upper or lower half of shipment).
 Checks, drafts, money orders. Deeds, insurance policies, judgments, mortgages. Non-negotiable securities. Proof of Claim. Internal Revenue stamps, including cancelled Documentary Stamps. Tax book stubs or receipts, tax notes, trust receipts. Releases, Non-negotiable notes. Registered securities, bonds, stock, etc., either cancelled or uncancelled. Cancelled coupons from stock not from U. S. or wholly-owned U. S. corporations, agencies, etc. Documents or papers—bearing on mortgages, deeds, etc. Warehouse receipts, non-negotiable. War Savings Bonds, cancelled or uncancelled. United States Savings Bonds, cancelled or uncancelled. Defense Bonds, cancelled or uncancelled. Cancelled war savings stamps. Warrants. Dies.

[F. R. Doc. 43-19974; Filed, December 15, 1943; 10:37 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 128]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars: In the column headed "General License Group", the group and country

designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

| Commodity | Department of Commerce No. | General license group |
|--|----------------------------|-----------------------|
| Abrasives and abrasive manufactures: Natural abrasives, hones, whetstones, etc., other (include infusorial & diatomaceous earths, flint, rottenstone, tripoli and garnet)..... | 5409.98 | ----- |
| Corundum..... | 5409.98 | 62 |
| Diatomaceous earth..... | 5409.98 | K |
| Other natural abrasives, hones, whetstones, etc., n. e. s..... | 5409.98 | None |
| Asphalt: Asphalt manufactures, n. e. s..... | 5471.00 | K |
| Clay and clay products: Cement, high temperature or refractory, n. e. s. (include plastic brick cement)..... | 5375.98 | ----- |
| High temperature or refractory cement containing chromite or silica carbide, or aluminum oxide..... | 5375.98 | 62 |
| Other high temperature or refractory cement, n. e. s..... | 5375.98 | K |
| Vegetable dyeing and tanning extracts: Dyeing and tanning extracts, other..... | 2339.98 | ----- |
| Quercitron..... | 2339.98 | K |
| Osage..... | 2339.98 | K |
| Spruce extract..... | 2339.98 | K |
| Other dyeing and tanning extracts, n. e. s..... | 2339.98 | 62 |

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361; 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 10, 1943.

BERNHARD KNOLLENBERG,
 Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 43-19963; Filed, December 15, 1943; 10:12 a. m.]

[Amdt. 129]

PART 802—GENERAL LICENSES

SHIP AND PLANE STORES, SUPPLIES AND EQUIPMENT

Section 802.13 *Ship and plane stores, supplies and equipment* is hereby amended by adding thereto paragraph (d) as follows:

(d) *Dunnage*—(1) *Definition*. When used in this section:

(i) "Dunnage" shall mean any lumber of a grade No. 3 common or lower, matting, jute or burlap bagging, paper or other materials customarily used to secure or stow cargo aboard a vessel, when such materials are not carried as cargo and not assessed freight charges. Materials of better quality than herein defined may be used as dunnage only when such materials are not carried as faction of the United States Collector of Customs that ordinary grades are unobtainable.

(2) A general license designated "GLD" is hereby granted authorizing the exportation of dunnage when exported solely for use as dunnage on the immediate voyage of an exporting carrier; *Provided*, That the amount of said dunnage to be exported on any such carrier, does not exceed the amount necessary to properly stow or secure the cargo then being carried.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 11, 1943.

BERNHARD KNOLLENBERG,
 Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 43-19964; Filed, December 15, 1943; 10:12 a. m.]

[Amdt. 130]

PART 802—GENERAL LICENSES

SHIPMENTS NOT EXCEEDING SPECIFIED VALUE

Paragraph (b) of § 802.10 *General licenses which permit shipments not exceeding a specified value* is hereby amended by adding to the list of commodities set forth therein the commodities "narcotics and preparations containing narcotics".

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 11, 1943.

BERNHARD KNOLLENBERG,
 Director, Requirements and Supply Branch, Bureau of Supplies.

[F. R. Doc. 43-19965; Filed, December 15, 1943; 10:11 a. m.]

[Amdt. 131]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars: In the column headed "General License Group" the group and country designations assigned to the commodities listed below, at every place where said commodities appear in said section, are hereby amended to read as follows:

| Commodity | Department of Commerce No. | General license group |
|--|----------------------------|-----------------------|
| Chemicals: Synthetic flavoring extracts (include flavors for soft drinks, cooking, baking, ice cream, etc.)..... | 8295.99 | K |
| Glass and glass products: Other glass (include flat glass specialties, mirrors, glass bricks, and ophthalmic glass)..... | 6230.98 | ----- |
| Ophthalmic glass (report ophthalmic lenses in 6142.00)..... | 6230.98 | K |
| Other glass..... | 6230.98 | K |
| Glassware, n. e. s. (include glass wool) (specify type or kind)..... | 6299.00 | ----- |
| Dials, glass instrument..... | 6299.00 | None |
| Electrodes..... | 6299.00 | None |
| Fluorescent tubes..... | 6299.00 | None |
| Industrial heat resisting..... | 6299.00 | None |
| Lamp lenses..... | 6299.00 | None |
| Neon sign sets..... | 6299.00 | None |
| Protectors, glass..... | 6299.00 | None |
| Reflectors..... | 6299.00 | None |
| Tubes..... | 6299.00 | None |
| Tubing..... | 6299.00 | None |
| Other glassware, n. e. s..... | 6299.00 | K |
| Oils and fats, vegetable: Perfume-flavor oils, blended, compounded, or mixed (report synthetic aromatic compounds in 8329.98)..... | 2280.00 | K |

Shipments of the above commodities, which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of change may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of change pursuant to ODT permits issued prior to such date may also be exported under the previous general license provisions.

With respect to the commodities listed herein under the sub-heading "Glassware, n. e. s. (include glass wool)" but excluding the commodity "Other glassware, n. e. s." this amendment shall become effective December 20, 1943.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: December 11, 1943.

BERNHARD KNOLLENBERG,
Director, Requirements and Supply
Branch, Bureau of Supplies.

[F. R. Doc. 43-19966; Filed, December 15, 1943;
10:11 a. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943; 8 F.R. 6727.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Interpretation 1 to CMP Regulation 9A]

REPAIR PARTS.

The following interpretation is issued with respect to CMP Regulation 9A (8 F.R. 16028).

Paragraph (b) of CMP Regulation 9A assigns a preference rating of AA-3 to a repairman to buy repair parts and materials for carrying on his repair work. The term "repair parts and materials" does not include any complete item ordinarily used by itself. For instance, a repairman can use the rating to buy grates which he requires in repairing furnaces, but cannot buy a complete furnace by use of the rating. Similarly, an industrial repairman could buy a gear needed to repair a lathe but could not buy a complete lathe.

Issued this 15th day of December 1943.

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

[F. R. Doc. 43-19972; Filed, December 15, 1943;
10:54 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT¹

[General Limitation Order L-110, as Amended Dec. 16, 1943]

ELECTROPLATING AND ANODIZING EQUIPMENT

Section 1226.110¹ *General Limitation Order L-110* is hereby amended to read as follows:

¹ Formerly Part 1205, § 1205.1.

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in the production of electroplating and anodizing 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.

§ 1226.110 *General Limitation Order L-110*—(a) *Definitions.* For the purposes of this order:

(1) "Electroplating equipment" means any new equipment intended to be used in the process of depositing metal by means of a solution and an electric current, except equipment for electrolytic refining of metals. The term includes only the following items of such equipment: rinse tanks, acid dip tanks, plating tanks, cleaner tanks, spray tanks, linings for tanks, anode and cathode rods, racks and other forms for holding cathodes, motor-generator sets, generators, rectifiers, panel boards, individual plating barrels, automatic or semi-automatic barrel plating machines, semi-automatic plating machines, full automatic plating machines, buffing lathes, degreasers, washing machines, temperature controllers and regulators, meters, controls and recording instruments, ball anode containers, tank rheostats, cathode agitators, voltage regulators, plating baskets, filters and filter presses, dryers, tumbling barrels, and ventilating equipment. The term shall also include repair parts for any of such items.

(2) "Anodizing equipment" means any new equipment intended to be used in the electrochemical treatment of the surface of any metal to produce a corrosion-resistant film on the surface of the metal. The term includes only the following items of such equipment: cleaner tanks, rinse tanks, anodizing tanks, chrome dip tanks, dye tanks, linings for tanks, anode and cathode rods, racks, motor-generator sets, generators, rectifiers, tank rheostats, panel boards, automatic anodizing machines, temperature controllers and regulators, baskets, meters, control and recording instruments, voltage regulators, and ventilating equipment. The term shall also include repair parts for any of such items.

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

(4) "Producer" means any person engaged in the production of electroplating equipment or anodizing equipment.

(5) "Distributor" means any person other than a producer, engaged in the business of distributing electroplating equipment or anodizing equipment, whether at wholesale or retail or in any other way.

(b) *Restrictions on placing, acceptance, and delivery of consumers' orders.* No producer, distributor, or other person shall accept an order for new electroplating equipment or anodizing equipment with an aggregate retail value of over \$500, from any person ordering such equipment for his own use in electroplating or anodizing, or deliver the equipment to such a person, unless the pur-

chaser's order bears a preference rating of AA-5 or higher assigned on Form WPB-541 (or PD-1A) or on Form WPB-617 (or PD-200).

A person who wants to buy an item of such equipment, or a group of items customarily purchased together and which would normally be purchased as a single project or plan, for his own use (either for a new plant or plant addition or for repair or replacement purposes), must not place an order for such equipment costing over \$500 unless his order has been assigned a preference rating of AA-5 or higher on Form WPB-541 (or PD-1A) or Form WPB-617 (or PD-200). No proposed purchase shall be subdivided for the purpose of placing separate orders of less than \$500 each, to avoid the above limitation.

(Deliveries to distributors of items to be resold by them are not subject to this restriction.)

(c) *Miscellaneous provisions*—(1) *Applicability of other 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) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order shall be made by filing, 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, either on Form WPB-1477 (formerly PD-500) or a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington 25, D. C. Ref. I-110.

Issued this 16th day of December 1943.

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

[F. R. Doc. 43-20024; Filed, December 16, 1943;
10:37 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Limitation Order L-233 as Amended Dec. 16, 1943]

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 manu-

facture 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:

§ 1226.107 *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. The delivery restrictions of this paragraph (c) (1) do not apply to orders received prior to July 27, 1943.

(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*. On receipt of a specific request by the War Production Board, the owner of any idle used resistance welding equipment shall register it by filing with the War Production Board Form WPB-2732, in accordance with instructions which accompany the request.

(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 willfully violates any provision of this order; or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, 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 25, D. C.; Ref.: L-298.

Issued this 16th day of December 1943.

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

[F. R. Doc. 43-20023; Filed, December 16, 1943; 10:37 a. m.]

PART 1253—BERYLLIUM.

[General Preference Order M-160 as Amended Dec. 16, 1943]

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

§ 1253.1 *General Preference Order M-160*—(a) *Definitions*. For the purposes of this order:

(1) "Beryllium" means and includes:

(i) Ores and concentrates, including beneficiated or treated forms, containing beryllium, commercially recognized;

(ii) The element beryllium, sometimes known as "glucinum", in commercially pure form;

(iii) Any alloy containing 3% (three per cent) or more by weight of the element beryllium;

(iv) Any alloy made for resale in ingot form and containing less than 3% but not less than 0.1% by weight of the element beryllium, if made in whole or in part from scrap or secondary materials.

(v) All chemical compounds containing beryllium as an essential and recognizable component;

(b) *Allocations*. No person shall deliver or accept delivery of beryllium except as specifically authorized by the War Production Board: The War Production Board will from time to time allocate the supply of beryllium and specifically direct the manner and quantities in which deliveries thereof shall be made and accepted; and the War Production Board may also issue specific directions as to the manner and quantities in which beryllium may be processed for particular purposes or end uses. The War Production Board may require any person seeking to place a purchase order for beryllium to place the same with one or more particular suppliers. Such allocations and directions will be made to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(c) *Reports*. (1) Unless otherwise ordered by the War Production Board,

no person shall be entitled to receive an allocation of beryllium in any calendar quarter, beginning January 1, 1944, unless, not later than the 20th of the month, preceding the calendar quarter in which delivery is desired, he shall have filed with the War Production Board and with any supplier with whom he may place an order for beryllium an application on Form WPB-1122.

(2) Any person who on the first day of any month has in his possession or under his control any beryllium in excess of ten (10) pounds (beryllium content) or who used in excess of two (2) pounds contained beryllium during the preceding month shall file with the War Production Board a report on Form WPB-1123 not later than the 20th day of such month.

(3) [Deleted Dec. 16, 1943]

(d) Exceptions. (1) Small order deliveries. Any person may deliver without authorization from the War Production Board not to exceed two (2) pounds of contained beryllium in any calendar month to any one person. No authorization of the War Production Board is necessary to receive and use such delivery.

(2) Deliveries to Metals Reserve Company. Beryllium may be delivered without the specific authorization of the War Production Board to the Metals Reserve Company or to any other Corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act, as amended (15 U.S.C., section 606 (b)), or to any duly authorized agent of such corporation.

(e) Special directions. The War Production Board may from time to time issue specific directions or prohibitions with respect to the permissible kind or quantity of beryllium in the composition of any material or product, and it may also in its discretion direct the use of any practical substitute in lieu of beryllium in the production of any materials or products.

(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 as amended from time to time.

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

(h) General Imports Order M-63 unaffected. Nothing contained in this

order shall be construed as altering or modifying in any way the provisions of General Imports Order M-63 applicable to beryllium.

(i) 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 the War Production Board, Washington 25, D. C., Reference: M-160.

Note: The reporting provisions of this order have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 16th day of December 1943.

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

[F. R. Doc. 43-20025; Filed, December 16, 1943;
10:37 a. m.]

Chapter XI—Office of Price Administration

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses,
Amdt. 10]

Rent Regulation for Hotels and Rooming Houses is amended in the following respects.

1. Section 2 (b) is amended by adding a new subparagraph (5) to read as follows:

(5) *Defense-rental areas with maximum rent date later than March 1, 1942.* In defense-rental areas with a maximum rent date later than March 1, 1942, in section 2 (b) (2) the words "June 1943" shall be substituted for the words "June 1942" and the words "June 30, 1943" shall be substituted for the words "June 30, 1942"; in section 2 (b) (3) the words "June 1943" shall be substituted for the words "June 1942"; and in section 2 (b) (4) the words "the maximum rent date" shall be substituted for the words "October 1, 1942."

2. The second paragraph of section 4 (e) is amended to read as follows:

Every landlord who provides meals with accommodations shall make separate charges for the two.

In defense-rental areas with a maximum rent date of March 1, 1942 or earlier, no landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on June 15, 1942. In defense-rental areas with a maximum rent date later than March 1, 1942, no landlord shall require the taking of meals as a condition of renting any room unless the room was rented or offered for rent on that basis on the maximum rent date.

3. Section 7 (e) (1) is amended to read as follows:

(e) Records—(1) *Existing records.* Every landlord of a room rented or offered for rent shall preserve, and make available for examination by the Admin-

¹⁸ F. R. 7334, 8018, 9021, 10618, 10739, 11161, 12025, 12795, 14676, 14814.

istrator, all his existing records showing or relating to (i) the rent for each term and number of occupants for which such room was rented or regularly offered for rent during the thirty-day period determining the maximum rent for such room, (ii) the rent on any date determining a maximum rent for such room for a particular term and number of occupants under section 4 (c), (iii) rooms rented and offered for rent on a weekly and monthly basis during June 1942, in defense-rental areas with a maximum rent date of March 1, 1942 or earlier, and (iv) rooms rented and offered for rent on a weekly and monthly basis during June 1943, in defense-rental areas with a maximum rent date later than March 1, 1942.

This amendment shall become effective December 16, 1943.

(56 Stat. 23, 765)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20029; Filed, December 15, 1943;
5:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Rent Reg. for Hotels and Rooming Houses,
N. Y. C. Area, Amdt. 4]

NEW YORK CITY AREA

Rent Regulation for Hotels and Rooming Houses in the New York City Defense-Rental Area is amended in the following respects:

1. Section 2 (b) (2) is amended by amending the phrase "the thirty days ending on March 1, 1943" to read "June 1943" and by amending the phrase "during the year ending on March 1, 1943" to read "during the year ending on June 30, 1943."

2. Section 2 (b) (3) is amended by amending the phrase "the thirty days ending on March 1, 1943" to read "June 1943."

3. Section 7 (e) (1) (iii) is amended by amending the phrase "the thirty days ending on March 1, 1943" to read "June 1943."

This amendment shall become effective December 16, 1943.

(56 Stat. 23, 765)

Issued this 15th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20021; Filed, December 15, 1943;
5:01 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[EO 16, Amdt. 3 to Rev. Supp. 1]

MEAT

The Official Tables of Point Values (No. 9) referred to in paragraph (a) of § 1407.3027 are amended in the following respects:

¹⁸ F. R. 13910, 14814.

1. The Official Table of Consumer Point Values is amended as follows:

a. Under the headings "Pork" and "Bacon" the point value of each green or fresh "Ham" item is reduced two points per pound below the current point value assigned to that item. Each other item (including frozen, cured or smoked "Ham" items) is reduced one point per pound below the current point value assigned to that item. However, no item is reduced in point value below one point per pound.

b. Under the heading "Ready-to-eat meats" the point value of each item, except "Corn beef brisket (sliced)", "Dried beef, slices", and "Tongue, slices", is reduced one point per pound below the current point value assigned to that item.

c. Under the heading "Sausage" the point value of each "Dry sausage" and "Semidry sausage" item is reduced one point per pound below the current point value assigned to that item. The point value of each item in Group 1, Group 2, and Group 3, under the heading "Fresh, smoked and cooked sausage", in which the only meat is pork meat, is reduced one point per pound below the current point value assigned to that item.

2. The Official Table of Trade Point Values is amended as follows:

a. Under the heading "Pork" (section (A)) the point value of each green or fresh "Ham" item is reduced two points per pound below the current point value assigned to that item. The point value of each other item, (except items under the classification "Carcass or side" and "Variety meats"), including frozen, cured or smoked "Ham" items, is reduced one point per pound below the current point value assigned to that item. However, no item is reduced in point value below one point per pound.

b. Under the heading "Pork" (section (A)) the point value of each item under the classification "Carcass or side", is reduced 0.7 point per pound below the current point value assigned to that item.

c. Under the heading "Sausage" (section (A)) the point value of each "Dry sausage" and "Semidry sausage" item is reduced one point per pound below the current point value assigned to that item. The point value of each item in Group 1, Group 2, or Group 3, under the heading "Fresh, smoked and cooked sausage", in which the only meat is pork meat, is reduced one point per pound below the current point value assigned to that item.

This amendment shall become effective at 12:01 a. m., December 15, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Di-

rective 1, 8 F.R. 827; Food Dir. 3, 8, F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food. Dir. 7, 8 F.R. 3471)

Issued this 14th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20026; Filed, December 16, 1943;
10:54 a. m.]

PART 1315—RUBBER AND PRODUCTS AND
MATERIALS OF WHICH RUBBER IS A
COMPONENT

[RO 1A, Amdt. 63]

TIRES, TUBES, RECAPPING AND CAMELBACK

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

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (46) is added to read as follows:

(46) "Central truck tire inspection station" means premises designated by a District Director as an official OPA tire inspection station to serve a defined area where tires for commercial motor vehicles, other than taxicabs and jitneys, sought to be replaced shall be inspected.

2. Section 1315.201 (a) (47) is added to read as follows:

(47) "Tire inspector" means a person authorized by a District Director to inspect tires and note his findings of the condition of the tires on the proper OPA Forms. The term "inspector" shall be deemed to refer to a "tire inspector".

3. Section 1315.307 is added to read as follows:

§ 1315.307 *Tire inspectors.* District Directors may designate qualified persons as tire inspectors and authorize them to inspect tires and note their findings of the condition of the tires inspected on the proper OPA forms. The appointments or authorizations of Tire Inspectors heretofore made by Boards are hereby ratified. The total cost of operations, including expenditures for equipment and salaries of employees, necessary for the proper inspection of tires shall be borne by the inspector or his employer. The tire inspector and the premises on which he inspects tires shall be subject to the supervision of tire examiners employed by the Office of Price Administration. The authority heretofore or hereafter conferred upon a tire inspector may be withdrawn with or without cause at any time by the District Director.

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

18 F.R. 9752, 10079, 10085.

4. Section 1315.308 is added to read as follows:

§ 1315.308 *Central truck tire inspection stations.* A District Director may authorize an operator of properly equipped premises to establish and maintain a central truck tire inspection station to serve an area defined by the District Director. Tire inspectors shall be employed by such stations to inspect tires for commercial motor vehicles, other than taxicabs and jitneys. The operator of a central truck tire inspection station shall pay the total cost of operations, including any expenditure for equipment, rent and salary of one or more tire inspectors and any other employees necessary to the effective operation of the station. The station and the tire inspection work performed shall be subject to the supervision of the Office of Price Administration tire examiners assigned for such purpose. Neither the operator of nor the inspectors at a central truck tire inspection station shall engage in the manufacture or sale of tires, tubes, or camelback, or in the business of repairing tires or tubes, or recapping tires. The authority conferred upon operators to establish and maintain central truck tire inspection stations may be withdrawn with or without cause at any time by the District Director.

5. Section 1315.507 (e) is hereby revoked.

6. Section 1315.603 is amended to read as follows:

§ 1315.603 *Inspections of tires and tubes for replacement—(a) Inspection by certifying inspector.* (1) No consumer or automobile dealer may file an application for a certificate, and no such application shall be considered by a Board until an inspector has currently inspected the tires or tubes to be replaced and has executed and signed the "Certification by Inspector" contained in OPA Form R-1 or, in the case of applications to replenish an emergency reserve, on OPA Form R-21 (in duplicate): *Provided, however,* That if an application is made for a tire for a passenger automobile for which a tire inspection record is required under § 1315.701, all the tires mounted on the passenger automobile shall be inspected and their condition certified to by an authorized inspector. The provisions of this paragraph shall not apply when application is made to establish or increase an emergency reserve; to acquire a tire or tube necessary to equip a vehicle not already equipped with the number of tires or tubes permitted in § 1315.501 (a); or to replace a lost or stolen tire or tube.

(2) No inspector may certify any fact concerning the condition of tires or tubes without making a personal and adequate inspection to determine such fact. The

Board may in its discretion require an additional inspection and certification by an inspector named by the Board.

(3) No applicant may pay any compensation for the certification or the inspection required by this paragraph except that sums, not in excess of those set forth in the following schedule, 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.

SCHEDULE OF FEES FOR REMOVING AND REPLACING TIRES

| Type of tire: | Fee |
|---|--------|
| (1) Passenger car tires each..... | \$0.50 |
| (2) Small truck tires (7.50-20 or smaller), each..... | .75 |
| (3) Large truck tires (larger than 7.50-20) each..... | 1.00 |
| (4) Additional charge for removing inside dual truck tires (larger than 7.50-20)..... | .50 |

(b) *Further examination of tires or tubes to be replaced by OPA tire examiners.* After a certification has been made as required by § 1315.603 (a), and an application for an emergency reserve has been filed with a Truck Tire Board which is not located in an area served by a central truck tire inspection station, the tires or tubes to be replaced shall be examined by an OPA tire examiner. After he determines what tires or tubes are in need of replacement, he shall (on OPA Form R-21) approve the inspection and authorize their transfer to a dealer or manufacturer. After this approval, but prior to the issuance of a certificate, the applicant shall transfer the tires or tubes to a dealer or manufacturer and file with the Board a proof of the disposition of such tires or tubes on OPA Form R-21. The provisions of this subparagraph shall not apply to tires or tubes leased under a mileage contract.

(c) (1) *Further examination of tires to be replaced at central truck tire inspection station.* No Board in an area served by a central truck tire inspection station shall issue a certificate for tires for a commercial motor vehicle, other than a taxicab or jitney, to replace tires which have been inspected in accordance with paragraph (a) unless the tires to be replaced have been examined and approved for replacement by an authorized inspector at any central truck tire inspection station. A state, local or foreign government, or the Federal Government, or any department or agency of any such government shall be exempted from this paragraph (c) if it is prohibited by law from paying the inspection fees which may be charged by a central truck tire inspection station as provided in subparagraph (4).

