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- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	
Adjustments—Continued.	Page
Evans, S. E., Construction Co., Inc., et al.	12480
Fay, J. A., and Egan Co.	12486
Fergus Jobbing Co.	12485
Hobbs Industries, Inc.	12486
J. B. M. Import & Export Co.	12488
Jenkins and Frey	12485
Kold Kist, Inc.	12482
Penn Tobacco Co., Inc.	12489
Popper, E., & Co., Inc.	12488
Q Candy and Novelty Co.	12486
Read Machinery Co., Inc.	12484
Sherrill & Kaylor Upholstering Co.	12487
Steak Specialties Co.	12483
Brick and tile, building (MPR 188, Am. 56 to Order A-1)	12483

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Coal, bituminous, delivered from mine or preparation plant (MPR 120, Am. 122)	12450
Copper sulfate (MPR 354, Am. 5)	12449
Cotton picking, contract services in certain Arizona counties (RMPR 165, Supp. Service Reg. 38)	12476
Food products, certain packed (MPR 306, Am. 1-35)	12451
Food rationing for institutional users (Gen. RO 5, Am. 82)	12449
Regional and district office orders:	
Firewood, Seattle, Wash., district	12495
Fluid milk:	
Atlanta region	12492
Ferryville, Wis.	12494
Mokence, Ill.	12494
Tilden, Nebr.	12494
Fruits and vegetables, fresh:	
New Jersey counties (Corr.)	12491
New York region	12489
Grapes, table, Portland, Oreg., district	12495
Lettuce:	
Portland, Oreg., district	12495
Spokane, Wash., district (6 documents)	12496, 12497
Malt and cereal beverages:	
Jefferson County, Ala.	12492
Savannah, Ga., district	12491
Posting requirements; Oklahoma City, Okla., district	12492
Potatoes and onions, Cleveland region (Corr.)	12490
Sole footwear, substitute, Atlanta region	12491
SECURITIES AND EXCHANGE COMMISSION:	
Magnin, I., & Co.	12498
Philadelphia Electric Co.	12498
Public Investing Co.	12498
SOLID FUELS ADMINISTRATION FOR WAR:	
Bituminous coal, movement from Great Lakes commercial docks into Iowa	12437
WAR FOOD ADMINISTRATION:	
Agricultural labor, salaries and wages; picking apples in certain Washington counties	12437
Milk, handling in Tri-State marketing area	12498
WAR MANPOWER COMMISSION:	
Employment stabilization program:	
Biddeford, Maine	12503
Lewiston, Maine	12503
Portland, Maine	12503
WAR PRODUCTION BOARD:	
Allotments, deferred (CMP Reg. 1, Dir. 54)	12446
Automotive maintenance equipment (L-270)	12447
Books and booklets (L-245, Am. 1)	12445
Cards, greeting and illustrated post (L-289, Am. 1)	12446
Copper (M-9-c)	12438
Displays (L-294, Am. 1)	12446

CONTENTS—Continued

WAR PRODUCTION BOARD—Con.	Page
Ether, dichlorethyl (M-226, Rev.)	12449
Magazines and periodicals (L-244, Am. 1)	12445
Printing and duplicating, commercial (L-241, Am. 1)	12445
Suspension orders, etc.:	
A & P Corrugated Box Corp.	12504
Evans, Harry E.	12504
Larson, Roy L. (Corr.)	12444
Wall paper (L-177, Am. 1)	12444
Work clothing production order (M-379, Dir. 1)	12447

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 23d day of September, A. D. 1944.

In the Matter of William M. Irvine, Trading as Consolidated Silver Company of America

This proceeding having heretofore been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Webster Ballinger, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and brief on behalf of the Commission in support of the complaint (respondent not having filed brief and oral argument not having been requested), and the Commission having duly made and issued its findings as to the facts, conclusion and order to cease and desist dated March 29, 1940; and the Commission having further considered said order to cease and desist and having given due notice to the respondent to show cause why the proceeding should not be reopened for the purpose of modifying said order in the respects and to the extent set out in said notice, and the respondent having indicated in writing his intention not to oppose such modification; and the Commission having considered the matter and the record herein, and having concluded that the public interest requires the modification of said order in the respects and to the extent set out in said notice:

It is ordered, That the respondent, William M. Irvine, trading as Consolidated Silver Company of America, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of silverware or of sales promotional plans, including sales cards, gift cards, premium certificates or coupons redeemable in silverware or other articles of merchandise, do forthwith cease and desist from:

(1) Representing that the respondent is a representative of, or has any connection with the manufacturer of Wm. A. Rogers silverware: *Provided, however,* That this order shall not be construed to prohibit the respondent from dealing in such silverware:

(2) Representing that the respondent is conducting any special campaign or advertising campaign to introduce or advertise any article of merchandise on behalf of the manufacturer of Wm. A. Rogers silverware or on behalf of any other manufacturer or concern.

(3) Representing that certificates, coupons or trading cards will be redeemed with certain articles of merchandise unless the merchandise described is delivered to the holders of such certificates, coupons or trading cards without cost or condition.

(4) Representing that respondent will refund any sum of money to dealer purchasing said sales cards, gift cards, premium certificates or other and similar devices on the redemption of a specified number of cards or certificates unless said sales cards, gift cards, premium certificates or other similar devices are redeemed without cost to the holder thereof and unconditionally, and said refund is made to said dealer upon the redemption of the specified number of sales cards, gift cards, premium certificates or other and similar devices.

(5) Representing that respondent will give silverware or other merchandise free, when such silverware or other merchandise is not actually given free.

(6) Representing that respondent will advertise his sales promotional plan locally for dealers purchasing such plan or that respondent will assist such dealers in putting such plan into operation, when in fact respondent does not conduct such advertising and render such assistance.

(7) Representing that respondent will supply dealers purchasing respondent's sales promotional plan with display sets of silverware or other merchandise for use in putting such plan into operation, when respondent does not supply such display sets as represented.

(8) Representing merchandise delivered in redeeming certificates, coupons or trading cards as "free" or as a gift or gratuity or as delivered without cost to the holders of said certificates, coupons or trading cards when said merchandise is not in fact delivered to the holders of said certificates, coupons or trading cards without cost and unconditionally.

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

By the Commission.

ISEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-15859; Filed, Oct. 13, 1944;
11:40 a. m.]

TITLE 29—LABOR

Chapter IX—War Food Administration (Agricultural Labor)

[Specific Wage Ceiling Reg. 23, Amdt. 1]

PART 1111—SALARIES AND WAGES OF AGRICULTURAL LABOR IN THE STATE OF WASHINGTON

WORKERS ENGAGED IN PICKING APPLES IN CERTAIN WASHINGTON COUNTIES

Section 1111.7 (9 F.R. 10557) is hereby amended as set forth below:

Paragraph (c) is revised and amended to read as follows:

(c) *Wage rates; maximum wage rates for picking apples.*

(1) Wage rate for picking all varieties of apples except Winesap apple—10¢ per box of 35 pounds.

(2) Wage rate for picking Winesap apple—12¢ per box of 35 pounds.

(56 Stat. 765, 50 U. S. C. App. Supp. 961 et seq.; 57 Stat. 63; Pub. Law 34, 78th Cong.; Pub. Law 383, 78th Congress; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; regulations of the Director of Economic Stabilization, 8 F.R. 11960, 12139, 16702, 9 F.R. 6035; regulations of the War Food Administrator, 9 F.R. 655, 6011, 7378, 9641, 9 F.R. 831, 7645.

Issued this 12th day of October 1944.

HENRY WALSH,
Assistant Director of Labor,
War Food Administration.

[F. R. Doc. 44-15821; Filed, Oct. 12, 1944;
3:34 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

PART 602—GENERAL ORDERS AND DIRECTIVES

[SFAW Reg. 23, Amdt. 1]

MOVEMENT OF BITUMINOUS COAL FROM COMMERCIAL GREAT LAKES DOCKS INTO IOWA

It is necessary to permit the movement of bituminous coal from commercial docks on the Great Lakes into the State of Iowa. Accordingly, SFAW Regulation No. 23 is hereby amended in the following respects:

1. Section 602.504 (a) is amended to read as follows:

(a) *Preference to retail dealers.* If you are a commercial dock operator located on Lake Superior or on the west bank of Lake Michigan, north of, and including Waukegan, Illinois, or in the State of Michigan, after you have arranged to meet any orders for by-product and other special purpose coal (as provided in § 602.502) you shall next arrange your distribution schedules for the period April 1, 1944 to March 31, 1945, so that orders from retail dealers located in Iowa, Michigan, Minnesota, North

9 F.R. 8114, 10345.

Dakota, South Dakota and Wisconsin for all coal (except "slack" or "nut and slack"), briquettes and packaged fuel, to be shipped ex-lake dock, are met to the extent of 90 per cent of the amount which you shipped to each such retail dealer during the period April 1, 1943 to March 31, 1944. If necessary, from time to time your distribution schedules should be revised so as to assure that preference is given to these orders. You are prohibited from shipping other coal (except "slack" or "nut and slack"), briquettes and packaged fuel, until you have made adequate provision for fulfilling those orders.

This preference is applicable to all such orders received by you from retail dealers to whom you shipped coal during the period April 1, 1943 to March 31, 1944, and you shall treat orders of independent dealers on the same basis as orders of affiliated retail dealers. In filling any order you are permitted to arrange credit terms and other conditions of the sale so long as such arrangements are not illegal or unreasonable and so long as they do not result in evasion of this regulation.

Note: Orders of retail dealers who do not have storage facilities or truck scales (un-equipped retail dealers) are entitled to this preference on the same basis as orders of retail dealers having storage facilities or truck scales (equipped retail dealers).

2. Section 602.504 (b) (1) is amended to read as follows:

(1) You are prohibited from shipping ex-lake dock any coal, briquettes or packaged fuel, directly or indirectly, to any industrial consumer or retail dealer not located in Iowa, Michigan, Minnesota, North Dakota, South Dakota or Wisconsin.

3. The third paragraph of § 602.516 is amended to read as follows:

If you are an industrial consumer not located in Iowa, Michigan, Minnesota, North Dakota, South Dakota or Wisconsin, you are prohibited from receiving any coal from any commercial dock operator located on Lake Superior, or on the west bank of Lake Michigan, north of and including Waukegan, Illinois, or in the State of Michigan, unless you first obtain permission from SFAW.

4. Section 602.518 is amended to read as follows:

§ 602.518 *Restrictions on receipts by retail dealers from commercial lake dock operators.* If you are a retail dealer located in Iowa, Michigan, Minnesota, North Dakota, South Dakota or Wisconsin, you are prohibited from receiving ex-lake dock during the period April 1, 1944 to March 31, 1945, from any commercial lake dock operator on Lake Superior or on the west bank of Lake Michigan, north of and including Waukegan, Illinois, or in the State of Michigan more than 90 per cent of the total amount of coal (except "slack" or "nut and slack"), briquettes, and packaged fuel which was shipped to you by such

commercial lake dock operator during the period April 1, 1943 to March 31, 1944.

If you are a retail dealer located in any other area, you are prohibited from receiving any coal from any commercial lake dock operator located on Lake Superior or on the west bank of Lake Michigan, north of and including Waukegan, Illinois, or in the State of Michigan, unless you first obtain permission of the Solid Fuels Administration for War, Washington 25, D. C.

This amendment shall become effective on the date of issuance.

(E.O. 9332, 8 F.R. 5335; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 12th day of October 1944.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 44-15838; Filed, Oct. 13, 1944;
10:42 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter A—General

PART 800—ORDERS AND DELEGATIONS OF AUTHORITY

EXEMPTIONS FROM CONTRACT SETTLEMENT ACT

§ 800.90 *Order of exemption under Contract Settlement Act of 1944.* Deeming it in the public interest and necessary for and appropriate to the effective discharge of the responsibilities of the Foreign Economic Administration and the U. S. Commercial Company that:

(a) War contracts heretofore or hereafter executed to which either agency is a party originally or by assignment, made or to be performed outside the continental limits of the United States or in Alaska, and

(b) Termination inventory in which either agency has an interest, situated outside of the continental limits of the United States or in Alaska,

be exempt from the provisions of the Contract Settlement Act of 1944 (Pub. Law 395, 78th Cong., approved July 1, 1944), the Foreign Economic Administration and the U. S. Commercial Company, by virtue of the authority contained in section 25 of said act, hereby exempt such war contracts and termination inventory from the provisions of said act.