The Inspector shall indicate his approval or disapproval of the prior cer-

tification on OPA Form R-1 or on OPA Form R-21 (in the case of emergency reserve operators). He shall forward all applications on OPA Form R-1 which he has approved to the Board having jurisdiction. An emergency reserve applicant shall file his application on OPA Form R-19 together with an approved certification of an inspector on OPA Form R-21 with his Board, after he has disposed of the tires to be replaced in accordance with the provisions of paragraph (c) (2) (1).

(2) *Disposition of tires approved for replacement at central truck tire inspection station.* (i) The tires approved by an inspector at a central truck tire inspection station for replacement on OPA Form R-21 shall be immediately released to the applicant for transfer to a dealer or manufacturer. A copy of this form shall be retained as a record by the dealer or manufacturer to whom the tires are turned in by the applicant.

(ii) The tires approved by an inspector at a central truck tire inspection station for replacement on OPA Form R-1 shall be identified at the station by attaching a tag to each tire on which is stated the serial number of the tire, the date of the inspection and the names and addresses of the applicant and the inspector who made the preliminary inspection. The tires shall be held at the station for at least thirty days after being approved for replacement unless the station has been instructed by a representative of the Office of Price Administration to hold them for a longer or shorter period. A tire which has been inspected on the premises of the applicant instead of at the central truck tire inspection station, as may be permitted under subparagraph (3) shall be identified and held at such premises under the conditions specified for tires held at a station. Tires which have been held as provided herein shall be disposed of in the manner required by § 1315.610 (b) (2). A defective tire held under this subparagraph may, at any time, be transferred without certificate to a dealer or manufacturer for purposes of adjustment, provided the station keeps a record showing the serial number, size and type of the tire, the names and addresses of the applicant and the supplier to whom the tire was transferred, the date of its transfer and a description of the defective condition. A dealer may in turn, transfer it without certificate to his supplier provided he keeps similar records. The provisions of this subparagraph which relate to the identification and holding of replaced tires shall not apply to tires leased under a mileage contract but instead they shall be turned in as required by § 1315.610 (b). Tires which have been held for the

required period of time under this subparagraph shall be surrendered to any state, local or foreign government or the Federal Government, or any department or agency of any such government, which is prohibited by law from disposing of the replaced tire as required by § 1315.610 (b).

(iii) Whenever an application for tires is denied by a Board because the applicant is not eligible, the tires being held at a station may be surrendered to the applicant upon presentation of the notice of the Board's decision.

(3) *Inspection on applicant's premises.* An applicant who is required to have his tires approved for replacement by an inspector at a central truck tire inspection station may request his District Director to authorize examination of such tires on his own premises. If the District Director is satisfied that the inspection on the applicant's premises instead of at the central truck tire inspection station will result in a conservation of tires or gasoline, or would otherwise aid the war effort, he may direct the inspector to make his examination at the applicant's premises.

(4) *Fees that may be charged by central truck tire inspection stations.* An operator of a central truck tire inspection station may charge the applicant, for the inspection services performed under this paragraph (c), an amount not in excess of twenty-five (25) cents for the inspection of each tire 7.50-20 or smaller and fifty (50) cents for each tire larger than 7.50-20. The station operator may, in addition to these inspection fees charge the applicant the sums provided in § 1315.603 (a) (3) for removing and replacing tires.

(d) Tubes to be replaced by an applicant who applied to a Board in an area served by a central truck tire inspection station shall not be examined by an inspector of a central truck tire inspection station, and they as well as tires and tubes to be replaced by an applicant not subject to the jurisdiction of a truck tire board or not located in an area served by a central truck tire inspection station must be turned in to a dealer as provided in § 1315.610 (b).

7. Section 1315.610 (b) (1) is amended to read as follows:

(b) *Replaced tires or tubes to be turned in.* (1) If the certificate indicates that a tire or tube being replaced must be turned in, the applicant shall, before acquiring from a dealer or manufacturer any tire or tube in exchange for the certificate, turn in the tire or tube to be replaced to such dealer or manufacturer, except in the case of purchase by mail or tires withdrawn from a public warehouse. In such cases, the appli-

cant shall deliver the replaced tires or tubes to a dealer or manufacturer within five (5) days after the acquisition of the replacement. The provisions of this subparagraph shall not apply to a state, local or foreign government, or the Federal Government, or any department or agency of any such government prohibited by law to make such disposition.

8. Section 1315.610 (b) (2) is added to read as follows:

(2) The turn-in of a tire which has been approved for replacement by an inspector attached to a central truck tire inspection station shall be by the transfer of its legal title to a dealer or manufacturer.

9. Section 1315.611 (a) is amended to read as follows:

(a) *Turn-in of tires or tubes prerequisite to transfer.* If the applicant is required to turn in a tire or tube, a dealer or manufacturer shall not transfer any tire or tube pursuant to the certificate until he has acquired physical possession of the tire or tube being replaced, except in the case of purchase by mail. However, a dealer or manufacturer may transfer a tire in exchange for a certificate at any time after he has acquired legal title to a tire being replaced pursuant to § 1315.610 (b) (2). The dealer or manufacturer upon showing the Part A of the certificate may obtain possession of the tire at the central truck tire inspection station after it has been held there the required length of time. The Part A shall be retained by the dealer or manufacturer as a record of the transaction.

10. Section 1315.806 (g) (1) is amended by inserting the words "or manufacturer" following the word "dealer".

11. The last sentence of § 1315.806 (g) (2) is amended to read as follows:

The provisions of this subparagraph shall not apply to tires leased under a mileage contract or to tires which have been approved for replacement by an inspector attached to a central truck tire inspection station.

This amendment shall become effective December 16, 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.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7,

1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 16th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20033; Filed, December 16, 1943; 11:40 a. m.]

PART 1341—CANNED AND PRESERVED FOODS
[MPR 306¹ Incl. Amdt. 20]

CERTAIN PACKED FOOD PRODUCTS

Sections 1341.584 (i) (1) (iii) (b) and 1341.587 (a) (2) (ii) amended; 1341.583 (h) (5) and 1341.584 (i) (1) (ii) (c) added by Amendment 20, effective December 22, 1943, so that maximum Price Regulation No. 306 shall read as follows:

In the judgment of the Price Administrator, it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, that maximum prices be established for the sale of certain packed food products by processors.

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 Order No. 9250 and will promote production and distribution of certain packed food products for which maximum prices are established herein.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.²

Therefore, 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. 306 is hereby issued.

Sec.

1341.551 Scope, purpose and general information.

1341.553 Items covered by this regulation and the maximum prices therefor.

1341.553a Maximum prices for grower-processors (including grower owned cooperatives).

¹ 8 F.R. 1114.

² Statements of considerations are also issued with amendments. Copies may be obtained from the Office of Price Administration.

Sec.

1341.554 Maximum price adjustments for purchases by or purchases negotiated by the United States War Department.

1341.555 Prohibition against dealing in items covered by this regulation above maximum prices.

1341.556 Exempt sales.

1341.557 Maximum prices for new container types or sizes.

1341.558 When a maximum price under this regulation is established.

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1341.560 F. O. B. factory prices where the processor owns more than one factory.

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1341.562a Restriction on packers' sales to primary distributors.

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1341.565 Grades and invoices.

1341.566 Adjustable pricing.

1341.567 Evasion.

1341.568 Discounts and allowances.

1341.569 Records.

1341.569a Reports which processors must file.

1341.570 Transfers of business or stock in trade.

1341.571 Enforcement.

1341.571a Licensing.

1341.573 Petitions for amendment.

1341.575 Applicability.

1341.577 Definitions.

1341.578 Sales for export.

1341.579 Applicability of other maximum price regulations.

1341.581 Effective date.

1341.582 Notification of change in maximum price.

1341.583 Appendix A: Maximum prices for packed fruit.

1341.584 Appendix B: Maximum prices for packed vegetables.

1341.585 Appendix C: Maximum prices for certain miscellaneous packed vegetables.

1341.586 Appendix D: Adjustment of maximum prices for approved increases in wage rates.

1341.587 Appendix E: Maximum prices for packed berries.

AUTHORITY: §§ 1341.551 to 1341.587, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1341.551 *Scope, purpose and general information.* (a) "Item covered by this regulation" means an item for which a maximum price is established by this regulation, or by any amendment or appendix hereto.

(b) Provisions contained in a particular appendix shall not apply to items covered by any other appendix, unless so provided.

(c) A provision contained in a particular appendix shall apply to the items covered by that appendix, even though it may be contrary to or inconsistent with another provision of this regulation.

(d) Every provision contained in this regulation, but not in any appendix, shall apply to items covered by any appendix to this regulation, to the extent that it is not contrary to or inconsistent with any provision in such appendix.

(e) "Processor" means the canner, manufacturer, or packer, as the case may be, of the kind and brand of packed food product being priced.

[Paragraph (e) as amended by Amendment 12, 8 F.R. 10824, effective 8-5-43]

(f) The "effective date" of this regulation as to any item covered by this regulation shall be the effective date of this regulation or the effective date of any amendment adding such item to the items covered by this regulation, as the case may be, unless otherwise specified.

(g) The provisions of this regulation shall apply to items packed during the year 1943. If the major portion of any item was packed in 1943, the item shall be considered to be packed during the year 1943. Any canned citrus juices packed after November 1, 1942, shall be deemed to be packed during the year 1943.

(h) "Packed" means processed and enclosed in any container, whether or not hermetically sealed.

(i) In every case in which areas or regions are designated and maximum prices are established for any items on an area or regional basis, the maximum price for any item in such area or region shall apply to all of such item packed in such region or area.

(j) The purpose of this regulation is to establish maximum prices for items now designated or to be added from time to time. Maximum prices are established which take into consideration such factors as grades, sizes, regions, and container types. Additional factors may be specified for some items. Each factor specified shall be used in determining the maximum price. For example, if grades and regions are specified, the processor shall use the maximum price designated for the grade in question for the region in which he produces the item.

(k) "Packed fruits" includes any specified fruit or mixture of fruits and the juice or any mixture of juices of specified fruits, when processed and enclosed in containers, whether or not hermetically sealed.

(l) "Packed vegetables" includes any specified vegetable or mixture of vegetables and the juice or any mixture of juices of specified vegetables, when processed and enclosed in containers, whether or not hermetically sealed.

(m) "Packed berries" includes any specified berry or mixture of berries and the juice or any mixture of juices of specified berries, when processed and enclosed in containers whether or not hermetically sealed.

[Paragraph (m) added by Amendment 11, 8 F.R. 10725, effective 7-30-43]

§ 1341.553 *Items covered by this regulation and the maximum prices therefor.*

(a) The packed fruits covered by this regulation are as listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

| Item | Section | Appendix |
|---|----------|----------|
| (1) Grapefruit juice..... | 1341.553 | A |
| (2) Miscellaneous fruits..... | 1341.553 | A |
| (3) Cherries, red sour..... | 1341.553 | A |
| (4) Cocktail cherries..... | 1341.553 | A |
| (5) Fruit cocktail..... | 1341.553 | A |
| (6) Mixed Fruits..... | 1341.553 | A |
| (7) Brined cherries..... | 1341.553 | A |
| (8) Maraschino and glace (dried) cherries..... | 1341.553 | A |
| (9) Dried prunes in juice and prune products..... | 1341.553 | A |

[Items (2) and (3) added by Amendment 11, 8 F.R. 10725, effective 7-30-43. Items (4), (5) and (6) added by Amendment 17, 8 F.R. 13707, effective 10-9-43. Items (7), (8) and (9) added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(b) The packed vegetables covered by this regulation are as listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

| Item | Section | Appendix |
|---|----------|----------|
| (1) Peas..... | 1341.554 | B |
| (2) Tomatoes..... | 1341.554 | B |
| (3) Corn..... | 1341.554 | B |
| (4) Snap beans..... | 1341.554 | B |
| (5) Spinach..... | 1341.554 | B |
| (6) Asparagus..... | 1341.554 | B |
| (7) Mustard Greens and Turnip Greens..... | 1341.554 | B |
| (8) Tomato products..... | 1341.554 | B |
| (9) Miscellaneous vegetables..... | 1341.555 | O |
| (10) Sauerkraut..... | 1341.554 | B |
| (11) Sweet potatoes..... | 1341.554 | B |
| (12) Mushrooms..... | 1341.554 | B |

[Paragraph (b) and Item (1) added by Amendment 3, 8 F.R. 3732, effective 3-31-43; Item (2) added by Amendment 4, 8 F.R. 3853, effective 3-27-43; (3) added by Amendment 5, 8 F.R. 4178, effective 3-31-43; (4) added by Amendment 6, 8 F.R. 4633, effective 4-7-43; (5) added by Amendment 7, 8 F.R. 4840, effective 4-15-43; (6), (7), (8), and (9) added by Amendment 9, 8 F.R. 9291, effective 7-10-

43; Item (10) added by Amendment 18, 8 F.R. 14577, effective 10-25-43. Items (11) and (12) added by Am. 19, 8 F.R. 16619, effective 12-14-43]

(c) The packed berries covered by this regulation are listed below and the maximum prices for each, f. o. b. processor's plant, shall be the prices set forth in the respective section and appendix listed for each.

| Item | Section | Appendix |
|--------------------------------|----------|----------|
| (1) Miscellaneous berries..... | 1341.557 | E |

[Paragraph (c) added by Amendment 11, 8 F.R. 10725, effective 7-30-43]

(d) *Maximum prices for sales by processors from their branch warehouses.* A processor who sells an item from a branch warehouse owned or controlled by him to an independent retail store or commercial, industrial or institutional user shall figure his maximum price for those sales by adding together factors (1) and (2) and multiplying the result by factor (3):

(1) The maximum price named for the item, f. o. b. factory.

(2) The freight, if any, incurred from factory to branch warehouse. (Processors who have more than one factory or branch warehouse may average freight from factory to branch warehouse in the same manner as processors are allowed under paragraph (a) (1) to average out-going freight.)

(3) The mark-up figure, appropriate to the particular sale, which would have been applicable to him as a "wholesaler" operating under Maximum Price Regulation No. 421,* had he purchased the finished product and not canned, manufactured or packed it. This mark-up, however, may be added only when the particular goods sold have been warehoused at the branch warehouse.

(e) *Maximum prices for sales by processors to ultimate consumers.* Processors who sell the items they make to ultimate consumers other than industrial commercial or institutional users are normally retailers as well, that is, persons whose general business is selling at retail items manufactured by others. Retailers are covered by Maximum Price Regulations Nos. 422⁴ and 423,⁵ which also provide a pricing method for items that a retailer may happen to manufacture or process himself (see section 25 of MPR 422). Processor-retailers, therefore, shall figure their maximum prices under those regulations.

[Paragraphs (4) and (e) added by Amendment 12, 8 F.R. 10324, effective 8-5-43]

* 8 F.R. 6323, 10569, 10937.

⁴ 8 F.R. 9395, 10563, 10987.

⁵ 8 F.R. 9407, 10570, 10933.

§ 1341.553a *Maximum prices for grower-processors (including grower owned cooperatives)*. The maximum price of a grower processor (including a grower owned cooperative) for any product added to this regulation on or after October 9, 1943, shall be the 1943 maximum price of his closest competitive processor who purchases all of the raw commodity used in manufacturing the product, unless a different pricing method is provided in the section dealing with such product.

[§ 1341.553a added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.554 *Maximum price adjustments for purchases by or purchases negotiated by the United States War Department*. In the event that the United States War Department purchases or negotiates the purchase of any item covered by this regulation and the item, for some technical reason or in some minor respect, fails to meet the standards of a particular grade, the United States War Department may, in its discretion, purchase or negotiate the purchase of such item at a price which it deems fair and proper, which price, however, shall be lower than the price for the lowest grade which the item fails to meet but need not be as low as the maximum price of the next lower grade. Any processor with whom such a sale is negotiated by the United States War Department, may sell, and any governmental agency for which such purchase is negotiated pursuant to this section, may buy, the item at such price.

[§ 1341.554 added by Amendment 2, 8 F.R. 2921, effective 1-28-43]

§ 1341.555 *Prohibition against dealing in items covered by this regulation above maximum prices*. (a) On and after the effective date of this regulation, regardless of any contract or other obligation, no processor shall sell or deliver any item covered by this regulation at a price higher than the maximum price established herein; no person in the course of trade or business shall buy or receive any item covered by this regulation from a processor at a price higher than the maximum prices established herein; and no processor or other person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) Lower prices than those established by this regulation may be charged, demanded, paid, or offered.

§ 1341.556 *Exempt sales*. The following sales shall be exempt from the provisions of this regulation: Sales by processors of home packed foods when the aggregate of sales during the calendar year 1943 does not exceed 1500 quarts (or an equivalent amount in other con-

tainer sizes) packed during the calendar year 1943.

[§ 1341.556 added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.557 *Maximum prices for new container types or sizes*. (a) The maximum price per dozen or other unit for any commodity covered by this regulation which is packed in any container type or size which the processor did not sell during the base period applicable to the particular commodity and for which no maximum price or particular method of establishing a maximum price is provided by the Appendix covering such commodity shall be figured by the processor as follows: He shall:

(1) *Determine the base container*. If the processor sold the same product (that is the same kind, grade, brand and style of pack) during the applicable base period, but only in other container types or sizes, he shall first determine the most similar container type for which he is able to calculate a maximum price for that product under this regulation (even though he no longer packs or sells that container type). From that container type he shall choose the nearest size which is 50% or less larger than the new size, or if there is no such size, 50% or less smaller (even though he no longer packs or sells those sizes). This will be the "base container". If there is no such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE: In most cases "the most similar container type" will be merely the container type which the processor is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This also is true in the reverse situation; where there has been a change only in container types, the "nearest size" will be the same size.

(2) *Find the base price*. The processor shall take as the "base price" his maximum price under this regulation for the product when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the processor's shipping point, the processor shall first convert it to a base price f. o. b. factory by deducting whatever transportation charges were included in it.

(3) *Deduct the container cost*. Taking his base price f. o. b. shipping point, the processor shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the processor's plant, of the container, cap, label and proportionate part of the outgoing shipping carton but does not include cost of filling, closing, labeling or packing.

(4) *Adjust for any difference in contents*. The figure obtained by this de-

duction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of ounces or other units in the new container.

(5) *Add the new container cost to get the price f. o. b. shipping point*. Next, the processor shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. shipping point price, the resulting figure is the processor's maximum price, f. o. b. shipping point.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis*. If the processor's maximum price for the product in the base container is a delivered price, he shall figure transportation charges to be added as follows: The processor shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the product in the new container will move under a different freight tariff classification, the processor shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for the freight classification on March 17, 1942. Increases in tariff rates or transportation taxes made since March 17, 1942, shall not be taken into account (similar principles shall apply where shipping volume is the measure of the transportation charge). The processor shall then add these transportation charges to his f. o. b. shipping point price for the commodity in the new container. The resulting figure is the processor's maximum delivered price.

[§ 1341.557 as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.558 *When a maximum price under this regulation is established*. On and after December 14, 1943, a price figured for any item becomes "established" (that is, fixed) as the processor's maximum price as soon as he has either filed the price or disclosed it to any prospective customer, whether by sale, delivery, offer, or notice of any kind, provided that the figured price is not higher than the applicable pricing method allows. A maximum price for any item may be established only once, and it may not be changed by the seller except (a) with the written permission of the District Office of the Office of Price Administration for the area in which he is located in cases where the processor has figured his maximum price lower than the applicable pricing method allowed, or (b) in cases where a change in the regulation changes the processor's applicable pricing method.

If the processor is disclosing a price lower than the one he figured, he may establish the higher (figured) price as his maximum price at the time of disclosure only by recording it and naming it as such, in ink, in his books before he discloses the lower price. A seller who has not figured a price for an item, or has figured a price higher than the applicable pricing method allows, may not sell the item until he has established the maximum price for the item in accordance with the rules of this section.

[§ 1341.558 added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.559 *Label and labor allowances.* (a) Label allowances shall be made by processors in the following circumstances and in the following amounts:

(1) When the processor sells any item covered by this regulation, unlabeled in containers no greater in content than a No. 10 can, the processor shall reduce the maximum price established under this regulation by at least the sum of \$1.50 per thousand, for the number of labels used.

(2) When any item covered by this regulation is sold unlabeled in containers not greater in content than a No. 10 can, the processor shall make a labor allowance by reducing the maximum price at least the sum of one cent per case of such containers, in addition to the allowance provided in paragraph (a) (1) of this section.

(3) When the processor sells any item covered by this regulation in containers no greater in content than a No. 10 can, labeled with labels supplied to him by the purchaser, the processor shall reduce the maximum price established under this regulation by at least the sum of \$1.50 per thousand for the number of labels used.

§ 1341.560 *F. O. B. factory prices where the processor owns more than one factory.* For each item covered by this regulation for which regional flat prices are established, in cases where the processor owns more than one factory f. o. b. maximum prices shall be determined separately for each factory. For all other items covered by this regulation f. o. b. maximum prices shall also be determined separately for each factory except that if any group of two or more factories had the same f. o. b. factory price for the 1941 pack of an item, the maximum prices for such item for all the factories in the group shall be the maximum price of the factory in the group which had the largest volume of production during the 1941 pack.

[§ 1341.560 added by Amendment 15, 8 F.R. 11806, effective 8-24-43]

§ 1341.561 *Maximum delivered prices by zone or area.* (a) Any processor who sold or delivered any item covered by this regulation, packed by him during the calendar year 1941, on an established uniform delivered price basis by zone or area, may establish a maximum delivered price for a zone or area by adding to the maximum price, f. o. b. factory, established pursuant to this regulation,

for the same size, grade and container type, the freight charge he added to his f. o. b. factory price during the calendar year 1941 in the same zone or area, plus 3% of that freight charge.

[Paragraph (a) as amended by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(b) If the processor sells any item covered by this regulation in a container type or size not previously sold by him on a delivered price basis, by zone or area, he may establish a maximum delivered price by zone or area as follows:

(1) He shall first select the most similar container type and size in which he previously sold the same product on a delivered basis by zone or area.

(2) He shall add an adjusted freight charge to the maximum price, f. o. b. factory, established pursuant to this regulation for the item being priced. The adjusted freight charge to be used shall be the freight charge as computed under paragraph (a) of this section for the selected container type and size, adjusted in the exact proportion to the difference in shipping weight. If for any reason, the product in the container type and size being priced will move under a different freight tariff classification, the processor shall figure his adjusted freight charges (by the same means of transportation to the same zone or area) on the basis of the new shipping weight, by adding or subtracting, as the case may be, the difference between the charge under the freight classification for the new container type and size and the charge under the freight classification for the selected container type and size. Similar principles shall apply where shipping volume is the measure of the freight charge.

(c) Any processor who sold or delivered any item covered by this regulation, packed by him during the calendar year 1941, from two or more of his factories on an established uniform delivered price basis by zone or area regardless of the factory from which shipment was made, may continue such practice and establish maximum delivered prices by averaging the maximum delivered prices computed in accordance with paragraphs (a) or (b) with respect to sales from each such factory on the basis of the proportion of actual deliveries of the 1943 pack of the item to be made from each of his respective factories.

[Paragraph (c) added by Amendment 15, 8 F.R. 11806, effective 8-24-43]

§ 1341.562 *Maximum prices for distributors other than wholesalers and retailers—(a) Primary distributors.* A "primary distributor" is a distributor, other than a wholesaler or retailer, who purchases all he sells (for his own account) of the kind and brand of packed food product being priced and who customarily receives shipment from the processor of at least 50% of his purchases in carload lots delivered to a warehouse not owned or controlled by any of his customers, for resale by him in less-than-carload lots.

There are two pricing methods for primary distributors.

Pricing Method No. 1: A primary distributor may use the following pricing method only if he sold the kind of packed food product being priced as a primary distributor before April 23, 1942, and he may use it only when he is selling, in less-than-carload lots, merchandise which he has actually warehoused (in normal situations the pricing method will give him the same dollars and cents margin that he previously had):

If the processor's maximum price for the item under this regulation is greater than the processor's maximum price under the maximum price regulation previously applicable to the processor, the primary distributor shall add the difference to the maximum price which he had immediately prior to August 5, 1943. If the processor's maximum price for it under this regulation is less than the processor's maximum price under the maximum price regulation previously applicable, the primary distributor shall subtract the difference from the maximum price which he had immediately prior to August 5, 1943. However, in no event may the primary distributor's maximum price be greater than the net delivered cost (based upon purchases directly from the packer) plus a markup of 8% of that cost. The resulting figure in each case is the primary distributor's maximum price for the item when warehoused by him and sold in less-than-carload lots.

Examples: The processor's calling under MPR 152 for the No. 2 can of X brand tomatoes was \$1.10 a dozen. Under MPR 306, it is now \$1.325. The primary distributor therefore adds the increase of \$225 to his own calling price (under GMFR).

The primary distributor handled canned tomatoes as a primary distributor before April 28, 1942. He added canned peas to his line in October 1942. Although he may use Pricing Method No. 1 for canned tomatoes, he must use Pricing Method No. 2 for canned peas.

If the primary distributor handled the kind of packed food product being priced before April 28, 1942, but did not handle the particular brand, size or container type being priced before August 5, 1943, his maximum price for the new item shall be his "net delivered cost" (based on his first purchase of the item after August 4, 1943, direct from the processor) multiplied by a mark-up factor. The mark-up factor shall be secured by dividing his maximum price (as figured under the foregoing pricing method) for the most closely comparable item of that kind of packed food product already handled by him, by the net delivered cost to him of that item. He may apply this mark-up factor only when he is selling in less-than-carload lots, merchandise which he has actually warehoused.

"Net delivered cost" means the amount paid less all discounts except the discount for prompt payment, swell and label allowances, plus all transportation charges paid except local trucking and local unloading.

Pricing Method No. 2: For all items, and sales of such items, which are not

covered by Pricing Method No. 1, the primary distributor's maximum price, f. o. b. shipping point, shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

[Paragraph (a) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(b) *Distributors who are not primary distributors, wholesalers, or retailers.* The maximum price for an item, f. o. b. shipping point, of a distributor who is not a processor, primary distributor, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

A "distributor" is one who purchases all he sells (for his own account) of the kind and brand being priced and resells it without packing and processing any part of it.

[Paragraph (b) as amended by Amendment 19]

[§ 1341.562 added by Amendment 12, 8 F.R. 10824, effective 8-5-43]

§ 1341.562a *Restriction on packers' sales to primary distributors.* No packer may sell to primary distributors a greater percentage of his 1943 pack of any item than he sold to primary distributors during the one-year period ending April 28, 1942.

[§ 1341.562a added by Amendment 12, 8 F.R. 10824, effective 8-5-43]

§ 1341.562b *Position of brokers.* In accordance with existing trade custom, every broker taking part in a sale in which the seller is a processor shall be considered as the agent of the seller and not the agent of the buyer. In each case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

[§ 1341.562b added by Amendment 14, 8 F.R. 11296, effective 8-12-43]

§ 1341.563 *Specific authorizations of maximum prices.* (a) If the processor is unable to establish a maximum price pursuant to the applicable pricing provisions of this regulation for any item, his maximum price shall be a price authorized by the Office of Price Administration, Washington, D. C. Such authorization may be obtained on application to the Office of Price Administration. His application shall set forth:

(1) A description in detail of the item for which a maximum price is requested including its grade, size, container type, style of pack and any other relevant factors.

(2) A statement of the facts which differentiate the item for which such authorized price is requested from the most similar item for which he has established a maximum price pursuant to this regulation, identifying the similar item and stating its maximum price.

(3) An itemized current cost breakdown of the item to be priced, showing separately, according to his own system

of accounts or regularly prepared operating statements, all major component cost factors (e. g. direct costs—raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead and selling, advertising and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost, and the identical current cost breakdown of the most closely comparable food commodity which contributes substantially to his total volume of business.

(4) The desired selling price for the item including a statement showing the necessity for the desired selling price, any discounts or allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price, with discounts and allowances, for the second commodity included in paragraph (4) of this section.

(5) A statement of the method of distribution to be employed by the processor in marketing the new commodity (i. e. whether it is to be sold to wholesalers, retailers, consumers or other classes of purchasers). Upon receipt of such an application the Office of Price Administration will authorize the maximum price or a method of determining the maximum price for the applicant or for the sellers of the item generally including purchases for resale or for a class of such resellers. Separate maximum prices will be established for government sales.

Until a maximum price is authorized, the applicant may deliver the item but he may not render an invoice for it or receive payment.

Where any cost factor set forth in the application is an estimated amount, the processor shall file with the Office of Price Administration, Washington, D. C. within six months, but not earlier than three months after his maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item prior to the filing date of such statements.

[§ 1341.563 as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.564 *Treatment of fractional parts of a cent in figuring maximum prices.* (a) Amounts computed in the process of, or as a step in, figuring a maximum price (other than the maximum price itself) shall be carried to four decimal places (hundredths of a cent). Any further fraction shall be disregarded.

(b) The final computation in figuring a maximum price, per dozen or other unit, on sales other than to government procurement agencies shall be rounded off to the next higher full cent if the fraction is one-half cent or more, and shall be reduced to the next lower full cent if the fraction is less than one-half cent. On sales to government procurement agencies, however, the final computation in figuring the maximum price shall be carried to four decimal places

(hundredths of a cent) and any further fraction shall be disregarded.

[§ 1341.564 added by Amendment 15, 8 F.R. 11806, effective 8-24-43]

§ 1341.565 *Grades and invoices.* (a) The term "grade" when used in this regulation, means the grade, at the time of shipment by the processor, as established and defined by the United States Department of Agriculture.⁶⁴

(b) On and after May 18, 1943, each processor selling any item covered by this regulation shall furnish the purchaser, at or before the time of delivery, with an invoice describing such item and separately stating the grade thereof.

(c) The grade of the item shall be shown on the invoice by use of the United States Department of Agriculture grade designation by letter or descriptive term. For example, the grade of an item which conforms to the specifications for U. S. Grade A may be designated on the invoice "Grade A" or by the descriptive term "Fancy."

(d) In any case in which standards or definitions are established by the United States Department of Agriculture or under authority of the Federal Food, Drug, and Cosmetic Act for sirup or for packing medium for any packed fruit covered by this regulation, the statement of grade on the invoice shall show the sirup or packing medium and shall be described by the same description as that used in the applicable standard or definition.

(e) [Revoked]

[Paragraph (e) amended by Amendment 9, 8 F.R. 9291, effective 7-10-43 and revoked by Amendment 13, 8 F.R. 10986, effective 8-5-43]

(f) [Revoked]

[Paragraph (f) revoked by Amendment 13]

(g) A processor shall not be subject to any criminal penalty, civil enforcement action or suit for treble damages under the Emergency Price Control Act of 1942, as amended, for failure of an item covered by this regulation to conform to the grade designated on the invoice issued with respect thereto if (1) within 90 days prior to shipment of the item by the processor to the purchaser, the Food Distribution Administration (or any successor thereto) has issued to the processor a Certificate of Quality and Condition for Processed Fruits and Vegetables (or any similar certificate) covering a lot or lots which include such item and from which lot or lots samples have been drawn by official graders of the Food Distribution Administration (or any successor thereto) and (2) the grade designated on the invoice conforms to the grade designated on the certificate.

(h) A person who purchases an item covered by this regulation from a processor and who relies in good faith upon the grade designated on the invoice furnished to him by the processor shall not be subject to any criminal penalty or civil enforcement action under the Emer-

⁶⁴ Copies may be obtained upon request from the United States Department of Agriculture, Washington, D. C.

gency Price Control Act of 1942, as amended, in connection with such purchase for failure of the item to conform to the grade designated on the invoice. Such person may resell the item at the grade designated on the invoice and shall not be subject to any criminal penalty, civil enforcement action, or suit for treble damages under the Emergency Price Control Act of 1942, as amended, in connection with such resale.

(i) Nothing herein contained shall be deemed or construed to restrict or limit any of the requirements of the Federal Food, Drug, and Cosmetic Act, or any regulation enacted thereunder.

(j) The provisions of this section shall not apply to any products sold to the United States or any agency thereof.

[§ 1341.565 amended by Amendment 8, 8 F.R. 6617, effective 5-18-43 and paragraph (k) added by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(k) The foregoing provisions of this section apply:

(1) To all brand owners, whether or not processors, who affix labels or cause labels to be affixed to the packed fruits or vegetables covered by this regulation, packed by them or purchased by them for resale; and

(2) To any item covered by this regulation for which grades are established by the United States Department of Agriculture.

§ 1341.566 *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.

[§ 1341.566 added by Amendment 12, 8 F.R. 10824, effective 8-5-43]

§ 1341.567 *Evasion.* The maximum prices set forth 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 items covered by this regulation, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1341.568 *Discounts and allowances.* (a) Except on sales to Government procurement agencies, sellers of items cov-

ered by this regulation for which specific dollars-and-cents maximum prices are named, or whose ceilings are determined by taking a percentage of a specific dollars-and-cents maximum price or who compute their ceiling price for an item under § 1341.557, using as a base a flat dollars-and-cents maximum price, shall reduce such maximum price by the percentage of discount for prompt payment and the percentage of swell allowance customarily granted by them to each class of purchaser of such items.

(b) Except on sales to Government procurement agencies, maximum prices established by this regulation which are determined in any manner other than those outlined in the preceding paragraph shall be reduced by the discounts and allowances customarily granted by the seller to each purchaser or class of purchasers of such items.

[§ 1341.568 added by Amendment 10, 8 F.R. 12791, effective 9-17-43]

§ 1341.569 *Records.* (a) A processor who makes sales of any items covered by this regulation, after the effective date hereof, for which specific prices have been established by this regulation, shall make and shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he customarily kept, relating to the prices which he charged for such items after the effective date of this regulation.

(b) A processor who makes sales of any items covered by this regulation, after the effective date hereof, for which maximum prices are to be computed by the processor in the manner directed by this regulation, shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all his existing records which were the basis of computing such maximum prices and shall show the method used in such computations, in addition to the records required to be made and preserved by paragraph (a) of this section.

(c) A processor who makes sales of any item covered by this regulation after December 13, 1943, shall preserve for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect all of his existing records relating to his customary allowances, discounts and other price differentials.

[Paragraph (c) added by Amendment 19]

§ 1341.569a *Reports which processors must file.* Every processor shall file with the Office of Price Administration, Washington, D. C., a statement as to all processed fruits and vegetables covered by this regulation except (1) those items for which specific dollars-and-cents maximum prices are named, (2) or whose maximum prices are determined by taking a percentage of a specific dollars-and-cents maximum price, (3) or whose maximum prices are computed under

§ 1341.557 using as a base a flat dollars-and-cents maximum price. The statement for any item shall be filed on or before December 31, 1943 or within 20 days after the maximum price for it has been established in the manner explained in § 1341.558. The statement shall be submitted in duplicate on OPA Form 635-496 (Bureau of Budget No. 03-R-709)

[§ 1341.569a added by Amendment 19, 8 F.R. 16819, effective 12-14-43]

§ 1341.570 *Transfers of business or stock in trade.* If the business, assets or stock in trade of a seller subject to this regulation are sold or otherwise transferred on and after January 23, 1943, and the transferee carries on the business, or continues to deal in the same type of processed foods, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of § 1341.569.

[§ 1341.570 added by Amendment 17, 8 F.R. 13707, effective 10-2-43]

§ 1341.571 *Enforcement.* Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

§ 1341.571a *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1341.571a added by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1341.573 *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,^o issued by the Office of Price Administration.

[Note: Procedural Regulation No. 6 (7 F.R. 5937, 5685) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.

^o7 F.R. 8361; 8 F.R. 3313, 3503, 6173, 11806.

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1341.575 *Applicability.* The provisions of this regulation shall apply to the forty-eight states of the United States and the District of Columbia, except as otherwise provided for any item covered by this regulation.

§ 1341.577 *Definitions.* (a) When used in this regulation, the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Wholesaler" and "retailer" mean the persons respectively referred to as "wholesalers" and "retailers" in Maximum Price Regulations Nos. 421, 422, and 423.

[Subparagraph (2) added by Amendment 12, 8 F.R. 10824, effective 8-5-43]

(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.

§ 1341.578 *Sales for export.* The maximum price at which a person may export items covered by this regulation shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation, issued by the Office of Price Administration.

§ 1341.579 *Applicability of other maximum price regulations.* (a) The provisions of this regulation supersede the provisions of any other maximum price regulation insofar as they apply to processors of any item covered by this regulation.

§ 1341.581 *Effective date.* This Maximum Price Regulation No. 306 (§§ 1341.551 to 1341.583, inclusive) shall become effective on January 28, 1943.

[Issued January 22, 1943]

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

§ 1341.582 *Notification of change in maximum price.* With the first delivery after August 4, 1943 of any item covered by this regulation, in any case where a maximum price, once established pursuant thereto, is thereafter changed by amendment to the regulation or pursuant to the provisions of § 1341.586, Appendix D, the processor making such change, and distributors other than wholesalers or retailers making a corresponding change in their maximum prices, shall supply each wholesaler and retailer purchaser with written notice as set forth below:

* Second Revision: 8 F.R. 4132, 7662, 9998.

(insert date)

Notice to Wholesalers and Retailers.

Our OPA ceiling price for _____ (describe item)

has been changed under the provisions of Maximum Price Regulation No. 306. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422 or 423, you must refigure your ceiling price for the item in accordance with the applicable provisions of those regulations (see section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you on or after August 5, 1943.

For a period of 90 days after making such change in the maximum price of an item, and with each shipment after the 90 day period to a person who has not made a purchase within that time, the processor shall include in each case or carton containing the item the written notice set forth above. On the outside of the unit in which the notice is enclosed, a legend shall be affixed as follows: "Notice of OPA Ceiling Price Change Enclosed."

The processor shall notify all purchasers of the item who are distributors

other than wholesalers or retailers of such change in maximum price by written notice attached to the invoice issued in connection with the first transaction with such purchaser after making such change, as follows:

(insert date)

Notice to Distributors Other Than Wholesalers or Retailers

Our OPA ceiling price for _____ (describe item)

has been changed under the provisions of Maximum Price Regulation No. 306. You are required to notify all retailers and wholesalers purchasing the item from you after August 4, 1943 of the corresponding change in your maximum price. The notice must be made in the manner prescribed in § 1341.582 of Maximum Price Regulation No. 306. However, such notification may be accomplished by delivery of notice contained in the shipping unit of the item bearing the legend "Notice of OPA Ceiling Price Change Enclosed."

[§ 1341.582 added by Amendment 11, 8 F.R. 10725, effective 7-30-43]

§ 1341.583 *Appendix A: Maximum prices for packed fruit—(a) Grapefruit juice.*

[Maximum prices in dollars per dozen containers, f. o. b. factory, except as otherwise indicated]

| Col. 1 Item No. | Col. 2 State or area | Col. 3 Style of pack | Col. 4 Grade | Col. 5 | | Col. 6 | | Col. 7 | |
|--------------------|-------------------------|-------------------------|------------------------------|-------------------------------|----------------|-------------------------------|----------------|-------------------------------|----------------|
| | | | | Container— No. 2 Can | | Container— No. 3 cylinder | | Container— No. 10 Can | |
| | | | | Gov- ern- ment sales | Other sales | Gov- ern- ment sales | Other sales | Gov- ern- ment sales | Other sales |
| 1 | Florida and Texas. | Natural (unsweetened). | A or fancy..... | 1.07½ | 1.12½ | 2.46 | 2.55 | 4.85 | 5.00 |
| | | | C or standard..... | 1.02½ | 1.07½ | 2.35 | 2.45 | 4.65 | 4.80 |
| | | | Offgrade or substandard..... | .97½ | 1.02½ | 2.25 | 2.35 | 4.45 | 4.60 |
| | | Sweetened..... | A or fancy..... | 1.10 | 1.15 | 2.60 | 2.60 | 5.00 | 5.15 |
| | | | C or standard..... | 1.05 | 1.10 | 2.40 | 2.50 | 4.80 | 4.95 |
| | | | Offgrade or substandard..... | 1.00 | 1.05 | 2.30 | 2.40 | 4.60 | 4.75 |
| 2 | California and Arizona. | Natural (unsweetened). | A or fancy..... | 1.17½ | 1.22½ | 2.70 | 2.80 | 5.45 | 5.60 |
| | | | C or standard..... | 1.12½ | 1.17½ | 2.60 | 2.70 | 5.25 | 5.40 |
| | | | Offgrade or substandard..... | 1.07½ | 1.12½ | 2.50 | 2.60 | 5.05 | 5.20 |
| | | Sweetened..... | A or fancy..... | 1.20 | 1.25 | 2.75 | 2.85 | 5.60 | 5.75 |
| | | | C or standard..... | 1.15 | 1.20 | 2.65 | 2.75 | 5.40 | 5.55 |
| | | | Offgrade or substandard..... | 1.10 | 1.15 | 2.55 | 2.65 | 5.20 | 5.35 |
| 3 | California and Arizona. | Natural (unsweetened). | A or Fancy..... | 1.17½ | 1.22½ | 2.70 | 2.80 | 5.45 | 5.60 |
| | | | C or Standard..... | 1.07½ | 1.12½ | 2.50 | 2.60 | 4.95 | 5.10 |
| | | | Offgrade or substandard..... | .87½ | .92½ | 1.95 | 2.05 | 3.95 | 4.10 |
| | | Sweetened..... | A or Fancy..... | 1.20 | 1.25 | 2.75 | 2.85 | 5.60 | 5.75 |
| | | | C or Standard..... | 1.10 | 1.15 | 2.65 | 2.65 | 5.10 | 5.25 |
| | | | Offgrade or substandard..... | .90 | .95 | 2.00 | 2.10 | 4.10 | 4.25 |

[Items (1) and (2) as amended by Amendment 2, 8 F.R. 2921, effective 1-28-43; item (3) as amended by Amendment 1, 8 F.R. 1313, effective 1-28-43]

(1) If a processor packs grapefruit juice made from grapefruit grown in any state mentioned in paragraph (a) of this section, whether or not his factory is located in the same state or any of such states, his maximum price shall be the maximum price shown in paragraph (a) of this section for the state in which the grapefruit used by him was grown.

(2) The maximum prices for grapefruit juice packed in glass, for sales other than to the government, shall be as follows:

(i) For 8 ounce glass jars, A or fancy grade, forty-two and one-half cents, for

C or standard grade, forty cents, and for off grade or substandard, thirty seven and one-half cents, less than the maximum price for the same grade and style of pack in #2 cans, in the same area.

(ii) For 16 ounce glass jars, seven and one-half cents more than the maximum price for the same grade and style of pack in #2 cans, in the same area.

(iii) For 46 ounce glass jars, seventeen and one-half cents more than the maximum price for the same grade and style of pack in #3 cylinder cans, in the same area.

[Subparagraph (2) added by Amendment 7, 8 F.R. 4840, 5266, effective 4-15-43]

(b) *Miscellaneous fruits.* (1) The miscellaneous packed fruits covered in paragraph (b) are listed below and in-

clude the packed juices and nectars of such fruits.

- Apricots.
- Cherries [except red sour, cocktail, brined, maraschino and glace (drained)]
- Figs.
- Peaches, clingstone and freestone.
- Pears.
- Plums.
- Prunes, fresh.

[Subparagraph (1) amended by Amendment 17, 8 F.R. 13707, effective 10-9-43 and Amendment 19, 8 F.R. 16619, effective 12-14-43]

(2) The processor's maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the items listed in paragraph (1), shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the particular item as follows:

[Subparagraph (2) as amended by Amendment 17, 8 F.R. 13707, effective 10-9-43]

| Raw fruit | State | Maximum cost |
|--|---|---|
| Apricots | All states | 1942 cost per ten as required to be computed under MPR 185 plus \$31 per ton. |
| Cherries [except red sour, cocktail, brined, maraschino and glace (drained)] | All states | 1942 cost per pound as required to be computed under MPR 185 plus \$62 per pound. |
| Figs. Kadota | All states | \$125.00 per ton. |
| Figs (except Kadota) | All states | 1942 cost per ten as required to be computed under MPR 185 plus \$15 per ton. |
| Peaches, Clingstone | All states | \$50 per ton. |
| Peaches, freestone | California | \$40 per ton. |
| | Oregon and Washington | \$50 per ton. |
| | All other states | 1942 cost per ten as required to be computed under MPR 185 plus \$10 per ton. |
| Pears | California | \$35 per ton. |
| | Oregon and Washington | \$75 per ton. |
| | All other states | 1942 cost per ten as required to be computed under MPR 185 plus \$5 per ton. |
| Plums | California, Oregon, Washington, Idaho and Utah. | \$35 per ton. |
| | All other States | 1942 cost per ten as required to be computed under MPR 185. |
| Prunes, fresh | All states | \$40 per ton. |

[Table amended by Amendment 16, 8 F.R. 12791, effective 9-17-43, Amendment 17, 8 F.R. 13707, effective 10-9-43 and Amendment 19, 8 F.R. 16619, effective 12-14-43]

(3) The processor's maximum price per dozen containers, f. o. b. factory, for sales of packed freestone peaches to government procurement agencies shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1943 pack of the same style, grade and container of the item as follows:

[Subparagraph (3) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(i) Deduct the total 1942 raw fruit cost per dozen containers as required to be

(i) Deduct the total 1942 raw fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 raw fruit cost per dozen containers obtained by dividing the weighted average of the prices per ton or other unit, paid or contracted to be paid by the processor to the grower for the same raw fruit in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no event shall the amount of the 1943 raw fruit cost be in excess of the amount shown in the table below in accordance with the state in which the processor's factory is located:

computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 raw fruit cost per dozen containers obtained by dividing the weighted average of the prices per ton or other unit, paid or contracted to be paid by the processor to the grower for the raw fruit in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no

event shall the amount of the 1943 raw fruit cost be in excess of \$50 per ton in California; \$60 per ton in Oregon and Washington; and the 1942 cost per ton as required to be computed under Maximum Price Regulation No. 185, plus \$10 per ton, in all other states.

(iii) Multiply the figure so obtained by .96. The resulting figure shall be the processor's maximum price per dozen containers, f. o. b. factory, for sales of freestone peaches to government procurement agencies.

(4) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item listed in paragraph (1) by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(i) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(5) Where the processor did not pack the same variety, style, grade, and container of any particular item listed in paragraph (1), in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(6) In the event that a processor cannot establish his maximum price under the provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (6) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(7) The processor's maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies of the items listed in paragraph (1), except freestone peaches, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraphs (2), (4) and (5).

[Paragraph (b) added by Amendment 11, 8 F.R. 10725, effective 7-30-43]

(c) *Red sour cherries.* (1) The maximum prices per dozen containers, f. o. b. factory, shall be as follows:

| Column 1 Item No. | Column 2 Grade | Column 3 Syrup content | Column 4 Region I | | | | Column 5 Region II | | | | Column 6 Region III | | | |
|----------------------|-------------------|---------------------------|--|------------|-------------|------------|--|------------|-------------|------------|--|------------|-------------|------------|
| | | | Sales to Government procurement agencies | | Other sales | | Sales to Government procurement agencies | | Other sales | | Sales to Government procurement agencies | | Other sales | |
| | | | No. 2 can | No. 10 can | No. 2 can | No. 10 can | No. 2 can | No. 10 can | No. 2 can | No. 10 can | No. 2 can | No. 10 can | No. 2 can | No. 10 can |
| 1 | A-Fancy | Extra Heavy | 2.45 | 12.25 | 2.35 | 12.75 | 2.49 | 12.09 | 2.29 | 12.59 | 2.59 | 12.59 | 2.69 | 13.09 |
| 2 | | Heavy | 2.40 | 12.09 | 2.29 | 12.09 | 2.35 | 11.75 | 2.45 | 12.25 | 2.45 | 12.25 | 2.55 | 12.75 |
| 3 | | Light | 2.35 | 11.75 | 2.45 | 12.25 | 2.39 | 11.59 | 2.49 | 12.09 | 2.49 | 12.09 | 2.59 | 12.59 |
| 4 | | Water | 2.30 | 11.59 | 2.40 | 12.09 | 2.25 | 11.25 | 2.35 | 11.75 | 2.35 | 11.75 | 2.45 | 12.25 |
| 5 | C-Standard | Extra Heavy | 2.25 | 11.25 | 2.35 | 11.75 | 2.29 | 11.09 | 2.29 | 11.59 | 2.29 | 11.59 | 2.49 | 12.09 |
| 6 | | Heavy | 2.29 | 11.09 | 2.39 | 11.59 | 2.16 | 10.75 | 2.25 | 11.25 | 2.25 | 11.25 | 2.35 | 11.75 |
| 7 | | Light | 2.16 | 10.75 | 2.25 | 11.25 | 2.10 | 10.59 | 2.29 | 11.09 | 2.29 | 11.09 | 2.39 | 11.59 |
| 8 | | Water | 2.10 | 10.59 | 2.20 | 11.09 | 2.05 | 10.25 | 2.15 | 10.75 | 2.15 | 10.75 | 2.25 | 11.25 |

(2) The regions set forth in paragraph (c) (1) of this section shall be as follows:

- Region I: New York and Pennsylvania.
Region II: Illinois, Michigan, Ohio and Wisconsin.
Region III: Colorado, Idaho, Montana, Oregon, Utah and Washington.

(3) The syrup contents set forth in paragraph (c) (1) of this section are defined as follows:

(i) Extra heavy, or syrup having a cut-out density of 28° or more Brix.
(ii) Heavy, or syrup having a cut-out density from 22° Brix to less than 28° Brix.

(iii) Light, or syrup having a cut-out density from 18° Brix to less than 22° Brix.

(iv) Water, or fluid having a cut-out density of less than 18° Brix.

(4) The maximum price for any grade and syrup content in No. 303 cans shall be 85% of the maximum price for the same grade and syrup content packed in No. 2 cans.

(5) The maximum price for any grade below standard shall be: In No. 2 cans, ten cents per dozen, in No. 303 cans, eight and one-half cents per dozen, and in No. 10 cans fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

[Paragraph (c) added by Amendment 11, 8 F.R. 10725, 11247, effective 7-30-43]

(d) *Cocktail cherries.* (1) The processor's maximum prices per dozen containers or other unit of sale of cocktail cherries, f. o. b. factory, for sales other than to government procurement agencies, shall be computed by the processor as follows:

(i) Determine the weighted average price per dozen containers or other unit of sale of cocktail cherries processed from cherries of the 1940 and 1941 crops charged by the processor, f. o. b. factory, for the same variety, style, grade, size and container during the period from July 1 through September 30, 1940 and from July 1 through September 30, 1941. "Weighted average price" shall be the total gross sales dollars charged for each variety, style, grade, size and container divided by the number of dozens of containers or other units of sale sold of such variety, style, grade, size and container. All sales contracts made in the regular course of business during the base period (July 1 through September 30, 1940 and July 1 through September 30, 1941) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the period.

(ii) Multiply the figure so obtained by 1.10.

(iii) Add to or subtract from the figure so obtained the amount of the increase or decrease, respectively, as the case may be, in the cost of raw cherries per unit of sale for the 1942 pack as compared with the 1941 pack: *Provided,*

That in no event shall the amount of any increase in the cost of raw cherries for the 1942 pack over the cost for the 1941 pack be in excess of \$56.00 per ton.

(iv) Add to the figure so obtained the difference between the 1943 raw cherry cost per unit of sale and the 1942 raw cherry cost per unit of sale: *Provided,* That in no event shall the difference between the 1943 and 1942 raw cherry costs be in excess of \$40 per ton.

The resulting figure shall be the processor's maximum price per dozen containers or other unit of sale being priced of cocktail cherries, processed from cherries of the 1943 crop, f. o. b. factory, for sales other than to government procurement agencies.

(v) In computing the adjusted raw cherry cost per unit of sale the processor shall use the same yields per ton as were obtained by him during 1941, and raw cherry costs shall be allocated to each grade and container in the same proportion as such costs were allocated to each grade and container size in 1941.

(vi) Where the processor did not pack and sell the same variety, style, grade, size and container of cocktail cherries during 1940-1941, base period set forth in (i), the maximum price of his closest competitive seller for the same variety, style, grade, size and container of cocktail cherries of the 1943 pack shall be the processor's maximum price.

(2) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price as provided in § 1341.563.

[Subparagraph (2) as amended by Amendment 19, 8 F.R. 14619, effective 12-14-43]

(3) The processor's maximum prices per dozen containers, per barrel or other

unit of sale, respectively, of cocktail cherries, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraph (1).

(4) "Cocktail cherries" means brined cherries which are artificially colored, packed in water, and which are used primarily as an ingredient in canned fruit cocktail.

[Paragraph (d) added by Amendment 17, 8 F.R. 13707, effective 10-9-43]

(e) *Fruit cocktail.* (1) The processor's maximum prices per dozen containers of fruit cocktail, f. o. b. factory, for sales other than to government procurement agencies, shall be computed by the processor by adjusting his maximum price per dozen containers, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the item as follows:

(i) Deduct the total 1942 fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 fruit cost per dozen containers obtained by dividing the weighted average of the prices per ton or other unit, paid or contracted to be paid by the processor to the grower or supplier for the component fruits in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per ton or other unit required to be used in computing the 1942 maximum price: *Provided,* That in no event shall the amount of the 1943 component fruit cost be in excess of the amounts set forth in the table below in accordance with the state in which the processor's factory is located:

| Component fruit | State | Maximum cost |
|--------------------------|----------------------------|--|
| Cocktail cherries..... | All States..... | Where the processor of fruit cocktail purchased the processed cocktail cherry, his actual cost not to exceed his supplier's maximum price. Where the processor of fruit cocktail manufactures his own cocktail cherries, 96% of the maximum price of the nearest processor of cocktail cherries for resale as such, for the same grade and size of cherry. |
| Grapes..... | All States..... | \$48.75 per ton. |
| Peaches, freestone..... | California..... | \$50.00 per ton. |
| | Oregon and Washington..... | \$50.00 per ton. |
| | All other States..... | 1942 cost per ton as required to be computed under MPR 185 plus \$10 per ton. |
| Peaches, clingstone..... | All States..... | \$50.00 per ton. |
| Pears..... | California..... | \$55.00 per ton. |
| | Oregon and Washington..... | \$75.00 per ton. |
| | All other States..... | 1942 cost per ton as required to be computed under MPR 185 plus \$5 per ton. |
| Pineapple..... | All States..... | 1942 cost as required to be computed under MPR 185. |

(iii) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of fruit cocktail by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(a) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the

same variety, style, grade and container of the 1943 pack of the same item.

(iv) Where the processor did not pack the same variety, style, grade and container of fruit cocktail in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(2) In the event that a processor cannot establish his maximum price under

the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (2) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(3) The processor's maximum prices per dozen containers of fruit cocktail, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraph (1).

[Paragraph (e) added by Amendment 17, 8 F.R. 13707, effective 10-9-43]

(f) *Mixed fruits.* (1) The processor's maximum prices per dozen containers of mixed fruits, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

(i) For a formula consisting of a combination (by drained weight) of not less than 55% nor more than 65% diced peaches, and not less than 35% nor more than 45% diced pears, 95% of the maximum price for the same grade and container of fruit cocktail as computed under paragraph (e).

(ii) For a formula consisting of a combination (by drained weight) of not less than 50% nor more than 60% diced peaches, and not less than 30% nor more than 40% diced pears, including not less than 6% nor more than 10% grapes, 91% of the maximum price for the same grade and container of fruit cocktail as computed under paragraph (e).

(iii) Where the processor does not pack the same grade and container of fruit cocktail and mixed fruits in 1943, the maximum price of his closest competitive seller for the same grade and container of the 1943 pack of mixed fruits shall be the processor's maximum price.

(2) In the event that a processor cannot establish his maximum prices under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (2) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(3) The processor's maximum prices per dozen containers of mixed fruits, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under paragraph (1).

[Paragraph (f) added by Amendment 17, 8 F.R. 13707, effective 10-9-43]

(g) *Brined cherries.* (1) The processor's maximum price per dozen containers or other unit of sale of brined cherries, f. o. b. factory, for sales other than to government procurement agencies, shall be figured by the processor as follows: He shall:

(i) Determine the weighted average price per dozen containers or other unit of sale of brined cherries processed from cherries of the 1941 crop charged by the

processor, f. o. b. factory, for the same variety, style, grade, size and container during the first 60 days after the beginning of the 1941 pack. "Weighted average price" shall be the total gross sales dollars charged for each variety, style, grade, size and container divided by the number of dozens of containers or other units of sale sold of such variety, style, grade, size and container. All sales contracts made in the regular course of business during the base period (first 60 days after the beginning of the 1941 pack) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at times other than during the base period shall not be included, even though delivery was made during the period.

(ii) Multiply the weighted average price by 1.10.

(iii) Subtract from the figure so obtained the 1941 raw fruit cost per dozen containers or other unit of sale. To determine the 1941 raw cherry cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost for the raw cherries of the 1941 crop by dividing the total amount paid for the 1941 crop of fruit used in processing brined cherries by the total number of tons purchased and used for this purpose; and

(b) Divide the figure so obtained by the same dozen container yield (for the container size being priced) or other unit of sale yield per ton as was obtained by him for the same item during 1941. The figure obtained by this division is the 1941 raw cherry cost per dozen containers or other unit of sale being priced.

(iv) Add to the difference obtained by making the subtraction under paragraph (iii), the 1942 raw cherry cost per dozen containers or other unit of sale. To determine his 1942 raw cherry cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost for the 1942 crop of cherries by dividing the total amount paid for not less than the first 75% of his purchases of cherries of the 1942 crop used in processing brined cherries by the total number of tons purchased and used for this purpose. However, in no event shall the increase in the cost of raw cherries for the 1942 pack over the cost for the 1941 pack be in excess of \$56.00 per ton.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit-of-sale yield per ton as was obtained by him for the same item during 1941. The figure obtained by this division is the 1942 raw cherry cost per dozen containers or other units of sale being priced.

(v) Add to the figure obtained by making the addition under subparagraph (iv) the difference between the 1943 raw cherry cost per dozen containers or other unit of sale and the 1942 raw cherry cost per same unit of sale. The 1943 raw cherry cost per dozen containers or other unit of sale shall be determined by the processor in the same manner as set

forth in paragraphs (iv) (a) and (iv) (b) for determining the 1942 raw cherry cost, per dozen containers or other unit of sale. However, in no event shall the increase in the cost of raw cherries for the 1943 pack over the cost of raw cherries of the 1942 pack be in excess of \$40 per ton.

The resulting figure in (v) shall be the processor's maximum price per dozen containers or other units of sale being priced for brined cherries of the 1943 crop, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(2) Where the processor did not pack and sell the same variety, style, grade, size and container of brined cherries during the 1941 base period, the maximum price of his closest competitive seller for the same variety, style, size and container of brined cherries of the 1943 pack shall be the processor's maximum price.

(3) In the event that a processor cannot establish his maximum price under the provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

(4) The processor's maximum prices per dozen containers, or other unit of sale of brined cherries, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum price for sales to purchasers other than government procurement agencies, as established under paragraph (v).

(5) "Brined cherries" means cherries packed in a solution of sulfuric acid.

[Paragraph (g) added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(h) *Maraschino and glace (drained) cherries.* (1) The processor's maximum price per dozen containers or other unit of sale of maraschino and glace (drained) cherries, f. o. b. factory, for sales to a class of purchasers other than a government procurement agency, shall be figured as follows. He shall:

(i) Subtract from his maximum price per dozen containers or other unit of sale, to the same class of purchasers as established under section 2 (a) of the General Maximum Price Regulation the 1942 weighted average cost of brined cherries per dozen containers or other unit of sale. Processors who determined maximum prices for the cherry items listed in Maximum Price Regulation No. 262 (defined in § 1351.965 of that regulation as "fountain fruits", e. g. cherries, whole; cherries, sliced; cherries, crushed; cherries, maraschino in containers of 28 fluid ounces or larger), under the applicable provisions of that regulation, shall figure new maximum prices for such items under the provisions of this paragraph by reference to their maximum prices previously established under the General Maximum Price Regulation. These prices supersede the prices established under the General Maximum Price Regulation and Maximum Price Regulation 262. To determine the 1942 brined cherry cost per

dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average delivered cost for brined cherries purchased and used in processing maraschino and glace (drained) cherries during the period January 1, to March 31, 1942, by dividing the total amount paid for brined cherries purchased and used for such purpose during this period by the total number of tons or other units so purchased; and

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit yield per ton or other unit purchased as was obtained by him for the item during the period January 1, to March 31, 1942. The figure obtained by this division is the 1942 brined cherry cost per dozen containers or other unit of sale being priced.

(ii) Add to the difference figured by making the subtraction under paragraph (i) the 1943 brined cherry cost per dozen containers or other unit of sale. To determine his 1943 brined cherry cost per dozen containers or other unit of sale, the purchaser shall:

(a) Figure the 1943 delivered cost of brined cherries purchased and used in processing maraschino and glace (drained) cherries by taking the customary supplier's maximum price, f. o. b. factory for each grade of brined cherries used in processing maraschino and glace (drained) cherries as determined under this regulation, plus incoming freight; and

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit of sale, per ton or other unit purchased as was obtained by him during the period January 1 to March 31, 1942. The figure obtained by this division is the 1943 brined cherry cost per dozen containers or other unit of sale being priced.

The resulting figure in paragraph (ii) shall be the processor's maximum price per dozen containers or other unit of sale for maraschino and glace (drained) cherries of the 1943 crop, f. o. b. factory, for sales to that class of purchasers.

(2) Where the processor did not deliver or offer to deliver the item during March 1942 to a purchaser of the same class, and he is unable to price under § 1341.557 the maximum price of his closest competitive seller of maraschino and glace (drained) cherries of the 1943 pack, shall be the processor's maximum price.

(3) In the event that a processor cannot establish his maximum price under the provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C. for authorization of a maximum price, as provided in § 1341.563.

(4) The processor's maximum price per dozen containers, or other unit of sale of maraschino and glace (drained) cherries f. o. b. factory for sales to government procurement agencies shall be 96% of the maximum prices for sales to purchasers other than government pro-

urement agencies as established under paragraph (ii).

[Paragraph (h) added by Amendment 19, 8 - F.R. 16619, effective 12-14-43]

(5) A processor who purchases raw cherries and does his own brining of cherries for use in processing maraschino and glace (drained) cherries shall determine his maximum price under paragraph (h) except that in making the subtraction under subparagraph (i) and the addition under subparagraph (ii) he shall:

(i) Subtract his 1941 weighted average raw cherry cost converted into units of the finished product; and

(ii) Add to the difference figured by making this subtraction the 1942 weighted average raw cherry cost converted into units of the finished product. However, in figuring the 1942 weighted average raw cherry cost the processor shall base his calculation on not less than the first 75% of his purchases of cherries of the 1942 crop purchased and used by him for processing maraschino and glace (drained) cherries and in no event shall the increased cost of raw cherries for the 1942 pack over the cost for raw cherries of the 1941 pack be in excess of \$56.00 per ton; and

(iii) To the figure obtained by making this addition, add the difference between the 1942 weighted average raw cherry cost converted into units of the finished product and the 1943 weighted average raw cherry cost similarly converted. However, in figuring the 1943 weighted average raw cherry cost the processor shall base his calculation on not less than the first 75% of his purchases of cherries of the 1943 crop purchased and used by him for processing maraschino and glace (drained) cherries and in no event shall the increased cost of raw cherries of the 1943 pack over the cost of raw cherries of the 1942 pack be in excess of \$40 per ton.

The resulting figure in subparagraph (iii) is the processor's maximum price per dozen containers or other units of sale of maraschino and glace (drained) cherries of the 1943 crop, f. o. b. factory, for sales to that class of purchasers.

[Subparagraph (5) added by Amendment 20, effective 12-22-43]

(i) *Dried prunes in juice and prune products*—(1) *General*. The prune products covered in this paragraph (i) are listed below:

Dried prunes in juice or syrup.
Prune juice.
Prune concentrate.
Other prune products.

"Prune products" means products made from materials which consist of dried prunes or prune concentrate to the

extent of ninety percent or more, not including any water or sugar syrup. The term shall apply only to dried prunes which have been substantially changed in form and shall not include products which have been further processed only by such operations as pitting, slicing or crushing.

"Prune concentrate" means the concentrated juice of dried prunes.

(2) *Maximum prices for prune concentrate*. The processor's maximum price per dozen containers or other unit of sale, f. o. b. factory, for each kind, grade and container size of prune concentrate manufactured from dried prunes of the 1943 crop, for sales to purchasers other than government procurement agencies, shall be figured by the processor as follows: He shall:

(i) Subtract from his maximum price per dozen containers or other unit of sale, f. o. b. factory, as established under Maximum Price Regulation No. 185, the total 1942 delivered prune cost per dozen containers or other unit of sale, used in producing such unit, as figured under MPR 185.

(ii) Add to the figure so obtained the 1943 dried prune cost per dozen containers or other unit of sale. To determine the 1943 dried prune cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average delivered cost for dried prunes of the 1943 crop, of the grade and size used in manufacturing the prune concentrate, by dividing the total amount paid for the 1943 crop of prunes by the number of tons or other units purchased and used for this purpose. However, in no event shall the 1943 dried prune cost exceed the Commodity Credit Corporation's resale price of dried prunes to the processor for the growing area where the prunes are produced.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit of sale yield per ton, as was required to be used by him in computing his 1942 maximum price under Maximum Price Regulation No. 185.

The resulting figure in paragraph (ii) shall be the processor's maximum price per dozen containers, or other unit of sale being priced, for prune concentrate made from prunes of the 1943 crop, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(3) *Maximum prices for prune juice, dried prunes in juice or syrup, and other prune products*. The processor's maximum price per dozen containers or other unit of sale, f. o. b. factory, for each kind, grade and container size of prune juice (made from either prune concentrate or dried prunes), dried prunes in juice or syrup, and other prune products manufactured from prunes of the 1943 crop, for sales to purchasers other than government procurement agencies, shall be figured by the processor as follows. He shall:

(i) Subtract from his maximum price per dozen containers or other unit of

sale, f. o. b. factory, as established under Maximum Price Regulation No. 185 the total 1942 delivered cost of dried prunes or prune concentrate, as the case may be, used in producing such unit, as figured under Maximum Price Regulation No. 185.

(ii) Add to the figure so obtained the 1943 dried prune or prune concentrate, as the case may be, cost per dozen containers or other unit of sale. To determine the 1943 dried prune or prune concentrate cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average delivered cost for prune concentrate or dried prunes of the 1943 crop of the grade and size used in manufacturing the dried prunes in juice, prune juice or other prune products by dividing the total amount paid for the 1943 crop of prunes or prune concentrate, as the case may be, by the number of tons or other units purchased and used for this purpose.

However, in no event shall the 1943 dried prune cost exceed the Commodity Credit Corporation's resale price of dried prunes to the processor for the growing areas where the prunes are produced. Where prune juice or other prune products are manufactured from prune concentrate purchased from others, the processor's 1943 cost for such item shall not exceed his supplier's maximum price as determined under this regulation, plus incoming freight.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit of sale yield per ton or gallon, as the case may be, as was required to be used by him in computing his 1942 maximum

price under Maximum Price Regulation No. 185.

The resulting figure in paragraph (ii) shall be the processor's maximum price per dozen containers, or other unit of sale being priced, for prune juice (made from either prune concentrate or dried prunes), dried prunes in juice or syrup, and other prune products made from prunes of the 1943 crop, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(4) Any processor who established a maximum price for his 1942 pack for any of the items listed in subparagraph (1), by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(5) Where the same competitor does not pack such item in 1943 the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the 1943 pack of the item.

(6) Where the processor did not pack the same variety, style, grade and container of any of the items listed in subparagraph (1), in March 1942, and is unable to determine a price under § 1341.557, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(7) In the event that a processor cannot establish his maximum price under the provisions of this regulation he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

(8) The processor's maximum price per dozen containers, or other unit of sale of any of the items listed in subparagraph (1) for sales to government procurement agencies shall be figured as follows: He shall

(i) Multiply the resulting figure obtained in paragraphs (2) (ii) or (3) (ii), depending on the product being priced, by 96%.

(ii) Add the increased cost of dried prunes computed as follows:

(a) Determine the difference between the Commodity Credit Corporation's purchase price and resale price per ton of dried prunes of the 1943 crop, of the grade and size used in manufacturing the product, for the growing area where the prunes are produced.

(b) Divide that amount by the dozen container yield (for the container being priced) or other unit of sale yield per ton, as was required to be used by him in computing his 1942 maximum price under MPR 185. The resulting figure is the processor's increased cost of dried prunes per dozen containers or other unit of sale, which, when added to 96% of the maximum price for sales to purchasers other than to government procurement agencies, constitutes the maximum price for sales to government procurement agencies.

[Paragraph (1) added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.584 Appendix B: Maximum prices for packed vegetables—(a) Peas (except blackeye, crowder, cream and field peas). (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

| Column 1 Item No. | Column 2 Variety | Column 3 Sieve size | Column 4 Grade | Column 5 | | Column 6 | | Column 7 | | Column 8 | |
|----------------------|----------------------------|------------------------|-------------------|---|------------|---|------------|---|------------|---|------------|
| | | | | Region I | | Region II | | Region III | | Region IV | |
| | | | | No. 2 can and No. 303 glass jar (16-17 fl. oz.) | No. 10 can | No. 2 can and No. 303 glass jar (16-17 fl. oz.) | No. 10 can | No. 2 can and No. 303 glass jar (16-17 fl. oz.) | No. 10 can | No. 2 can and No. 303 glass jar (16-17 fl. oz.) | No. 10 can |
| 1 | Alaska | No. 1 | A-Fancy | 1.575 | 7.03 | 1.55 | 7.75 | 1.525 | 7.05 | 1.55 | 7.75 |
| 2 | | | B-Ex. Std. | 1.425 | 7.15 | 1.49 | 7.60 | 1.375 | 6.60 | 1.49 | 7.00 |
| 3 | | | C-Standard | 1.275 | 6.49 | 1.25 | 6.25 | 1.225 | 6.15 | 1.25 | 6.25 |
| 4 | Alaska | No. 2 | A-Fancy | 1.475 | 7.49 | 1.45 | 7.25 | 1.425 | 7.15 | 1.45 | 7.25 |
| 5 | | | B-Ex. Std. | 1.325 | 6.65 | 1.39 | 6.60 | 1.275 | 6.40 | 1.39 | 6.50 |
| 6 | | | C-Standard | 1.175 | 6.09 | 1.15 | 5.75 | 1.125 | 5.65 | 1.15 | 5.75 |
| 7 | Alaska | No. 3 | A-Fancy | 1.575 | 6.69 | 1.55 | 6.75 | 1.325 | 6.65 | 1.35 | 6.75 |
| 8 | | | B-Ex. Std. | 1.225 | 6.15 | 1.29 | 6.00 | 1.175 | 5.60 | 1.29 | 6.00 |
| 9 | | | C-Standard | 1.125 | 5.65 | 1.10 | 5.60 | 1.075 | 5.40 | 1.10 | 5.50 |
| 10 | Alaska | No. 4 and up | A-Fancy | 1.275 | 6.49 | 1.25 | 6.25 | 1.225 | 6.15 | 1.25 | 6.25 |
| 11 | | | B-Ex. Std. | 1.175 | 6.09 | 1.15 | 5.75 | 1.125 | 5.65 | 1.15 | 5.75 |
| 12 | | | C-Standard | 1.075 | 5.69 | 1.05 | 5.75 | 1.025 | 5.65 | 1.05 | 5.75 |
| 13 | Alaska | Ungraded | A-Fancy | 1.275 | 6.49 | 1.25 | 6.25 | 1.225 | 6.15 | 1.25 | 6.25 |
| 14 | | | B-Ex. Std. | 1.175 | 6.09 | 1.15 | 5.75 | 1.125 | 5.65 | 1.15 | 5.75 |
| 15 | | | C-Standard | 1.075 | 5.69 | 1.05 | 5.25 | 1.025 | 5.15 | 1.05 | 5.25 |
| 16 | Sweet | No. 1 | A-Fancy | 1.475 | 7.69 | 1.45 | 7.75 | 1.325 | 7.05 | 1.35 | 7.65 |
| 17 | | | B-Ex. Std. | 1.425 | 7.15 | 1.49 | 7.60 | 1.375 | 6.60 | 1.49 | 7.00 |
| 18 | | | C-Standard | 1.275 | 6.49 | 1.25 | 6.25 | 1.225 | 6.15 | 1.25 | 6.25 |
| 19 | Sweet | No. 2 | A-Fancy | 1.575 | 7.69 | 1.55 | 7.75 | 1.325 | 7.05 | 1.35 | 7.65 |
| 20 | | | B-Ex. Std. | 1.425 | 7.15 | 1.49 | 7.60 | 1.375 | 6.60 | 1.49 | 7.00 |
| 21 | | | C-Standard | 1.275 | 6.49 | 1.25 | 6.25 | 1.225 | 6.15 | 1.25 | 6.25 |
| 22 | Sweet | No. 3 | A-Fancy | 1.475 | 7.49 | 1.45 | 7.25 | 1.425 | 7.15 | 1.45 | 7.25 |
| 23 | | | B-Ex. Std. | 1.325 | 6.65 | 1.39 | 6.60 | 1.275 | 6.40 | 1.39 | 6.50 |
| 24 | | | C-Standard | 1.175 | 6.09 | 1.15 | 5.75 | 1.125 | 5.65 | 1.15 | 5.75 |
| 25 | Sweet | No. 4 | A-Fancy | 1.575 | 6.69 | 1.55 | 6.75 | 1.325 | 6.65 | 1.35 | 6.75 |
| 26 | | | B-Ex. Std. | 1.225 | 6.15 | 1.29 | 6.00 | 1.175 | 5.60 | 1.29 | 6.00 |
| 27 | | | C-Standard | 1.125 | 5.65 | 1.10 | 5.60 | 1.075 | 5.40 | 1.10 | 5.50 |
| 28 | Sweet | No. 5 and up | A-Fancy | 1.275 | 6.49 | 1.25 | 6.25 | 1.225 | 6.15 | 1.25 | 6.25 |
| 29 | | | B-Ex. Std. | 1.175 | 6.09 | 1.15 | 5.75 | 1.125 | 5.65 | 1.15 | 5.75 |
| 30 | | | C-Standard | 1.075 | 5.69 | 1.05 | 5.25 | 1.025 | 5.15 | 1.05 | 5.25 |
| 31 | Sweet | Ungraded | A-Fancy | 1.425 | 7.15 | 1.49 | 7.60 | 1.375 | 6.60 | 1.49 | 7.00 |
| 32 | | | B-Ex. Std. | 1.225 | 6.15 | 1.29 | 6.00 | 1.175 | 5.60 | 1.29 | 6.00 |
| 33 | | | C-Standard | 1.125 | 5.65 | 1.10 | 5.60 | 1.075 | 5.40 | 1.10 | 5.50 |
| 34 | Prince of Wales and Laxton | Ungraded | A-Fancy | 1.475 | 7.49 | 1.45 | 7.25 | 1.425 | 7.15 | 1.45 | 7.25 |
| 35 | | | B-Ex. Std. | 1.225 | 6.15 | 1.29 | 6.00 | 1.175 | 5.60 | 1.29 | 6.00 |
| 36 | | | C-Standard | 1.075 | 5.69 | 1.05 | 5.25 | 1.025 | 5.15 | 1.05 | 5.25 |

[Paragraph heading as amended by Amendment 15, 8 F.R. 11806, effective 8-24-43]

(2) The regions set forth in paragraph (a) (1) of this section shall be as follows:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia and North Carolina.

Region II: Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, Kansas, Missouri, Oklahoma, Arkansas, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, Kentucky and Tennessee.

Region III: Montana, Idaho, Wyoming, Utah, Nevada, Colorado, Arizona, New Mexico.

Region IV: Oregon, Washington, California.

(3) The maximum price for any variety and sieve size below standard in grade shall be: In No. 2 cans or in No. 303 glass jars (16-17 fl. oz.) ten cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for standard grade of the same variety, sieve size, and container size for the particular region.

(4) Blends of sieve sizes:

(i) The maximum price for a blend of two sieve sizes of a variety and grade shall be the same as the maximum price for the largest sieve size in the blend.

(ii) The maximum price for a blend of three sieve sizes of a variety and grade in No. 2 cans or in No. 303 glass jars (16-17 fl. oz.) shall be five cents per dozen, and in No. 10 cans, twenty-five cents per dozen, more than the maximum price for the largest sieve size in the blend; except that:

(a) The maximum price for a blend of three sieve sizes of a grade of Alaska peas, No. 5 sieve size being the largest size in the blend, in No. 2 cans or in No. 303 glass jars (16-17 fl. oz.) shall be two and one-half cents per dozen, and in No. 10 cans, twelve and one-half cents per dozen, more than the maximum price for No. 4 and up sieve size of the same grade;

(b) The maximum price for a blend of three sieve sizes of a grade of Alaska peas which contains both No. 5 and No. 6 sieve sizes, shall be the same as the maximum price for No. 4 and up sieve size of the same grade; and

(c) The maximum price for a blend of three sieve sizes of a grade of sweet peas which contains both No. 5 and No. 6 sieve sizes, in No. 2 cans or in No. 303 glass jars (16-17 fl. oz.) shall be two and one-half cents per dozen, and in No. 10 cans, twelve and one-half cents per dozen, more than the maximum price for No. 5 and up sieve size of the same grade.

(iii) The maximum price for a blend of four or more sieve sizes of a variety and grade shall be the same as the maxi-

mum price for the ungraded sieve size of the same variety and grade.

(iv) In blends of two sieve sizes of a variety and grade of peas, not more than 10 percent shall consist of peas larger than the largest sieve size declared in the blend, and not more than 2 percent shall consist of peas which are two or more sieve sizes larger than the largest sieve size declared in the blend.

(v) In blends of three sieve sizes of a variety and grade of peas, not more than 5 percent shall consist of peas larger than the largest sieve size declared in the blend, and not more than 1 percent shall consist of peas which are two or more sieve sizes larger than the largest sieve size declared in the blend.

[Subparagraphs (iv) and (v) added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(5) The maximum price for a variety, sieve size (including blends) and grade of peas packed:

(i) In twelve ounce vacuum cans, shall be ten cents per dozen less than the maximum price for the same variety, sieve size and grade packed in No. 2 cans;

(ii) In No. 303 cans, shall be 85% of the maximum price for the same variety, sieve size and grade packed in No. 2 cans; and

(iii) In No. 1 cans, shall be 70% of the maximum price for the same variety, sieve size and grade packed in No. 2 cans.

(6) The word "ungraded," when used in connection with peas, refers to the sieve size and means not separated by sieve sizes.

(7) [Revoked]

[Subparagraph (7) revoked by Amendment 15, 8 F.R. 11806, effective 8-24-43]

(8) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each variety, sieve size and grade of peas in No. 2 cans, multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

| Region and State | Cents per doz. |
|---------------------|----------------|
| Region I: | No. 2 cans |
| Connecticut..... | \$.095 |
| Delaware..... | .0975 |
| Maine..... | .085 |
| Maryland..... | .0975 |
| Massachusetts..... | .095 |
| New Hampshire..... | .095 |
| New Jersey..... | .070 |
| New York..... | .085 |
| North Carolina..... | .07 |
| Pennsylvania..... | .095 |
| Rhode Island..... | .095 |
| Vermont..... | .095 |
| Virginia..... | .090 |
| West Virginia..... | .07 |

| Region and State | Cents per doz. |
|---|----------------|
| Region II: | No. 2 cans |
| Alabama..... | \$.095 |
| Arkansas..... | .085 |
| Florida..... | .095 |
| Georgia..... | .095 |
| Illinois..... | .1075 |
| Indiana..... | .085 |
| Iowa (Central) ¹ | .1125 |
| Iowa (balance of State)..... | .0925 |
| Kansas..... | .045 |
| Kentucky..... | .1125 |
| Louisiana..... | .095 |
| Michigan..... | .0725 |
| Minnesota..... | .095 |
| Mississippi..... | .095 |
| Missouri..... | .045 |
| Nebraska..... | .0925 |
| North Dakota..... | .045 |
| Oklahoma..... | .045 |
| Ohio..... | .085 |
| South Carolina..... | .095 |
| South Dakota..... | .045 |
| Tennessee..... | .1125 |
| Texas..... | .07 |
| Wisconsin (Southeastern) ² | .1075 |
| Washington (balance of State)..... | .095 |
| Region III: | |
| Arizona..... | .095 |
| Colorado..... | .085 |
| Idaho (Franklin County)..... | .11 |
| Idaho (balance of State)..... | .095 |
| Montana..... | .0925 |
| Nevada..... | .095 |
| New Mexico..... | .07 |
| Utah..... | .11 |
| Wyoming..... | .08 |
| Region IV: | |
| California..... | .09 |
| Oregon..... | .095 |
| Washington (Skagit and Snohomish Counties)..... | .15 |
| Washington (balance of State)..... | .095 |

¹Includes following counties: Hamilton, Story, Franklin, Benton.

²Includes following counties: Adams, Brown, Calumet, Columbia, Crawford, Dane, Dodge, Dorr, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, LaFayette, Manitowoc, Marinette, Marquette, Milwaukee, Oconto, Outagamie, Ozaukee, Racine, Richland, Rock, Sauk, Shawano, Sheboygan, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago.

[Subparagraph (1) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(ii) For each variety, sieve size and grade of peas in No. 10 cans, multiply by 5 the maximum price determined under paragraph (i) for No. 2 cans.

[Paragraph (a) added by Amendment 3, 8 F.R. 3732, effective 3-31-43 and amended by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(b) *Tomatoes (except Italian pear shaped tomatoes).* (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

| Column 1 | Column 2 | Column 3 | | | Column 4 | | | Column 5 | | | Column 6 | | | Column 7 | | |
|----------|---------------------|-----------|------------|------------|-----------|------------|------------|------------|------------|------------|-----------|------------|------------|-----------|------------|------------|
| Item No. | Grade | Region I | | | Region II | | | Region III | | | Region IV | | | Region V | | |
| | | No. 2 Can | No. 2½ Can | No. 10 Can | No. 2 Can | No. 2½ Can | No. 10 Can | No. 2 Can | No. 2½ Can | No. 10 Can | No. 2 Can | No. 2½ Can | No. 10 Can | No. 2 Can | No. 2½ Can | No. 10 Can |
| 1 | Fancy..... | 1.325 | 1.775 | 6.20 | 1.30 | 1.75 | 6.20 | 1.225 | 1.675 | 5.85 | 1.25 | 1.70 | 5.95 | 1.275 | 1.725 | 6.05 |
| 2 | Extra-Standard..... | 1.125 | 1.56 | 5.35 | 1.10 | 1.475 | 5.25 | 1.025 | 1.40 | 4.60 | 1.05 | 1.425 | 5.00 | 1.075 | 1.45 | 5.10 |
| 3 | Standard..... | 1.025 | 1.375 | 4.85 | 1.00 | 1.35 | 4.75 | .925 | 1.275 | 4.40 | .95 | 1.30 | 4.50 | .975 | 1.325 | 4.60 |

(2) The regions set forth in paragraph (b) (1) of this section shall be as follows:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and Northern Pennsylvania (all of the State of Pennsylvania not included in Region II).

Region II: Delaware, Maryland, Virginia, West Virginia, New Jersey, Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota, South Dakota, and Southern Pennsylvania (Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton, Bedford and Somerset Counties).

Region III: North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Kansas, Oklahoma and Texas.

Region IV: Montana, Idaho, Wyoming, Colorado, Utah, New Mexico, Arizona and Nevada.

Region V: Oregon, Washington and California.

(3) The maximum price for any grade below standard shall be: In No. 2 cans, ten cents per dozen, in No. 2½ cans, seventeen and one-half cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

(4) The maximum price for any grade of tomatoes packed:

(i) In No. 303 cans, shall be 85% of the maximum price for the same grade packed in No. 2 cans; and

(ii) In No. 1 cans, shall be 70% of the maximum price for the same grade packed in No. 2 cans.

(5) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each grade of tomatoes in No. 2 cans, multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

| Region and State | Cents per doz. No. 2 Cans |
|--------------------|---------------------------|
| Region I: | |
| Connecticut..... | \$0.1025 |
| Maine..... | .03 |
| Massachusetts..... | .03 |

| Region and State | Cents per doz. No. 2 Cans |
|--|---------------------------|
| Region I—Continued. | |
| New Hampshire..... | \$0.03 |
| New York (Lower Hudson River Valley and Long Island*)..... | .1025 |
| New York (balance of State)..... | .03 |
| Pennsylvania (Northern)..... | .06 |
| Rhode Island..... | .03 |
| Vermont..... | .03 |
| Region II: | |
| Delaware..... | .06 |
| Illinois..... | .065 |
| Indiana..... | .065 |
| Iowa..... | .065 |
| Kentucky..... | .065 |
| Maryland..... | .03 |
| Michigan..... | .065 |
| Minnesota..... | .065 |
| Nebraska..... | .065 |
| New Jersey..... | .06 |
| North Dakota..... | .065 |
| Ohio..... | .035 |
| Pennsylvania (Southern)..... | .105 |
| South Dakota..... | .065 |
| Tennessee..... | .065 |
| Virginia..... | .03 |
| West Virginia..... | .03 |
| Wisconsin..... | .065 |

| | |
|--|------|
| Region III: | |
| All States except Texas..... | .045 |
| Texas (Webb, Duval, Jim Wells, Nueces, Zapata, Jim Hogg, Brooks, Kleberg, Kenedy, Starr, Willacy, Cameron, Hidalgo, Bowie, Red River, Lamar, Fannin, Hunt, Delta, Hopkins, Franklin, Titus, Morris, Cass, Marion, Upsher, Wood, Raino, Kaufman, Van Zandt, Smith, Gregg, Harrison, Panola, Rusk, Henderson, Anderson, Cherokee, Shelby, Nacogdoches and Houston Counties)..... | .11 |
| Texas (balance of State, except counties listed above and counties listed under Texas in Region IV)..... | .045 |

| | |
|---|-------|
| Region IV: | |
| All States except Idaho and Texas..... | .075 |
| Idaho (Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Idaho, Clearwater and Shoshone Counties)..... | .0675 |
| Idaho (balance of State)..... | .075 |
| Texas (Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Dawson, Martin, Midland, Upton, Crockett, Terrell, and all counties in Texas west thereof)..... | .075 |

* Includes area lying below the city of Albany and closely adjacent to the Hudson River.

| Region and State | Cents per doz. No. 2 Cans |
|--|---------------------------|
| Region V: | |
| California (San Diego, Imperial, Orange, Riverside, Los Angeles, San Bernardino, and Ventura Counties, and that part of Santa Barbara County south of Gaviota Pass)..... | \$0.07 |
| California (balance of State)..... | .05 |
| Oregon..... | .0675 |
| Washington..... | .0675 |

[Subparagraph (i) as amended by Amendment 19]

In California only, a processor who is eligible under the contract with Commodity Credit Corporation may add one cent per dozen for No. 2 cans for each \$1.00 per ton paid by the processor for transporting tomatoes from roadside delivery point to his processing plant in those cases where Commodity Credit Corporation has allowed an increase in the Commodity Credit Corporation purchase price to cover such transportation cost incurred.

[Above paragraph added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(ii) For each grade of tomatoes in No. 2½ cans, multiply by 1.35 the maximum price determined under paragraph (i) for No. 2 cans.

(iii) For each grade of tomatoes in No. 10 cans, multiply by 4.75 the maximum price determined under paragraph (i) for No. 2 cans.

(6) In all regions, the maximum price f. o. b. factory for sales other than to government procurement agencies, for Fancy Whole Tomatoes shall be: In No. 2 cans, \$.075 per dozen, in No. 2½ cans, \$.11 per dozen, and in No. 10 cans, \$.375 per dozen higher than the maximum prices named for "Fancy" tomatoes.

[Subparagraph (6) added by Amendment 19.] [Paragraph (b) added by Amendment 4, 8 F.R. 3853, effective 3-27-43 amended by Amendment 9, 8 F.R. 9291, effective 7-10-43 and as otherwise noted]

(c) Corn. (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

| Column 1 Item No. | Column 2 Variety and Style | Column 3 Grade | Column 4 Region I | | | Column 5 Region II | | | Column 6 Region III | | | Column 7 Region IV | | |
|----------------------|---|-------------------|----------------------|-------------------|------------|-----------------------|-------------------|------------|------------------------|-------------------|------------|-----------------------|-------------------|------------|
| | | | No. 2 Can | 12 oz. Vacuum Can | No. 10 Can | No. 2 Can | 12 oz. Vacuum Can | No. 10 Can | No. 2 Can | 12 oz. Vacuum Can | No. 10 Can | No. 2 Can | 12 oz. Vacuum Can | No. 10 Can |
| | | | | | | | | | | | | | | |
| 1 | Whole grain, all varieties..... | A—Fancy..... | 1.53 | 1.31 | 0.69 | 1.31 | 1.23 | 0.75 | 1.335 | 1.335 | 0.69 | 1.23 | 1.24 | 6.45 |
| 2 | | B—Ex. Std..... | 1.23 | 1.21 | 0.69 | 1.21 | 1.16 | 0.65 | 1.235 | 1.235 | 0.49 | 1.19 | 1.14 | 5.95 |
| 3 | | C—Std..... | 1.16 | 1.11 | 0.69 | 1.11 | 1.03 | 0.65 | 1.185 | 1.185 | 0.60 | 1.09 | 1.04 | 5.45 |
| 4 | Cream style, except evergreen and narrow grain. | A—Fancy..... | 1.53 | 1.21 | 0.69 | 1.21 | 1.10 | 0.65 | 1.235 | 1.235 | 0.49 | 1.19 | 1.14 | 5.95 |
| 5 | | B—Ex. Std..... | 1.16 | 1.11 | 0.69 | 1.11 | 1.03 | 0.65 | 1.185 | 1.185 | 0.60 | 1.09 | 1.04 | 5.45 |
| 6 | | C—Std..... | 1.03 | 1.01 | 0.69 | 1.01 | 0.93 | 0.65 | 1.035 | 1.035 | 0.49 | 0.99 | 0.94 | 4.95 |
| 7 | Cream style, evergreen and narrow grain. | A—Fancy..... | 1.16 | 1.11 | 0.69 | 1.11 | 1.03 | 0.65 | 1.185 | 1.185 | 0.60 | 1.09 | 1.04 | 5.45 |
| 8 | | B—Ex. Std..... | 1.11 | 1.03 | 0.65 | 1.03 | 0.93 | 0.65 | 1.135 | 1.135 | 0.63 | 1.04 | 0.99 | 5.20 |
| 9 | | C—Std..... | 1.03 | 1.01 | 0.69 | 1.01 | 0.93 | 0.65 | 1.035 | 1.035 | 0.49 | 0.99 | 0.94 | 4.95 |

(2) The regions set forth in paragraph (c) (1) of this section shall be as follows:

Region I: Maine and New Hampshire.
Region II: Ohio, Indiana, Illinois, Iowa, Nebraska, North Dakota, South Dakota,

Michigan, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Kentucky, Tennessee and that portion of Idaho not included in Region III.

Region III: Washington, Oregon, California and southwestern Idaho (Washington,

Payette, Gem, Canyon, Ada and Owyhee Counties).

Region IV: All States not included in Regions I, II and III.

(3) The maximum price for any variety and style in a grade below standard

shall be: In No. 2 cans, ten cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for standard grade in the same container for the particular region.

(4) The maximum price for any variety, style and grade of corn packed:

(i) In No. 303 cans, shall be 85% of the maximum price for the same variety, style and grade packed in No. 2 cans;

(ii) In No. 1 cans, shall be 70% of the maximum price for the same variety, style and grade packed in No. 2 cans; and

(iii) In No. 303 glass jars (16-17 fl. oz.) shall be two and one-half cents per dozen more than the maximum price for the same variety, style and grade packed in No. 2 cans.

(5) The maximum prices per dozen containers, f. o. b. factory, for sales to

government procurement agencies, shall be computed as follows:

(i) For each variety, style and grade of corn in No. 2 cans, multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

| Region and State | Cents per doz. No. 2 Cans |
|--|---------------------------|
| Region I: All States..... | \$.07 |
| Region II: All States or portions thereof..... | .07 |
| Region III: All States or portions thereof..... | .065 |
| Region IV: | |
| Minnesota..... | .075 |
| Wisconsin..... | .075 |
| New York..... | .08 |
| Pennsylvania..... | .09 |
| New Jersey..... | .09 |
| Delaware..... | .09 |
| Maryland..... | .09 |

| Region and State | Cents per doz. No. 2 Cans |
|-----------------------|---------------------------|
| Region IV—Continued. | |
| Virginia..... | \$.09 |
| Vermont..... | .135 |
| All other States..... | .05 |

(ii) For each variety, style and grade of corn in 12 ounce vacuum cans, subtract \$.05 per dozen from the maximum price determined under paragraph (i) for No. 2 cans.

(iii) For each variety, style and grade of corn in No. 10 cans, multiply by 5 the maximum price determined under paragraph (i) for No. 2 cans.

[Paragraph (c) added by Amendment 5, 8 F.R. 4179, effective 3-31-43 and amended by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(d) Snap beans. (1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

| Item No. | Column 2 Style | Column 3 Sieve size | Column 4 Grade | Column 5 | | | Column 6 | | | Column 7 | | | Column 8 | | | Column 9 | | | Column 10 | | | |
|----------|--------------------------------|------------------------|-------------------|------------------------------------|------------|------------|-------------------------------------|------------|------------|--------------------------------------|------------|------------|-------------------------------------|------------|------------|------------------------------------|------------|------------|-------------------------------------|------------|------------|------|
| | | | | Region I—Bush beans—tin containers | | | Region II—Bush beans—tin containers | | | Region III—Bush beans—tin containers | | | Region IV—Bush beans—tin containers | | | Region V—Bush beans—tin containers | | | Region VI—Pole beans—tin containers | | | |
| | | | | No. 2 Can | No. 2½ Can | No. 10 Can | No. 2 Can | No. 2½ Can | No. 10 Can | No. 2 Can | No. 2½ Can | No. 10 Can | No. 2 Can | No. 2½ Can | No. 10 Can | No. 2 Can | No. 2½ Can | No. 10 Can | No. 2 Can | No. 2½ Can | No. 10 Can | |
| 1 | Whole, Regular (green or wax). | #1..... | A-Fancy..... | 1.65 | 2.225 | 8.25 | 1.80 | 2.425 | 9.00 | 1.675 | 2.250 | 8.85 | 1.725 | 2.325 | 8.60 | 1.70 | 2.300 | 8.50 | 1.80 | 2.425 | 9.00 | |
| 2 | | | B-Ex. Std..... | 1.55 | 2.100 | 7.75 | 1.70 | 2.300 | 8.50 | 1.575 | 2.125 | 7.85 | 1.625 | 2.200 | 8.10 | 1.60 | 2.150 | 8.00 | 1.70 | 2.300 | 8.00 | |
| 3 | | | C-Std..... | 1.45 | 1.950 | 7.25 | 1.60 | 2.150 | 8.00 | 1.475 | 2.000 | 7.35 | 1.525 | 2.050 | 7.60 | 1.50 | 2.025 | 7.50 | 1.60 | 2.150 | 8.00 | |
| 4 | | #2..... | A-Fancy..... | 1.60 | 2.025 | 7.50 | 1.85 | 2.225 | 8.25 | 1.425 | 2.050 | 7.60 | 1.575 | 2.125 | 7.85 | 1.55 | 2.100 | 7.75 | 1.65 | 2.225 | 8.25 | |
| 5 | | | B-Ex. Std..... | 1.40 | 1.900 | 7.00 | 1.65 | 2.100 | 7.75 | 1.425 | 1.925 | 7.10 | 1.475 | 2.000 | 7.35 | 1.45 | 1.950 | 7.25 | 1.55 | 2.100 | 7.75 | |
| 6 | | | C-Std..... | 1.30 | 1.750 | 6.50 | 1.45 | 1.950 | 7.25 | 1.325 | 1.800 | 6.60 | 1.375 | 1.850 | 6.85 | 1.35 | 1.825 | 6.75 | 1.45 | 1.950 | 7.25 | |
| 7 | | #3..... | A-Fancy..... | 1.40 | 1.900 | 7.00 | 1.55 | 2.100 | 7.75 | 1.425 | 1.925 | 7.10 | 1.475 | 2.000 | 7.35 | 1.45 | 1.950 | 7.25 | 1.55 | 2.100 | 7.75 | |
| 8 | | | B-Ex. Std..... | 1.30 | 1.750 | 6.50 | 1.45 | 1.950 | 7.25 | 1.325 | 1.800 | 6.60 | 1.375 | 1.850 | 6.85 | 1.35 | 1.825 | 6.75 | 1.45 | 1.950 | 7.25 | |
| 9 | | | C-Std..... | 1.20 | 1.625 | 6.00 | 1.35 | 1.825 | 6.75 | 1.225 | 1.650 | 6.10 | 1.275 | 1.725 | 6.35 | 1.25 | 1.675 | 6.25 | 1.35 | 1.825 | 6.75 | |
| 10 | | #4..... | A-Fancy..... | 1.30 | 1.750 | 6.50 | 1.45 | 1.950 | 7.25 | 1.325 | 1.800 | 6.60 | 1.375 | 1.850 | 6.85 | 1.35 | 1.825 | 6.75 | 1.45 | 1.950 | 7.25 | |
| 11 | | | B-Ex. Std..... | 1.25 | 1.675 | 6.25 | 1.40 | 1.900 | 7.00 | 1.275 | 1.725 | 6.35 | 1.325 | 1.800 | 6.60 | 1.30 | 1.750 | 6.50 | 1.40 | 1.900 | 7.00 | |
| 12 | | | C-Std..... | 1.20 | 1.625 | 6.00 | 1.35 | 1.825 | 6.75 | 1.225 | 1.650 | 6.10 | 1.275 | 1.725 | 6.35 | 1.25 | 1.675 | 6.25 | 1.35 | 1.825 | 6.75 | |
| 13 | | #5 and up. | A-Fancy..... | 1.20 | 1.625 | 6.00 | 1.35 | 1.825 | 6.75 | 1.225 | 1.650 | 6.10 | 1.275 | 1.725 | 6.35 | 1.25 | 1.675 | 6.25 | 1.35 | 1.825 | 6.75 | |
| 14 | | | B-Ex. Std..... | 1.15 | 1.550 | 5.75 | 1.30 | 1.750 | 6.50 | 1.175 | 1.575 | 5.85 | 1.225 | 1.650 | 6.10 | 1.20 | 1.625 | 6.00 | 1.30 | 1.750 | 6.50 | |
| 15 | | | C-Std..... | 1.10 | 1.475 | 5.50 | 1.25 | 1.675 | 6.25 | 1.125 | 1.500 | 5.60 | 1.175 | 1.575 | 5.85 | 1.15 | 1.550 | 5.75 | 1.25 | 1.675 | 6.25 | |
| 16 | | Ungraded. | A-Fancy..... | 1.20 | 1.625 | 6.00 | 1.35 | 1.825 | 6.75 | 1.225 | 1.650 | 6.10 | 1.275 | 1.725 | 6.35 | 1.25 | 1.675 | 6.25 | 1.35 | 1.825 | 6.75 | |
| 17 | | | B-Ex. Std..... | 1.15 | 1.550 | 5.75 | 1.30 | 1.750 | 6.50 | 1.175 | 1.575 | 5.85 | 1.225 | 1.650 | 6.10 | 1.20 | 1.625 | 6.00 | 1.30 | 1.750 | 6.50 | |
| 18 | | | C-Std..... | 1.10 | 1.475 | 5.50 | 1.25 | 1.675 | 6.25 | 1.125 | 1.500 | 5.60 | 1.175 | 1.575 | 5.85 | 1.15 | 1.550 | 5.75 | 1.25 | 1.675 | 6.25 | |
| 19 | | Cut (green or wax). | #2..... | A-Fancy..... | 1.45 | 1.950 | 7.25 | 1.60 | 2.150 | 8.00 | 1.475 | 2.000 | 7.35 | 1.525 | 2.050 | 7.60 | 1.50 | 2.025 | 7.50 | 1.60 | 2.150 | 8.00 |
| 20 | | | | B-Ex. Std..... | 1.35 | 1.825 | 6.75 | 1.50 | 2.025 | 7.50 | 1.375 | 1.850 | 6.85 | 1.425 | 1.925 | 7.10 | 1.40 | 1.900 | 7.00 | 1.50 | 2.025 | 7.50 |
| 21 | | | | C-Std..... | 1.25 | 1.675 | 6.25 | 1.40 | 1.900 | 7.00 | 1.275 | 1.725 | 6.35 | 1.325 | 1.800 | 6.60 | 1.30 | 1.750 | 6.50 | 1.40 | 1.900 | 7.00 |
| 22 | | #3..... | A-Fancy..... | 1.35 | 1.825 | 6.75 | 1.50 | 2.025 | 7.50 | 1.375 | 1.850 | 6.85 | 1.425 | 1.925 | 7.10 | 1.40 | 1.900 | 7.00 | 1.50 | 2.025 | 7.50 | |
| 23 | | | B-Ex. Std..... | 1.25 | 1.675 | 6.25 | 1.40 | 1.900 | 7.00 | 1.275 | 1.725 | 6.35 | 1.325 | 1.800 | 6.60 | 1.30 | 1.750 | 6.50 | 1.40 | 1.900 | 7.00 | |
| 24 | | | C-Std..... | 1.15 | 1.550 | 5.75 | 1.30 | 1.750 | 6.50 | 1.175 | 1.575 | 5.85 | 1.225 | 1.650 | 6.10 | 1.20 | 1.625 | 6.00 | 1.30 | 1.750 | 6.50 | |
| 25 | | #4..... | A-Fancy..... | 1.25 | 1.675 | 6.25 | 1.40 | 1.900 | 7.00 | 1.275 | 1.725 | 6.35 | 1.325 | 1.800 | 6.60 | 1.30 | 1.750 | 6.50 | 1.40 | 1.900 | 7.00 | |
| 26 | | | B-Ex. Std..... | 1.15 | 1.550 | 5.75 | 1.30 | 1.750 | 6.50 | 1.175 | 1.575 | 5.85 | 1.225 | 1.650 | 6.10 | 1.20 | 1.625 | 6.00 | 1.30 | 1.750 | 6.50 | |
| 27 | | | C-Std..... | 1.10 | 1.475 | 5.50 | 1.25 | 1.675 | 6.25 | 1.125 | 1.500 | 5.60 | 1.175 | 1.575 | 5.85 | 1.15 | 1.550 | 5.75 | 1.25 | 1.675 | 6.25 | |
| 28 | | #5 and up. | A-Fancy..... | 1.15 | 1.550 | 5.75 | 1.30 | 1.750 | 6.50 | 1.175 | 1.575 | 5.85 | 1.225 | 1.650 | 6.10 | 1.20 | 1.625 | 6.00 | 1.30 | 1.750 | 6.50 | |
| 29 | | | B-Ex. Std..... | 1.10 | 1.475 | 5.50 | 1.25 | 1.675 | 6.25 | 1.125 | 1.500 | 5.60 | 1.175 | 1.575 | 5.85 | 1.15 | 1.550 | 5.75 | 1.25 | 1.675 | 6.25 | |
| 30 | | | C-Std..... | 1.05 | 1.425 | 5.25 | 1.20 | 1.625 | 6.00 | 1.075 | 1.450 | 5.35 | 1.125 | 1.525 | 5.60 | 1.10 | 1.475 | 5.50 | 1.20 | 1.625 | 6.00 | |
| 31 | | Ungraded. | A-Fancy..... | 1.15 | 1.550 | 5.75 | 1.30 | 1.750 | 6.50 | 1.175 | 1.575 | 5.85 | 1.225 | 1.650 | 6.10 | 1.20 | 1.625 | 6.00 | 1.30 | 1.750 | 6.50 | |
| 32 | | | B-Ex. Std..... | 1.10 | 1.475 | 5.50 | 1.25 | 1.675 | 6.25 | 1.125 | 1.500 | 5.60 | 1.175 | 1.575 | 5.85 | 1.15 | 1.550 | 5.75 | 1.25 | 1.675 | 6.25 | |
| 33 | | | C-Std..... | 1.05 | 1.425 | 5.25 | 1.20 | 1.625 | 6.00 | 1.075 | 1.450 | 5.35 | 1.125 | 1.525 | 5.60 | 1.10 | 1.475 | 5.50 | 1.20 | 1.625 | 6.00 | |

(2) The regions set forth in paragraph (d) (1) of this section shall be as follows:

Region I: Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island.

Region II: New York.

Region III: Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri and Kansas.

Region IV: Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, North Dakota and South Dakota.

Region V: Arizona, Montana, Wyoming, Colorado, New Mexico, Utah, Nevada and that part of Idaho not included in Region VI.

Region VI: Washington, Oregon, California, and Southwestern Idaho, (Washington, Payette, Gem, Canyon, Ada and Owyhee counties).

(3) Differentials for other types of snap beans for which maximum prices are not named in paragraph (d) (1) of this section:

(i) In Regions I, II, III, IV and V, the maximum prices for pole beans shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans twenty-five cents per dozen, higher than the maximum prices named for bush beans.

(ii) In Region VI, the maximum prices for bush beans shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans, twenty-five cents per dozen, lower than the maximum prices named for pole beans.

(4) Differentials for other styles of pack for which maximum prices are not

named in paragraph (d) (1) of this section:

(i) The maximum prices for asparagus style, horizontal style or vertical style of pack shall be: In No. 2 cans, twenty-five cents per dozen, in No. 2½ cans, thirty-two and one-half cents per dozen, and in No. 10 cans, \$1.25 per dozen, higher than the maximum prices for whole beans of the same variety and grade, as listed herein or as determined by differential under the provisions of this section.

(ii) The maximum prices for French style of pack shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen, and in No. 10 cans, twenty-five cents per dozen, higher than the maximum prices for whole beans of the same variety and

grade, as listed herein or as determined by differential under the provisions of this section.

(5) *Blends of sieve sizes.* (i) The maximum price of a blend of two sieve sizes of a variety and grade shall be the maximum price of the largest sieve size in the blend.

(ii) The maximum price of a blend of three sieve sizes containing only No. 4 sieve size and larger shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, in the same container. The maximum price of a blend of three sieve sizes of a variety and grade, which blend includes at least one sieve size which is smaller than No. 4 sieve size shall be: In No. 2 cans, five cents per dozen, in No. 2½ cans, seven and one-half cents per dozen and in No. 10 cans, twenty-five cents per dozen, more than the maximum price of the largest sieve size in the blend, packed in the same container.

(iii) The maximum price of a blend of four or more sieve sizes of a variety and grade shall be the same as the maximum price for ungraded sieve size of the same variety and grade in the same container.

(iv) In blends of two sieve sizes of a variety and grade of snap beans, not more than 10 per cent shall consist of snap beans larger than the largest sieve size declared in the blend, and not more than 2 per cent shall consist of snap beans which are two or more sieve sizes larger than the largest sieve size declared in the blend.

(v) In blends of three sieve sizes of a variety and grade of snap beans, not more than 5 per cent shall consist of snap beans larger than the largest sieve size declared in the blend, and not more than 1 per cent shall consist of snap beans which are two or more sieve sizes larger than the largest sieve size declared in the blend.

[Subparagraphs (iv) and (v) added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(6) The maximum price for any variety, style and sieve size (including blends) below standard in grade shall be: In No. 2 cans, ten cents per dozen, in No. 2½ cans, twelve and one-half cents per dozen, and in No. 10 cans, fifty cents per dozen, less than the maximum price for the same variety, style and sieve size (including blends) for standard grade in the same container for the particular region.

(7) The maximum price for any variety, style, sieve size (including blends) and grade of snap beans packed:

(i) In No. 303 cans, shall be 85% of the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans;

(ii) In No. 1 cans, shall be 70% of the maximum price of the same variety, style, sieve size (including blends) and grade packed in No. 2 cans; and

(iii) In No. 303 glass jars (16-17 fl. oz.) shall be two and one-half cents per

dozen more than the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans.

(8) The word "ungraded" when used in connection with snap beans, refers to the sieve size and means not separated by sieve sizes, and includes all blends of more than three sieve sizes.

(9) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be computed as follows:

(i) For each variety, style, sieve size (including blends) and grade of snap beans in No. 2 cans multiply the maximum price for sales other than to government procurement agencies by .96, and add to the resulting figure the amount designated for the appropriate state or portion thereof as follows:

| Region and State | Cents per doz. No. 2 Cans |
|--|---------------------------|
| Region I: | |
| All States | \$.15 |
| Region II: | |
| New York | .08 |
| Region III: | |
| Alabama | .025 |
| Arkansas | .075 |
| Delaware | .075 |
| Florida | .025 |
| Georgia | .025 |
| Kansas | .025 |
| Kentucky | .025 |
| Louisiana | .025 |
| Maryland | .075 |
| Mississippi | .025 |
| Missouri (McDonald, Newton, Barry, Lawrence, Stone, Christian, Greene, Taney, Webster, Douglas, Ozark, Howell, Texas, Shannon, Oregon, Carter, Ripley, Butler, Stoddard, Dunklin, Pemiscot, Wright, New Madrid and Mississippi counties) | .075 |
| Missouri (balance of State) | .025 |
| New Jersey | .075 |
| North Carolina | .025 |

(2) (i) Maximum prices per dozen cans, f. o. b. factory, for sales to Government procurement agencies for spinach packed in the State of Maryland only before September 17, 1943 shall be as follows:

| Item No. | Grade | Container size | | |
|----------|----------------|----------------|------------|------------|
| | | No. 2 can | No. 2½ can | No. 10 can |
| 1 | A or Fancy | \$1.83 | \$1.79 | \$3.24 |
| 2 | C or Standard | 1.23 | 1.67 | 5.83 |
| 3 | Below Standard | 1.14 | 1.47 | 5.23 |

| Region and State | Cents per doz. No. 2 Cans |
|--|---------------------------|
| Region III—Continued. | |
| Oklahoma (Delaware, Mayes, Wagoner, Tulsa, Cherokee, Adair, Muskogee, Sequoyah, Haskell, LeFlore, Buchataha, Choctaw and McCurtain counties) | \$.075 |
| Oklahoma (balance of State) | .025 |
| Pennsylvania | .075 |
| South Carolina | .025 |
| Tennessee | .025 |
| Texas (Fannin, Lamar, Red River, Bowie and Cass counties) | .08 |
| Texas (balance of State except counties listed above and counties listed under Texas in Region V) | .025 |
| Virginia | .075 |
| West Virginia | .075 |

Region IV: All States .07

Region V: All States or portions thereof .11
Texas (Sherman, Moore, Potter, Randall, Swisher, Hale, Lubbock, Lynn, Dawson, Martin, Midland, Upton, Crockett, Terrell, and all counties in Texas, west thereof) .11

Region VI: California: pole beans .13
other than pole beans .03
All other States or portions thereof .13

[Subparagraph (i) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(ii) For each variety, style, sieve size (including blends) and grade of snap beans in No. 2½ cans, multiply by 1.35 the maximum price determined under paragraph (i) for No. 2 cans.

(iii) For each variety, style, sieve size (including blends) and grade of snap beans in No. 10 cans, multiply by 5 the maximum price determined under paragraph (i) for No. 2 cans.

[Paragraph (d) added by Amendment 6, 8 F.R. 4633, effective 4-7-43 and amended by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(e) *Spinach.* (1) Maximum prices per dozen containers, f. o. b. factory, for sales other than to Government procurement agencies for all spinach shall be as follows:

(ii) The maximum prices per dozen containers, f. o. b. factory, for sales to Government procurement agencies, except for sales of spinach packed in the State of Maryland only before September 17, 1943, shall be 96% of the maximum prices for sales other than to Government procurement agencies as set forth in paragraph (1) of this section.

[Paragraph (e) added by Amendment 7, 8 F.R. 4240, effective 4-15-43 and amended by Amendment 9, 8 F.R. 9291, effective 7-10-43 and Amendment 16, 8 F.R. 12791, effective 9-17-43]

(f) *Asparagus*. (1) The maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies shall be as follows:

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 | Column 6 | | | Column 7 | | Column 8 | | Column 9 | | |
|----------|----------------------|--|----------|----------|------------|-------------|-------------|-----------------------|-------------|------------|-------------|------------------|-------------|------|
| Item No. | Variety | Style | Grade | Size | California | | | Washington and Oregon | | New Jersey | | All other States | | |
| | | | | | No. 2 Cans | No. 2½ Cans | No. 10 Cans | No. 2 Cans | No. 10 Cans | No. 2 Cans | No. 10 Cans | No. 2 Cans | No. 10 Cans | |
| 1 | All Green | Spears | A-Fancy | Colossal | \$3.55 | | | \$3.475 | | \$3.50 | | \$3.50 | | |
| 2 | | | | Mammoth | 3.525 | | | 3.425 | | 3.40 | | 3.40 | | 3.40 |
| 3 | | | | Large | 3.45 | | | 3.35 | | 3.30 | | 3.30 | | 3.30 |
| 4 | | | | Medium | 3.35 | | | 3.25 | | 3.20 | | 3.15 | | 3.15 |
| 5 | | | | Small | 3.275 | | | 3.125 | | 3.10 | | 2.95 | | 2.95 |
| 6 | Green Tipped | Cut Spears, Center Cuts | A-Fancy | Colossal | 2.825 | | \$14.20 | 2.70 | \$13.50 | \$13.00 | 2.60 | \$13.00 | \$13.00 | |
| 7 | | | | Mammoth | 1.45 | | 7.70 | 1.50 | 7.50 | 1.60 | 7.50 | 1.60 | 7.50 | |
| 8 | | | | Large | 3.025 | | | | | | | | | |
| 9 | | | | Medium | 3.025 | | | | | | | | | |
| 10 | | | | Small | 3.025 | | | | | | | | | |
| 11 | Other than All Green | Cut Spears, Center Cuts, Salad Points, Soup Cuts | A-Fancy | | | | 13.20 | | | | | | | |
| 12 | | | | | | 5.20 | | | | | | | | |
| 13 | | | | | | 17.30 | | | | | | | | |
| 14 | | | | | \$2.775 | | 9.50 | | | | | | | |

[Table amended by Amendment 15, 8 F.R. 11806, effective 8-24-43 and Amendment 19, 8 F.R. 16619, effective 12-14-43]

(2) The maximum price for any grade below grade A or fancy shall be: In No. 2 cans, twenty cents per dozen, in No. 2½ cans, thirty cents per dozen, and in No. 10 cans, one dollar, less than the maximum price per dozen for the same container, variety, style and size for grade A or fancy for the particular region.

(3) The maximum price per dozen, f. o. b. factory, for each grade of blended spears in No. 2 cans shall be the canner's maximum price per dozen, f. o. b. factory, for the 1942 pack of the same grade of blended spears, plus the sum of thirty cents per dozen in the states of California, Washington and Oregon, or the sum of twenty cents per dozen in all other States.

(4) If the processor cannot establish a maximum price for any particular variety, style, grade and size and container size of asparagus, packed in tin, under the foregoing provisions:

(i) The processor's maximum price per dozen containers, f. o. b. factory, for such variety, style, grade and size shall be his maximum price for the 1942 pack of the same variety, style, grade and size adjusted by adding 1½ cents per pound in California, Oregon and Washington, and 1 cent per pound in all other states, to the raw asparagus cost required to be used in computing maximum prices for the 1942 pack of the same item; except that

(a) Any processor who established a maximum price for such variety, style, grade and size of his 1942 pack by the adoption of a competitor's maximum price shall adopt the same competitor's maximum price for the 1943 pack of the same variety, style, grade and size; and

(b) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for the item by adopting his closest competitive seller's maximum price for the 1943 pack of the same variety, style, grade and size.

(ii) Where the processor did not pack the same variety, style, grade and size in 1942, the maximum price of his closest

competitive seller for the 1943 packs of the same variety, style, grade and size shall be the processor's maximum price for his 1943 pack of such item.

(iii) If the processor cannot establish a maximum price for such variety, style, grade and size under the foregoing provisions of subparagraph (4), or § 1341-557, he shall apply to the Office of Price Administration, Washington, D. C. for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (iii) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

[Subparagraph (4) added by Amendment 10, 8 F.R. 10558, effective 8-2-43 and amended by Amendment 15, 8 F.R. 11806, effective 8-24-43. Former subparagraph (4) revoked by Amendment 10]

(5) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum prices for sales other than to government procurement agencies as established under subparagraphs (1), (2), (3) or (4) (i) (ii), as the case may be.

[Subparagraph (5) added by Amendment 10, 8 F.R. 10558, effective 8-2-43]

[Paragraph (f) added by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(g) *Mustard greens and turnip greens.*

(1) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be as follows:

| Column 1 | Column 2 | Column 3 | Column 4 | | |
|----------|----------------|---------------|----------------|-------------|-------------|
| Item No. | Grade | State or area | Container size | | |
| | | | No. 2 Cans | No. 2½ Cans | No. 10 Cans |
| 1 | A or fancy | All | \$0.95 | \$1.20 | \$1.20 |
| 2 | C or standard | All | .85 | 1.075 | 3.75 |
| 3 | Below standard | All | .75 | .95 | 3.30 |

[Table as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(2) The maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum price for sales other than to government procurement agencies as set forth in paragraph (1).

[Paragraph (g) added by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(h) *Tomato products.* (1) The tomato products covered by the following paragraphs are tomato catsup, chili sauce, tomato puree, tomato paste, tomato juice and tomato sauce, and Italian pear-shaped tomatoes.

(2) The maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the tomato products set forth in paragraph (1) shall be computed by the processor by adjusting his maximum

price per dozen, f. o. b. factory, for the 1942 pack of the same tomato product of the same grade and in the same container as follows:

(i) Deduct the total 1942 raw tomato cost per dozen containers as required to be reported in column (8) of the report filed under Maximum Price Regulation No. 152.

(ii) Add to the figure so obtained the total raw tomato cost per dozen containers determined by dividing the resale price of the Commodity Credit Corporation for the region where the processor's factory is located by the number of dozens of containers obtained per ton of raw tomatoes as required to be reported in column (5) of the report filed under Maximum Price Regulation No. 152.

(3) The processor's maximum price per dozen No. 10 cans of tomato catsup, regardless of the provisions of paragraph (2), shall be at least equal to his maxi-

imum price per dozen for the same grade in 14 ounce bottles (determined under paragraph (2)) multiplied by 6.5.

(4) Any processor who established a maximum price for any grade and size of his 1942 pack of any particular tomato product set forth in paragraph (1) by the adoption of a competitor's maximum price shall adopt the same competitor's maximum price for the 1943 pack of the same product, grade and size.

(i) Where the same competitor does not pack such product in 1943, the processor shall establish his maximum price for such product by adopting his closest competitive seller's maximum price for the same grade and size of the 1943 pack of the same product.

(ii) Where the processor did not pack the same grade and size of any of such products in 1942, the maximum price of his closest competitive seller for the same grade and size of the 1943 pack of the same product shall be the processor's maximum price.

(5) In the event that a processor cannot establish a maximum price for any grade or size of any such tomato product under the provisions of the regulation he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (5) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(6) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be:

(i) 96 percent of the maximum price for sales other than to government procurement agencies as established under paragraphs (2) and (4), respectively, plus

[Subparagraph (i) as amended by Amendment 15, 8 F.R. 11806, effective 8-24-43]

(ii) The increased cost of raw tomatoes computed as follows:

(a) Determine the amount of the difference between the Commodity Credit Corporation's purchase price and resale price per ton of raw tomatoes for the area where the processor's factory is located.

(b) Divide that amount by the number of dozens of containers obtained per ton of raw tomatoes as required to be reported in column (5) of the report filed under Maximum Price Regulation No. 152.^a The resulting figure is the processor's increased cost of raw tomatoes per dozen containers, which, when added to 96% of the maximum price for sales other than to government procurement agencies, constitutes the maximum price for sales to government procurement agencies.

(7) The processor's maximum price per dozen No. 10 cans of tomato catsup for sales to government procurement agencies, regardless of the provisions of paragraph (6), shall be at least equal to his maximum price per dozen for the

same grade in 14 ounce bottles (determined under paragraph (6)) multiplied by 6.5, for tomato catsup packed in all states except Ohio and Indiana, and by 6.9 for tomato catsup packed in Ohio and Indiana.)

[Subparagraph (7) added by Amendment 15, 8 F.R. 11806, effective 8-24-43 and amended by Amendment 16, 8 F.R. 12791, effective 9-17-43]

[Paragraph (h) added by Amendment 9, 8 F.R. 9291, effective 7-10-43]

[§ 1341.584 added by Amendment 3, 8 F.R. 3732, effective 3-31-43]

(i) Sauerkraut. (1) The processor's maximum prices per dozen containers or other unit of sale of sauerkraut manufactured from cabbage of the 1943 crop, f. o. b. factory, for sales to other than government procurement agencies, shall be figured by the processor as follows. He shall:

(i) Determine the weighted average price per dozen containers or other unit of sale of sauerkraut charged by the processor, f. o. b. factory, for the same grade and container during the period from December 1, 1941, through March 31, 1942. "Weighted average price" means the total gross sales dollars charged for each grade and container divided by the number of dozens of containers or other units of sale sold of such grade and container. All sales contracts made in the regular course of business during the base period (December 1, 1941 through March 31, 1942) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at times other than during the base period shall not be included even though delivery was during the base period.

(ii) Subtract from the weighted average price figured under (i) the 1941 raw cabbage cost per dozen containers or other unit of sale. To determine the 1941 raw cabbage cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost for cabbage of the 1941 crop by dividing the total amount paid for cabbage of the 1941 crop used in manufacturing sauerkraut by the total number of tons purchased; and

(b) Divide the figure so obtained by the dozen-container yield (for the container size being priced) or other unit of sale yield per ton as was obtained by him for the same item during the period from December 1, 1941 through March 31, 1942. The figure obtained by this division is the 1941 raw cabbage cost per dozen containers or other unit of sale being priced.

(c) If a processor is unable accurately to figure his weighted average cost for cabbage of the 1941 crop under subdivisions (a) and (b) for the reason that he has insufficient records as to his container-yield for the period December 1, 1941 through March 31, 1942, he shall determine his 1941 raw material costs on the basis of the following yields:

Container sizes and

bulk yields:

Yield per ton

| | |
|------------------------|---------------------|
| No. 10 cans..... | 30 cases (15 dozen) |
| No. 2½ cans..... | 30 cases (60 dozen) |
| 45 gallon barrels..... | 3.00 barrels |
| Bulk sauerkraut..... | 135. gallons |

For sauerkraut packed in any other container type or size, the processor shall figure his 1941 yield on the basis of the bulk yield per ton.

[Subdivision (c) added by Amendment 20, effective 12-22-43]

(iii) Add to the difference figured by making the subtraction under (ii) the 1943 raw cabbage cost per dozen containers or other unit of sale. To determine the 1943 raw cabbage cost per dozen containers or other unit of sale, the processor shall

(a) Figure the weighted average cost for cabbage of the 1943 crop by dividing the total amount paid for not less than the first 75% of his purchases of cabbage of the 1943 crop used in manufacturing sauerkraut by the total number of tons so purchased: *Provided*, That in no event shall the 1943 raw cabbage cost exceed \$22.00 per ton; and

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) or other unit of sale yield per ton which was used by him in figuring his 1941 weighted average raw cabbage cost under subdivision (ii). The figure obtained by this division is the 1943 raw cabbage cost per dozen containers or other units of sale being priced.

[Subdivision (b) as amended by Amendment 20, effective 12-22-43]

(2) For sauerkraut sold in wooden barrels or wooden kegs furnished by the processor, he shall increase the maximum price figured under (1) by the amount per unit of sale of his actual increase in cost after March 31, 1942 for the particular type and size of barrel or keg: *Provided*, That in no event shall such increase for 45 gallon or larger barrels be in excess of \$1.50 per barrel. To figure the increase in barrel and keg cost after March 31, 1942, the processor shall subtract from the weighted average price paid per barrel or keg from April 1, 1942, to the date of calculation of his maximum price under this regulation, the highest price paid for the same size barrel or keg during the period from December 1, 1941 through March 31, 1942.

(3) Where the processor did not pack and sell the same grade and container of sauerkraut during the period from December 1, 1941 through March 31, 1942, the maximum price of his closest competitive seller for the same grade and container of sauerkraut manufactured from cabbage of the 1943 crop shall be the processor's maximum price.

(4) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation he shall apply to the Office of Price

^a 7 F.R. 3895, 3963, 4453, 5138, 5363, 6219, 6266, 6472, 8948; 8 F.R. 1133, 2997, 8075.

Administration, Washington, D. C., for authorization of a maximum price under § 1341.563. Separate maximum prices will be authorized for sales to government procurement agencies and all other sales.

Until a maximum price is established, the applicant may deliver the item but he may not receive payment or render an invoice for it.

(5) The processor's maximum prices per dozen containers or other unit of sale of sauerkraut, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum prices for sales other than to government procurement agencies as established under subparagraphs (1), (2) and (3).

(6) "Sauerkraut" means all cabbage to which salt has been added and in which fermentation has started, including but not limited to "kraut", "sliced cabbage", "salted cabbage", "table salad" and "table slaw".

[Paragraph (1) added by Amendment 18, 8 F.R. 14577, effective 10-25-43]

(j) *Sweet potatoes.* (1) The processor's maximum price per dozen containers, f. o. b. factory, for sales to purchasers other than government procurement agencies, of each kind, grade and container type and size of sweet potatoes shall be figured by the processor as follows: He shall:

(i) Determine the weighted average price per dozen containers or other unit of sale of sweet potatoes charged by the processor, f. o. b. factory, for each grade and container size during the first 60 days after the beginning of the 1941 pack. "Weighted average price" means the total gross sales dollars charged for each grade and container size divided by the number of dozen of containers or other units of sale sold of such grade and container. All sales contracts made in the regular course of business during the base period (first 60 days after the beginning of the 1941 pack) shall be included, regardless of the date of delivery, except sales contracts made with government procurement agencies. Sales made at times other than during the base period shall not be included even though delivery was made during the base period.

(ii) Multiply the weighted average price figured under (i) by 1.08.

(iii) Subtract from the weighted average price as adjusted under (ii) the 1941 raw sweet potato cost per dozen containers or other unit of sale. To determine the 1941 raw sweet potato cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost of sweet potatoes of the 1941 crop delivered to the processor's customary receiving point, by dividing the total amount paid for sweet potatoes of the 1941 crop used in packing the commodity by the total number of bushels or other units purchased and used for this purpose.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) as was obtained by him for the same item during

the packing of the 1941 crop of sweet potatoes. The figure obtained by this division is the 1941 raw sweet potato cost per dozen containers or other unit of sale being priced.

(iv) Add to the difference figured by making the subtraction under paragraph (iii) the 1943 raw sweet potato cost per dozen containers or other unit of sale. To determine the 1943 raw sweet potato cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost for sweet potatoes of the 1943 crop by dividing the total amount paid for not less than the first 75% of his purchases of sweet potatoes of the 1943 crop used in packing the commodity by the total number of bushels or other units purchased and used for this purpose. However, in no event shall the 1943 raw sweet potato cost exceed 90 cents per 50-pound bushel delivered at processor's customary receiving point; and

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) as was obtained by him for the same item during the packing of the 1941 crop of sweet potatoes. The figure obtained by this division is the 1943 raw sweet potato cost per dozen containers or other unit of sale being priced.

The resulting figure in paragraph (iv) shall be the processor's maximum price per dozen container or other unit of sale being priced for sweet potatoes of the 1943 crop, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(2) Where the processor did not pack and sell the same grade and container of sweet potatoes during the base period, 1941, and is unable to determine a price under § 1341.557 the maximum price of his closest competitive seller for the same grade and container of sweet potatoes of the 1943 crop shall be the processor's maximum price.

(3) In the event that a processor cannot establish his maximum price under the provisions of this regulation he shall apply to the Office of Price Administration, Washington, D. C. for authorization of a maximum price as provided in § 1341.563.

(4) The processor's maximum price per dozen containers or other unit of sale of sweet potatoes, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum price for sales to purchasers other than government procurement agencies as established under paragraph (iv).

[Paragraph (j) added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(k) *Mushrooms.* (1) The processor's maximum price per dozen containers, f. o. b. factory, for sales to purchasers other than government procurement agencies of each kind, grade, and container type and size of mushrooms of the 1943 fall crop or later shall be figured by the processor as follows: He shall:

(i) Determine the weighted average price per dozen containers or other unit of sale of mushrooms charged by the

processor, f. o. b. factory, for each grade and container size during the period October 10 to December 10, 1941. "Weighted average price" means the total gross sales dollars charged for each kind, grade and container type and size divided by the number of dozen of containers or other units of sale, sold of such kind, grade and container type and size. All sales made in the regular course of business during the base period (October 10 to December 10, 1941) shall be included, regardless of the date of delivery, except sales contracts made with government procurement agencies. Sales made at times other than during the base period shall not be included even though delivery was made during the base period.

(ii) Multiply the weighted average price figured under (i) by 1.08.

(iii) Subtract from the weighted average price as adjusted under paragraph (ii) the 1941 raw mushroom cost per dozen containers or other unit of sale. To determine the 1941 raw mushroom cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost of mushrooms for the year 1941 by dividing the total amount paid for mushrooms in 1941 used in packing the commodity by the total number of pounds or other units purchased and used for this purpose.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) as was obtained by him during 1941.

(iv) Add to the difference figured by making the subtraction under paragraph (iii) the 1943 fall crop raw mushroom cost per dozen containers. To determine the 1943 fall crop, raw mushroom cost per dozen containers or other unit of sale, the processor shall:

(a) Figure the weighted average cost of mushrooms of the 1943 fall crop, by dividing the total amount paid for mushrooms purchased and used in processing packed mushrooms during the first 15 days after the beginning of the 1943 fall pack, by the total number of pounds or other units purchased and used for such purpose. However, in no event shall the cost of the 1943 fall crop of raw mushrooms exceed \$1.50 per 3 pound basket.

(b) Divide the figure so obtained by the dozen container yield (for the container size being priced) as was obtained by him during 1941. The figure obtained by making this division is the 1943 fall crop, raw mushroom cost per dozen containers or other unit of sale being priced.

The resulting figure in paragraph (iv) shall be the processor's maximum price per dozen containers or other unit of sale being priced, for mushrooms of the 1943 fall crop or later, f. o. b. factory, for sales to purchasers other than government procurement agencies.

(2) Where the processor did not pack and sell the same variety, style, grade and container during the 1941 base period set forth in paragraph (1), and is unable to determine a price under § 1341.557 the maximum price of his

closest competitive seller for the same variety, style, grade and container of the 1943 fall pack shall be the processor's maximum price.

(3) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation, he shall apply to the Office of Price Administration, Washington, D. C. for authorization of a maximum price, as provided in § 1341.563.

(4) The processor's maximum price per dozen containers, or other unit of sale of mushrooms, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum price for sales other than to government procurement agencies as established under paragraph (iv).

[Paragraph (k) added by Amendment 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.585 *Appendix C: Maximum prices for certain miscellaneous packed vegetables.* (a) The miscellaneous packed vegetables listed below include the packed juices of such vegetables. The miscellaneous packed vegetables covered in this section are as follows:

[Section heading and paragraph (a) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

Group I:

Artichokes
Bamboo sprouts
Bean sprouts
Celery
Fresh cucumbers
Hominy
Okra
Onions
Parsnips
Peas, blackeye, crowder, cream and field
Peppers
Pickles
Pimientos
Pumpkins
Rhubarb
Squash
Turnips
Vegetable greens (except spinach, mustard greens and turnip greens)

Group II:

Beans, fresh shelled
Beans, Lima (fresh)
Beets
Carrots

Group III:

Mixed vegetables or mixed vegetable juices

[List amended by Amendment 10, 8 F.R. 10558, effective 8-2-43 and Amendment 15, 8 F.R. 11806, effective 8-24-43]

(1) *Maximum prices for vegetables and vegetable juices in Group I.* (i) The processor's maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be the processor's maximum price for the 1942 pack for the same variety, style, grade and container size of the same item, plus 20% of the raw vegetable cost per dozen as required to be reported in column (8) of the report filed under Maximum Price Regulation No. 152.

(ii) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum price for sales other than to government

procurement agencies as established under paragraph (1).

(2) *Maximum prices for vegetables and vegetable juices in Group II.* (i) The processor's maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be computed by the processor by adjusting his maximum price per dozen, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container as follows:

(a) Deduct the total 1942 raw vegetable cost per dozen containers as required to be reported in Column (8) of the report filed under Maximum Price Regulation No. 152.

(b) Add to the figure so obtained the total raw vegetable cost per dozen containers determined by dividing the applicable support price of the War Food Administration for the area where the processor's factory is located by the number of dozens of containers obtained per ton of raw vegetable as required to be reported in column (5) of the report filed under Maximum Price Regulation No. 152. *Provided*, That for fresh shelled beans use the support price of the War Food Administration for snap beans for the area where the processor's factory is located: *And provided further*, That where the processor purchases any of the raw vegetables in Group II in a support price area other than that in which his factory is located, he shall use the applicable support price for the area in which the raw vegetable was grown with respect to the quantities so purchased, and he may add with respect to such quantities the actual cost of transportation to his factory at the lowest contract or common carrier rate available.

[Proviso added by Amendment 15, 8 F.R. 11806, effective 8-24-43]

(ii) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies, shall be 96% of the maximum price for sales other than to government procurement agencies as established under paragraph (1).

(3) *Maximum prices for mixed vegetables and mixed vegetable juices (Group III).* (1) The processor's maximum price per dozen containers, f. o. b. factory, for sales other than to government procurement agencies, shall be his maximum price for the same item of the 1942 pack, adjusted for the difference in raw vegetable cost, to be computed as provided herein. The difference in cost shall be separately computed for each vegetable in the combination, as follows:

(a) For raw vegetables in Group I, increase the raw vegetable cost for such vegetables required to be used in computing maximum prices for the 1942 pack, by 20%.

(b) For raw vegetables in Group II, deduct the raw vegetable cost for such vegetables required to be used in computing maximum prices for the 1942 pack and add the 1943 raw vegetable cost for such vegetables, obtained by dividing the applicable support price of the War Food Administration for the area in

which the processor's factory is located by the dozen container yield per ton required to be used in computing the 1942 maximum price.

(c) For raw vegetable cost of corn, peas, snap beans or tomatoes used in the item, deduct the raw vegetable cost for such vegetables required to be used in computing the maximum prices for the 1942 pack, and add the 1943 raw vegetable cost for such vegetables, obtained by dividing the resale price of the Commodity Credit Corporation for the area in which the processor's factory is located by the dozen container yield per ton required to be used in computing the 1942 maximum prices.

(ii) The maximum prices per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum prices for sales other than to government procurement agencies, except that for any item containing corn, peas, snap beans or tomatoes, the processor shall add the amount of the difference between the Commodity Credit Corporation's purchase price and resale price per ton of such raw vegetable for the area where the processor's factory is located, divided by the dozen container yield per ton required to be used in computing the 1942 maximum prices.

(4) *Maximum prices for vegetables and vegetable juices in Groups I, II and III in certain instances.* (i) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item in Group I, II or III by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(a) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(ii) Where the processor did not pack the same variety, style, grade and container of any particular item in Group I, II or III in 1942, the maximum price of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(iii) In the event that a processor cannot establish his maximum price under the foregoing provisions of the regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (iii) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]
[§ 1341.585 added by Amendment 9, 8 F.R. 8231, effective 7-10-43]

§ 1341.586 *Appendix D: Adjustment of maximum prices for approved increases in wage rates.* (a) Processors whose factories are located in the States or portions thereof listed below, shall adjust their maximum prices for sales to government procurement agencies, computed under the foregoing provisions

of this regulation, for the following items, by multiplying such maximum prices by the figure indicated for each such State or portion thereof.

(1) Peas (except black-eye, crowder, cream and field peas).

| Region | State | Grade | Multiply maximum price by | | |
|--------|--|----------------|---------------------------|-------|----------------------------|
| | | | Alaska | Sweet | Laxton and Prince of Wales |
| I | Delaware, Maryland, New Jersey, New York, and Pennsylvania. | Fancy..... | 1.02 | 1.025 | 1.03 |
| | | All other..... | 1.02 | 1.02 | 1.03 |
| II | Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin. | Fancy..... | 1.025 | 1.025 | 1.03 |
| | | All other..... | 1.03 | 1.03 | 1.03 |
| III | Colorado, Idaho, Utah, and Wyoming..... | Fancy..... | 1.02 | 1.02 | 1.03 |
| | | All other..... | 1.025 | 1.02 | 1.03 |
| IV | California, Oregon and Washington..... | Fancy..... | 1.02 | 1.02 | 1.03 |
| | | All other..... | 1.025 | 1.02 | 1.03 |

(2) Tomatoes (except Italian pear shaped tomatoes).

| Region | States | Grade | Multiply maximum price by |
|--------|--|----------------|---------------------------|
| I | New York, Pennsylvania (those counties not included in Region II)..... | Fancy..... | 1.035 |
| | | All other..... | 1.040 |
| II | Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, Ohio, Pennsylvania (Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton, Bedford and Somerset Counties only) and Wisconsin. | Fancy..... | 1.045 |
| | | All other..... | 1.045 |
| IV | Colorado, Idaho, Utah, and Wyoming..... | Fancy..... | 1.040 |
| | | All other..... | 1.040 |
| V | California, Oregon and Washington..... | Fancy..... | 1.040 |
| | | All other..... | 1.040 |

(3) Corn.

| Region | States | Grade | Multiply maximum price by | |
|--------|--|----------------|---------------------------|--------------|
| | | | Cream Style | Whole Kernel |
| II | Colorado, Idaho (portion of state not included in Region III), Illinois, Indiana, Iowa, Ohio, Michigan, Nebraska, Utah, and Wyoming. | Fancy..... | 1.030 | 1.025 |
| | | All other..... | 1.035 | 1.040 |
| III | California, Idaho (Southwestern-Washington, Payette, Gem, Canyon, Ada and Owyhee Counties), Oregon, Washington. | Fancy..... | 1.030 | 1.025 |
| | | All other..... | 1.030 | 1.025 |
| IV | Delaware, Maryland, Minnesota, New Jersey, New York, Pennsylvania and Wisconsin. | Fancy..... | 1.030 | 1.030 |
| | | All other..... | 1.035 | 1.045 |

(4) Snap beans.

| Region | States | Grade | Multiply maximum price by | |
|--------|---|----------------|---------------------------|-------|
| | | | Cut | Whole |
| II | New York..... | Fancy..... | 1.025 | 1.020 |
| | | All other..... | 1.030 | 1.015 |
| III | Delaware, Maryland, New Jersey, Pennsylvania..... | Fancy..... | 1.020 | 1.020 |
| | | All other..... | 1.025 | 1.030 |
| IV | Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio and Wisconsin. | Fancy..... | 1.035 | 1.030 |
| | | All other..... | 1.040 | 1.040 |
| V | Colorado, Idaho (portion of state not included in Region VI), Utah, and Wyoming. | Fancy..... | 1.030 | 1.035 |
| | | All other..... | 1.025 | 1.025 |
| VI | California, Idaho (Southwestern-Washington, Payette, Gem, Canyon, Ada, and Owyhee Counties), Oregon and Washington. | Fancy..... | 1.030 | 1.035 |
| | | All other..... | 1.025 | 1.025 |

[Subparagraphs (1), (2), (3), and (4) amended by Amendment 15, 8 F. R. 11806, effective 3-24-43, Amendment 16, 8 F. R. 12791, effective 9-17-43, Amendment 18, 8 F. R. 14577, effective 10-25-43 and Amendment 19]

(b) Processors whose factories are located in the States or portions thereof listed below, shall adjust their maximum prices for the following items, for sales to government procurement agencies and for other sales, respectively, by multiplying the maximum prices established under the foregoing provisions of this regulation by the figure indicated

for each such State or portion thereof:

(1) Spinach, mustard greens and turnip greens.

| State | Grade | Multiply maximum price by |
|---|---------|---------------------------|
| California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming. | All.... | 1.045 |

(1) The adjustment provided in subparagraph (1) shall not be applicable to sales of spinach packed in the state of Maryland before September 17, 1943, to government procurement agencies for which maximum prices are established under § 1341.584 (e) (2) (1).

[Paragraph (1) added by Amendment 18, 8 F. R. 14577, effective 10-25-43]

(2) Asparagus.

| State | Variety and grade | Multiply maximum price by |
|---|-------------------|---------------------------|
| California..... | All.... | 1.02 |
| Oregon and Washington..... | All.... | 1.03 |
| Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Utah, Wisconsin and Wyoming. | All.... | 1.04 |

[Subparagraphs (1) and (2) amended by Amendment 15, 8 F. R. 11806, effective 3-24-43; Amendment 16, 8 F. R. 12791, effective 9-17-43 and Amendment 18, 8 F. R. 14577, effective 10-25-43]

(3) Red sour cherries.

| State | Grade | Multiply maximum price by |
|---|---------|---------------------------|
| Colorado, Idaho, Illinois, Michigan, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming. | All.... | 1.035 |

[Subparagraph (3) added by Amendment 11, 8 F. R. 10725, effective 7-30-43 and amended by Amendment 16, 8 F. R. 12791, effective 9-17-43 and Amendment 18, 8 F. R. 14577, effective 10-25-43]

(c) Processors whose factories are located in the States or portions thereof listed below shall adjust their maximum prices established under the foregoing provisions of this regulation to government procurement agencies if they have incurred wage rate increases approved by the War Labor Board. Such adjustments are to be made only when the wage rate increases become effective after January 1, 1943. The adjustments are to be made for any item listed below, but only when 50% or more of the processor's pack of the particular item was made after the effective date of the wage rate increase. Such adjustments are to be made by multiplying the maximum prices for sales to government procurement agencies by the figure indicated for each such State or portion thereof.

[Paragraph (c) as amended by Amendment 19]

(1) Tomato juice.

| State: | Multiply maximum price by |
|--|---------------------------|
| New York, Pennsylvania (those counties not included in the group of states beginning with Illinois and ending with Wisconsin)..... | 1.04 |
| Delaware, Maryland and New Jersey..... | 1.035 |

(1) *Tomato juice*—Continued.

| State: | Multiply maximum price by |
|--|---------------------------|
| Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania (Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton, Bedford, and Somerset Counties only) and Wisconsin | 1.045 |
| California, Colorado, Idaho, Oregon, Utah, Washington, and Wyoming | 1.02 |

(2) *All tomato products set forth in § 1341.584 (h), except tomato juice.*

| | |
|--|------|
| California, Colorado, Idaho, Oregon, Utah, Washington and Wyoming | 1.02 |
| Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania and Wisconsin | 1.04 |

[Subparagraphs (1) and (2) amended by Amendment 15, 8 F.R. 11806, effective 8-24-43; Amendment 16, 8 F.R. 12791, effective 9-17-43, Amendment 18, 8 F.R. 14577, effective 10-25-43, and Amendment 19]

(3) *Peaches, clingstone.*

| State | Grade | Multiply maximum price by |
|------------|-------|---------------------------|
| California | All | 1.03 |

(4) *Peaches, freestone, and pears.*

| State | Grade | Multiply maximum price by |
|--|-------|---------------------------|
| California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming | All | 1.035 |

[Subparagraphs (3) and (4) added by Amendment 11, 8 F.R. 10725, effective 7-30-43 and amended by Amendment 15, 8 F.R. 11806, effective 8-24-43, Amendment 16, 8 F.R. 12791, effective 9-17-43 and Amendment 19]

(d) Processors whose factories are located in the States or portions thereof listed below shall adjust their maximum prices established under the foregoing provisions of this regulation for sales of the items designated to government procurement agencies and also their maximum prices for other sales if they have incurred wage rate increases approved by the War Labor Board. Such adjustments are to be made only when the wage rate increases become effective after January 1, 1943. The adjustments are to be made for any item listed below, but only when 50% or more of the processor's pack of the particular item was made after the effective date of the wage rate increase. Such adjustments are to be made for sales to government procurement agencies by multiplying the maximum price for such sales by the figure indicated for each state or portion thereof, and such adjustments are to be made for sales other than to government procurement agen-

cies by multiplying the maximum prices for such sales by the same figure.

[Paragraph (a) as amended by Amendment 19]

(1) *All miscellaneous vegetables set forth in Groups I, II and III in § 1341.585 (a) and sweetpotatoes set forth in § 1341.584 (j).*

| State: | Multiply maximum price by |
|--|---------------------------|
| California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming | 1.045 |

[Subparagraph (1) amended by Amendment 15, 8 F.R. 11806, effective 8-24-43, Amendment 16, 8 F.R. 12791, effective 9-17-43, Amendment 18, 8 F.R. 14577, effective 10-25-43 and Amendment 19, 8 F.R. 16919, effective 12-14-43]

(2) *Apricots, cherries (except red sour), brined cherries, cocktail cherries, dried prunes in juice and prune products, figs, fruit cocktail, mixed fruits, plums and fresh prunes.*

| State | Grade | Multiply maximum price by |
|--|-------|---------------------------|
| California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming | All | 1.035 |

*Except that for apricots multiply by 1.045.
[Paragraph heading amended by Amendment 17, 8 F.R. 13707, effective 10-9-43, and Amendment 19]

(3) *All miscellaneous berries set forth in § 1341.587 (a) (1).*

| State | Grade | Multiply maximum price by |
|--|-------|---------------------------|
| California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, Wisconsin and Wyoming | All | 1.035 |

[Subparagraphs (2) and (3) added by Amendment 11, 8 F.R. 10725, 11247, effective 7-30-43 and amended by Amendment 15, 8 F.R. 11806, effective 8-24-43, Amendment 16, 8 F.R. 14577, effective 10-25-43, and Amendment 19]

[§ 1341.586 added by Amendment 9, 8 F.R. 9291, effective 7-10-43]

(4) *Sauertraut.*

| State | Grade | Container | Multiply maximum price by |
|--|-------|--------------|---------------------------|
| California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Utah, Washington, and Wisconsin | All | Tin or glass | 1.023 |

[Subparagraph (4) added by Amendment 18, 8 F.R. 14577, effective 10-25-43]

§ 1341.587 Appendix E: *Maximum prices for packed berries—(a) Miscellaneous berries.* (1) The miscellaneous packed berries covered in paragraph (a) are listed below and include the packed juices of such berries.

- Blackberries.
- Blueberries.
- Boyenberries.
- Cranberries.
- Gooseberries.
- Huckleberries.
- Loganberries.
- Raspberries, black and red.
- Strawberries.
- Youngberries.

[Subparagraph (1) as amended by Amendment 19, 8 F.R. 16619, effective 12-14-43]

(2) The processor's maximum prices per dozen containers, f. o. b. factory, for sales other than to government procurement agencies of the items listed in subparagraph (1) shall be computed by the processor by adjusting his maximum price per dozen, f. o. b. factory, for the 1942 pack of the same variety, style, grade and container of the particular item as follows:

(i) Deduct the total 1942 raw berry cost per dozen containers as required to be computed under Maximum Price Regulation No. 185.*

(ii) Add to the figure so obtained the 1943 raw berry cost per dozen containers obtained by dividing the weighted average of the prices per pound or other unit, paid or contracted to be paid by the processor to the grower for the same raw berries in 1943, based on not less than the first 75 percent of his purchases, by the dozen container yield per pound or other unit required to be used in computing the 1942 maximum price: *Provided*, That in no event shall the amount of the 1943 raw berry cost be in excess of the amount shown in the table below:

| Raw berry | Maximum cost per pound |
|---|---|
| Blueberries, except wild berries grown in Maine, Massachusetts, New Hampshire, and Vermont. | 1942 cost per pound as required to be computed under MPR 185* plus \$.03 per pound (\$0.04 for strawberries). |
| Cranberries, Huckleberries and Strawberries. | |
| Blackberries | \$.12 |
| Blueberries, wild, grown in Maine, Massachusetts, New Hampshire and Vermont | .12 |
| Boyenberries | .12 |
| Gooseberries | .03 |
| Loganberries | .12 |
| Raspberries, black | .13 |
| Raspberries, red | .15 |
| Youngberries | .12 |

[Subparagraph (ii) amended by Amendment 15, 8 F.R. 11806, effective 8-24-43 and Amendment 20, effective 12-22-43]

(3) Any processor who established a maximum price for any variety, style, grade and container of his 1942 pack of any particular item listed in subparagraph (1) by the adoption of a competitor's maximum price, shall adopt the same competitor's maximum price for the 1943 pack of the same item.

(i) Where the same competitor does not pack such item in 1943, the processor shall establish his maximum price for

*7 F.R. 5772, 5933, 7530, 8348, 10634, 11075;

such item by adopting his closest competitive seller's maximum price for the same variety, style, grade and container of the 1943 pack of the same item.

(4) Where the processor did not pack the same variety, style, grade and container of any particular item listed in subparagraph (1), in 1942, the maximum prices of his closest competitive seller for the same variety, style, grade and container of the 1943 pack of the same item shall be the processor's maximum price.

(5) In the event that a processor cannot establish his maximum price under the foregoing provisions of this regulation; he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided in § 1341.563.

[Subparagraph (5) as amended by Amendment 19, 8 F.R. 16619, effective, 12-14-43]

(6) The processor's maximum price per dozen containers, f. o. b. factory, for sales to government procurement agencies shall be 96% of the maximum prices for sales other than to government procurement agencies as established under subparagraphs (2), (3) and (4).

[§-1341.587 added by Amendment 11, 8 F.R. 10725, effective 7-30-43]

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

Issued this 16th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20034; Filed, December 16, 1943; 11:40 a. m.]

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

[EMPR 130, Amdt. 5]

NEWSPRINT PAPER

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

Revised Maximum Price Regulation 130 is amended in the following respects:

1. Section 1347.281 (a) (19) is added to read as follows:

(19) "Light weight newsprint paper" means newsprint paper identical in all respects with standard newsprint paper as defined in this section, except that it is ordered and made in a weight less than 31 lbs. for 500 sheets, 24 x 36 inches.

2. Section 1347.283 (a) (2) is amended to read as follows:

(2) The maximum price for shipments to destinations in Zone 4, exclusive of conversion charges, super standard and light weight differentials and merchants'

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

¹7 F.R. 9250, 10255; 8 F.R. 1586, 2670, 7766, 11382.

markups as set forth in paragraphs (b), (c) and (d) of this section respectively, shall be \$59.00, hereinafter referred to as the "base price."

3. Section 1347.283 (a) (3) (i) is amended to read as follows:

(i) Maximum prices for shipments to destinations in zones other than Zone 4 and 10, exclusive of conversion charges, super standard and light weight differentials and merchants' markups, shall be determined by subtracting from or adding to the base price the zone differentials set forth below.

4. The first paragraph of § 1347.283 (a) (3) (ii) is amended to read as follows:

(ii) With respect to shipments to destinations in Zone 10, exclusive of conversion charges, super standard and light weight differentials and merchants' markups:

5. Section 1347.283 (c) is amended to read as follows:

(c) *Differentials*—(1) *Super standard quality.* There may be added to the maximum prices hereinbefore established, a price differential not in excess of \$3.50 per ton for super standard quality, as hereinbefore defined, when such paper or the container or wrapper thereof is marked in such fashion as to indicate clearly it is sold for rotogravure printing. The payment of this differential by the purchaser shall constitute a guarantee to the Administrator that the purchaser will use such paper only for rotogravure printing.

(2) *Light weight quality.* During the period December 16, 1943, through March 31, 1944, inclusive, there may be added to the maximum prices hereinbefore established differentials for light weight newsprint. These differentials shall be the amounts agreed upon between the individual seller and purchaser of each weight of light weight newsprint, *Provided, however,* That no such differential may exceed an amount computed as follows:

The manufacturer of the newsprint involved shall in accordance with his customary accounting methods determine his total production cost per ton for the standard newsprint customarily produced by him. He shall then estimate what his total production cost per ton for the particular light weight newsprint will be during the four month period, using the same accounting methods. The total production cost per ton for the standard newsprint shall then be subtracted from the estimated total production cost per ton for the particular light weight newsprint involved. The difference is the maximum allowable differential for the particular weight of light weight standard newsprint.

On or before the 15th day of January, February, March and April 1944, every manufacturer who has produced light weight newsprint during the preceding calendar month shall file with the Office of Price Administration in Washington, D. C., cost-price reports covering his

newsprint operations during such preceding months.

The cost-price reports shall be made on OPA Form 695:201 and shall include separate data on each weight produced of the light weight newsprint and on all his other standard newsprint.

6. Section 1347.283 (d) (1) (i) is amended to read as follows:

(i) Price paid by the merchant, which may in no event exceed the appropriate maximum price established in paragraph (a) of this section, plus charges for conversion performed by another person and differentials for super standard and light weight qualities, if any, but exclusive of any markup paid to another merchant.

This amendment shall become effective December 16, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20035; Filed, December 16, 1943; 11:39 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO-13, Amdt. 93]

PROCESSED FOODS

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

Section 4.6 (d) is amended by deleting the word "end" in the first sentence, and substituting therefor the word "beginning"; and by inserting the following between the first and second sentences:

However, during November 1943 a wholesaler who is entitled to receive a certificate under this paragraph will receive one for the number of points which represents the difference between his maximum allowable inventory for the November reporting period and his point inventory on October 30, 1943; or the difference between his maximum allowable inventory for the December reporting period and his point inventory on October 31, 1943, whichever is greater.

This amendment shall become effective December 21, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, F.R. 2719; E.O. 9280; 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 16th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20036; Filed, December 16, 1943; 11:39 a. m.]

*8 F.R. 11048, 11383, 11483, 11513, 11753, 11812, 12026, 12297, 12312, 12440, 12485, 12548, 12560, 13301, 13492, 13980, 14340, 14472, 14473, 14476, 14477.

PART 1499—COMMODITIES AND SERVICES
[SR 14 A⁴ to GMPR, Corr. to Amdt. 9]

MILK AND MILK PRODUCTS

The designation § 1499.73a (a) (1) (viii) (a) (2) (ii) is corrected to read § 1499.73a (a) (1) (vii) (a) (2) (ii).

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 16th day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20037; Filed, December 16, 1943;
11:39 a. m.]

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 341—SHIP WARRANT RULES AND REGULATIONS

[G. O. 39]

APPEAL FROM PRESCRIBED RATES

§ 341.94 *Policy and Findings*—(a) *Policy*. Pursuant to authority conferred by Public Law 173, 77th Congress (55 Stat. 591) and transferred to the Administrator, War Shipping Administration, by Executive Order 9054 (7 F.R. 837), the Administrator has prescribed fair and reasonable maximum charter hire and freight rates, or the equivalent thereof, in which War Shipping Administration will concur as a condition to the granting, or to the continued recognition, of warrants authorized by the said Act.

(b) *Findings*. The Administrator has determined that, for the accomplishment of the purposes of Public Law 173, 77th Congress, and for the maintenance of essential supplies and services necessary to the National defense, it is necessary to provide for appeal in special cases, from the application of the maximum rates aforesaid.

§ 341.95 *Appeal*. If, in a particular case, one of the parties or prospective parties to a charter-party agreement or freighting arrangement, subject to maximum rates of charter hire or maximum freight rates, prescribed by War Shipping Administration as a condition to the granting or continued recognition of ship warrants, is of the opinion, for good cause shown, that the freight rate, rate of charter hire, or the equivalent thereof, so prescribed, is not fair and reasonable in its application to the subject vessel in the employment under consideration, then such party may appeal to the Administrator, at Washington, D. C., who may determine a maximum applicable rate, in excess of the prescribed rate and such determination shall be final and conclusive.

§ 341.96 *Delegation of authority*. To more expeditiously effectuate the pur-

¹ 8 F.R. 9885, 10514, 12793, 13060, 13724, 15259, 15705.

pose of this general order, the Administrator may delegate to such person, persons or committee of persons as he may designate by appropriate order, the functions and duties prescribed hereby for the determination of a maximum rate.

(E.O. 8054 (8 F.R. 837) Pub. Law 173, 77th Cong. (55 Stat. 591))

[SEAL] E. S. LAND,
Administrator.

DECEMBER 15, 1943.

[F. R. Doc. 43-20031; Filed, December 16, 1943;
11:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR SMALL STEAM RAILWAYS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 10th day of December, A. D. 1943.

The matter of annual reports from steam railway companies of Class III being under consideration:

It is ordered, That the order dated January 20, 1943, in the Matter of Annual Reports from Steam Railway Companies of Class III (§ 120.12, (a) and (b), Title 49, Code of Federal Regulations) be and it is hereby vacated and set aside, effective January 1, 1944, and the following order shall become effective:

§ 120.12 *Form prescribed for small steam railways*. All steam railway companies of Class III, excluding switching and terminal companies, subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are hereby required to file annual reports for the year ending December 31, 1943, and for each succeeding year until further order in accordance with Annual Report Form C (Small Roads), which is hereby approved and made a part of this order.¹ The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 556, sec. 435, 41 Stat. 493, sec. 13, 54 Stat. 916; 49 U.S.C. 20 (1)-(8))

By the Commission, Division 1.
[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43-20032; Filed, December 16, 1943;
11:47 a. m.]

¹ Filed as part of the original document.

Notices

WAR DEPARTMENT.

[W.D. Circ. 320]

PHARMACY CORPS, REGULAR ARMY

EXAMINATION FOR APPOINTMENT

1. An examination of applicants for appointment as second lieutenants, Pharmacy Corps, Regular Army, under the provisions of §§ 73.1-73.5 of Title 10, CFR, will be held from 31 January to 4 February 1944, inclusive.

2. Applications and requests for information concerning this examination will be addressed to The Adjutant General, Washington 25, D. C.

3. a. Applications from candidates received after 10 January 1944 will not be considered, except:

b. Applications received from officers and enlisted men by commanding generals of theater of operation and defense commands outside the continental limits of the United States at any time prior to 31 January 1944 but too late for submission to The Adjutant General for approval on 10 January 1944 will be considered, provided the applicants meet all the requirements as set forth in §§ 73.1-73.5, Title 10, CFR [Army Regulations No. 605-20]. In such cases the applications and supporting papers will be forwarded with the examination papers to The Surgeon General, and The Adjutant General notified by radio of their names and locations. (Act of 12 July 1943, Public Law 130-1, 78th Congress) [Sec. III, Cir. 320, W.D., 10 December 1943].

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-20022; Filed, December 16, 1943;
10:13 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 519, 582, 1023, 1040, 1131]

WESTERN AIR LINES, INC., ET AL.

NOTICE OF HEARING

In the matter of the applications of Western Air Lines, Inc., United Air Lines Transport Corp., Transcontinental & Western Air, Inc., and Continental Air Lines, Inc., for certificates and amendment of existing certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of the act, in the above-entitled proceeding, that hearing is assigned for January 10, 1944, at 10 a. m. (eastern war time) in Conference Room "C" of the Departmental Auditorium, between 12th and 14th Streets NW., Washington, D. C., before Examiner Albert F. Beitel.

Dated Washington, D. C., December 15, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-20030; Filed, December 16, 1943;
10:56 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order A-1 Under MPR 188, Amdt. 21]

CAST IRON WARM-AIR FURNACES AND STEEL WARM-AIR FURNACES

MODIFICATION OF MAXIMUM PRICES

Amendment No. 21 to Order A-1 Under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel.

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

Paragraph (a) (19) is added to read as follows:

(19) *Modification of maximum prices of cast iron warm-air furnaces and steel warm-air furnaces*—(i) *Scope of this subparagraph.* The modification of maximum prices under this subparagraph shall apply to sales of cast iron warm-air furnaces and steel warm-air furnaces sold without certain parts, the manufacture of which is prohibited by War Production Board Limitation Order L-22, or any amendment thereto.

"Cast iron warm-air furnaces" means a central plant warm-air heating unit, made of cast iron, which is designed for the purpose of heating, with any type of fuel, the interior of any structure; commonly known as a gravity or forced warm-air furnace, for use with or without air distribution pipes.

The term "cast iron warm-air furnaces" does not include space heaters, domestic heating stoves, or floor furnaces (either portable or fixed).

"Steel warm-air furnaces" means any central plant warm-air unit, the heating surface of which is wholly or partially made of steel which is designed for the purpose of heating, with any type of fuel, the interior of any structure; commonly known as a gravity or forced warm-air furnace, for use with or without air distribution pipes.

The term "steel warm-air furnaces" does not include any space heaters, domestic heating stoves, or floor furnaces (either portable or fixed).

(ii) *Modification of maximum net prices for all sellers.* On and after the 16th day of December, 1943, regardless of any contract, agreement, lease, or other obligation, every seller of cast iron warm-air furnaces or steel warm-air furnaces which do not include any of the parts listed below, shall reduce his present maximum net price for each such cast iron warm-air furnace or steel

warm-air furnace by the amount for each such part as set forth below:

| | |
|-----------------------------------|--------|
| Feed door smoke curtain..... | \$0.10 |
| Feed door lining..... | .20 |
| Hot blast lift door..... | .05 |
| Wire coil handle..... | .10 |
| Water pan..... | .50 |
| Inner lining for casing..... | .60 |
| Upright shaker handle..... | .55 |
| Poker..... | .15 |
| Metal check damper..... | .20 |
| Hand-control draft regulator..... | .40 |

This Amendment No. 21 shall become effective December 16, 1943.

(56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of December 1943

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-20019; Filed, December 16, 1943;
5:01 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-817]

WISCONSIN PUBLIC SERVICE CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of December, 1943.

Wisconsin Public Service Corporation, a subsidiary of Standard Gas and Electric Company, a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a), 7 and 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-65 of the General Rules and Regulations promulgated thereunder, regarding (a) a proposal to amend its Articles of Incorporation to provide: (1) that the ordinary voting rights of the preferred stock which are now shared with the common stock on the basis of one vote per share, will be eliminated, (2) that the right to elect a majority of the Board of Directors shall accrue upon a default equivalent to four full quarterly dividends on the preferred stock instead of six full quarterly dividends, as now provided, and (3) that the approval of two-thirds of the outstanding preferred stock be required for the creation or authorization of any class of stock ranking prior to the preferred stock, or the creation of a security convertible into such class, instead of a majority vote as now required; the other voting rights of the preferred stock remaining unchanged; and (b) a proposal to spend an amount not to exceed \$7,000 (including approximately \$6,000 for fees of an expert) in addition to the ordinary expenditures in connection with preparing, assembling, and mailing proxies, proxy statements, and accompanying data permitted by Rule U-65, in connection with the solicitation of proxies for a special stockholders' meeting to be held January 22, 1944, to approve the above

proposed amendments to the Articles of Incorporation; and

Said declaration having been filed on November 22, 1943, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said act and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified within such notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that the said declaration, as amended, be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-20013; Filed, December 16, 1943;
2:55 p. m.]

[Files Nos. 4-46 and 37-58]

AMERICAN WATER WORKS AND ELECTRIC CO., INC., ET AL.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 14th day of December, A. D. 1943.

In the matters of American Water Works and Electric Company, Incorporated, Atlantic County Water Company of New Jersey, Commonwealth Water Company, The Bernards Water Company, Monmouth Consolidated Water Company, New Jersey Water Company, Ocean County Water Company, American Water Works Construction Company, Water Works Department, Inc., Water Works Service Company, Inc.

The Board of Public Utility Commissioners of the State of New Jersey having requested the Commission to investigate the servicing arrangements in the American Water Works and Electric Company system with the system subsidiary water companies operating in New Jersey,

The Commission, pursuant to said request, having by order instituted public proceedings pursuant to sections 13 and 18 of the Public Utility Holding Company Act of 1935 relating to system servicing arrangements with all water operating and holding companies in the American system; public hearings having been held thereon after appropriate notice;

Respondents having, as a part of said plan, proposed compliance with all provisions of section 13 of the act and the rules and regulations thereunder applicable to servicing arrangements with electric and gas operating companies, and to that end having formed a new subsidiary service company, Water Works Serv-

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

[File No. 70-832]

COLUMBIA GAS & ELECTRIC CORP.

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 14th day of December 1943.

Notice is hereby given that Columbia Gas & Electric Corporation (Columbia Gas), a registered holding company, has filed declarations pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Instruction 8C of the Uniform System of Accounts for Public Utility Holding Companies prescribed by the Commission under the act.

Notice is further given that any interested person may, not later than December 28, 1943, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reason 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 declarations, 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 3, Pennsylvania.

All interested persons are referred to said declarations, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas proposes to make capital contributions aggregating \$9,313,371.58 to four of the five oil and gasoline subsidiaries whose stock and indebtedness it acquired from Columbia Oil & Gasoline Corporation (Columbia Oil) as a result of a plan, pursuant to section 11 (e) of the act, approved by this Commission (see Holding Company Act Release No. 3885). The proposed contribution will consist of forgiveness of income demand notes of such subsidiaries as follows: The Ohio Fuel Supply Company, \$662,416.06; The Preston Oil Company, \$4,944,116.58; Viking Distributing Company, \$44,812.15; Virginian Gasoline and Oil Company, \$3,662,026.79. It is stated that the proposed contributions will be used by these subsidiaries to create capital surplus which, together with surplus already available, will be utilized principally for making reductions in property accounts in order to restate them at "historical cost (cost to system companies first acquiring the property)", increasing existing depletion and retirement reserves, adjustments of accrued taxes, and in the case of Viking Distributing Company, for eliminating a deficit in surplus as at December 31, 1937.

These adjustments, which are applicable to the period prior to December 31, 1937, aggregate \$19,036,891.59. The subsidiaries will charge \$9,723,520.01 of this amount to Surplus Prior to January 1,

1938 and the balance of \$9,313,371.58 to the capital surplus being created.

Columbia Gas proposes to record its investment in the common stocks of the subsidiaries at the adjusted underlying book value thereof at December 31, 1937, of \$5,693,120.85, and in the indebtedness of the subsidiaries at the reduced amount of \$4,211,628.42, a total of \$9,904,749.27 which is shown below by companies:

| | |
|---------------------------------|----------------|
| The Ohio Fuel Co..... | \$1,734,335.37 |
| The Preston Oil Co..... | 2,965,833.42 |
| Viking Distributing Co..... | 123,137.85 |
| Virginian Gasoline & Oil Co.... | 3,518,173.21 |
| Union Gasoline & Oil Co..... | 1,558,163.42 |
| | 9,904,749.27 |

In making adjustments to record the investments in the stocks and indebtedness of the subsidiaries at the above amounts and to record net current assets received from Columbia Oil, Columbia Gas will charge \$12,000,000 to the existing reserve in that amount established for its investment in Columbia Oil, \$939,904.63 to its Surplus Prior to January 1, 1938, \$6,616,451.01 to its Special Capital Surplus, and credit \$2,429,281.10 to its Earned Surplus Since December 31, 1937. The latter amount represents the surplus earned since that date by Columbia Oil.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20014; Filed, December 15, 1943;
2:55 p. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 13]

DESIGNATED COUNTIES IN CALIFORNIA
ESTABLISHMENT OF BOARD OF APPEALS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with recommendations of the Honorable Earl Warren, Governor of the State of California, and Colonel Kenneth H. Leitch, State Director of Selective Service for the State of California, I hereby order and direct:

That the State Director of Selective Service for the State of California is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 4, 6, 7, 8, and 9, State of California, and to establish one board of appeal area coextensive with the counties of Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, San Francisco, Santa Clara, San Mateo, and Santa Cruz, State of California.

That the present members of Boards of Appeal numbered 4, 6, 7, 8, and 9, State of California, are hereby transferred to and appointed as members of Board of Appeal No. 21, State of California, and such members are appointed and assigned to the groups of such Board of Appeal No. 21, State of California, shown on Exhibit A attached hereto.

LEWIS B. HERSHEY,
Director.

DECEMBER 15, 1943.

ice Company, Inc., and said service company having filed a declaration under section 13 of the act setting forth its proposed methods of doing business; further public hearings having been held thereon after appropriate notice;

The Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, Pursuant to the provisions of Section 13 of the Act, that the proposed plan of reorganization and simplification of system-servicing arrangements as set forth in the application and declaration as filed be put into effect as soon as practicable, subject to the following conditions:

1. No change in the organization of the declarant or other proposed servicing arrangements, the type and character of the companies to be serviced, or the method of allocating costs to associate companies and in the scope and character of the services to be rendered shall be made without first obtaining the approval of the Commission.

2. The Commission reserves the right to require, after notice and opportunity for hearing, prospective adjustments and; to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations in the event that the operation of the declarant's cost allocation method does not result in a fair and equitable allocation of its costs among the serviced associate companies.

3. This order is not to be construed as a ruling that the declarant may not be required to effect such other changes in its organization or operations as may become necessary in order to conform with the act or the present or future rules, regulations or orders of the Commission.

It is further ordered, That, upon consummation of the proposed reorganization, and except as may be hereafter specifically ordered with reference to companies in the American system, all servicing arrangements and practices, whether by American Water Works and Electric Co., Inc., or any of its subsidiary companies, including Water Works Service Company, Inc., which involve the rendering of services to water operating companies in said system, shall be subject to any rules and regulations of the Commission now or hereafter in effect having general applicability to the activities of subsidiary service companies, and to the rendering of services to subsidiaries of registered holding companies, including rules limited by their terms to the rendering of services to an associate company which is a "public utility company."

It is further ordered, That jurisdiction be, and hereby is, reserved to reconsider the servicing activities of the declarant at an appropriate future time, and, after notice and opportunity for hearing, by order to revoke, suspend, or modify the authorization granted to declarant to conduct its operations and conduct of business as a subsidiary service company. By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-20012; Filed, December 15, 1943;
2:55 p. m.]

EXHIBIT A

STATE OF CALIFORNIA BOARD OF APPEALS NO. 21

Group No. 1 (former members of Board of Appeal No. 4): Floyd Rains, Herbert H. Sawyer, Wallace T. Rutherford, Dr. Robert S. Northrop, Z. B. Graves.

Group No. 2 (former members of Board of Appeal No. 6—Group 1): Joseph Concannon,

Alexander M. Kidd, Harvey C. Scott, Dr. A. Galbraith, Howard Reed.

Group No. 3 (former members of Board of Appeal No. 6—Group 2): James P. Smith, P. W. McDonough, A. R. Rowell, Dr. James Hilgesen, Charles Nissen.

Group No. 4 (former members of Board of Appeal No. 7): Alex Watchman, M. C. Hermann, Dr. Elwood R. Olsen, Brian E. Gagan, Joseph J. McShane.

Group No. 5 (former members of Board of Appeal No. 8): George Wilson, Fred D. Parr, Peter Tachis, Dr. Thomas W. Cornwall, Elmer P. Delany.

Group No. 6 (former members of Board of Appeal No. 9): Robert A. Judson, E. N. Richmond, C. C. Coolidge, Dr. Joseph C. Cunnoc, Victor Norman Christopher.

[F. R. Doc. 43-20015; Filed, December 15, 1943; 2:53 p. m.]