(58 Stat. 649)

Dated: October 11, 1944.

FOREIGN ECONOMIC ADMINISTRATION,
LEO T. CROWLEY,
Administrator.

U. S. COMMERCIAL COMPANY,
LEO T. CROWLEY,
President.

[F. R. Doc. 44-15855; Filed, Oct. 13, 1944;
11:22 a. m.]

Subchapter B—Export Control

[Amtd. 240]

PART 811—BLANKET LICENSE "BLT"

GENERAL PROVISIONS; CERTAIN TEXTILES

Section 811.2 *General provisions* is hereby amended in the following particulars:

(1) By adding to paragraph (c) thereof the following sentence: "In any case where an Import Recommendation issued by a designated government agency of the country of destination is required as a condition to the issuance of an export license for a particular commodity to a designated consignee, such commodity may not be exported to such consignee under a blanket license in quantities in excess of the amount approved for such consignee in said Import Recommendation."

(2) And by adding to the list of commodities in paragraph (f) thereof the following commodities:

Commodity	Schedule B No.
Cotton semimanufactures.	3011.10 through 3013.00.
Cotton manufactures----	3015.00, 3016.00, 3018.00, 3023.00 through 3140.00, 3171.00 through 3181.00.
Wool semimanufactures.	3187.00 through 3189.00.
Rayon, nylon and other synthetic textiles.	3633.00, 3830.07, 3840.08, 3840.11, 3842.00, 3845.00 through 3857.70.
Miscellaneous textile products.	3911.00 through 3918.00.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th 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: October 6, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-15856; Filed, Oct. 13, 1944;
11:22 a. m.]

[Amtd. 241]

PART 801—GENERAL REGULATIONS

REFUNDS OF SUBSIDY PAYMENTS; RED KIDNEY BEANS

Paragraph (d) *Schedule A* of § 801.16 *Refunds of subsidy payments* is hereby amended by adding to the schedule of refunds headed "Dry Edible Beans, 1943 crop, purchased on or after August 3, 1944 on basis of Second Revised Maximum Price Regulation No. 270", the following class of commodity and rate of refund:

Class:	Refund per cwt. (cents)
Red kidney:	
U. S. No. 1., U. S. No. 2-----	80
U. S. C. H. P., U. S. Extra No. 1-----	80

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320; Delegation of Authority No. 55, 9 F.R. 7512)

Dated: October 9, 1944.

WALTER FREEDMAN,
Deputy Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-15857; Filed, Oct. 13, 1944;
11:23 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 230 and 56 Stat. 177; E.O. 9024, 7 F.R. 320; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 933—COPPER

[Conservation Order M-9-c, as Amended
Oct. 13, 1944]

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

§ 933.4 *Conservation Order M-9-c—(a) Restrictions on manufacture of articles appearing on combined list.* No manufacturer of any article on the combined list attached, or of parts (including repair parts¹) for any such article, may, if such article or parts contain copper products, or copper base alloy products, continue their manufacture by means of processing, assembling or finishing.

(b) [Deleted Oct. 13, 1944]

(c) *General restrictions on manufacture and plating.* (1) The restrictions of this subparagraph are in addition to those contained elsewhere in this order and in other orders and regulations of the War Production Board. No manufacturer may continue the manufacture of any article or parts (including repair parts) omitted from the Combined List or excepted from that list if such article or parts are to contain copper products or copper base alloy products where the use of any less scarce material² is practicable. Furthermore, no manufacturer may continue the manufacture of any article or parts (including repair parts) omitted from the combined list or excepted from that list if they are to con-

¹ See also paragraph (f) (3) permitting the manufacture of repair parts to make specific repairs of used articles under certain conditions.

² The Conservation Division of the War Production Board issues, periodically, a publication showing the relative scarcity of materials entitled "Materials Substitutions and Supply."

tain more copper products or copper base alloy products than is necessary for the article's proper operation or a higher type or grade of copper or copper base alloy than is necessary for the article's proper operation.

(2) The restrictions of this subparagraph are in addition to those contained elsewhere in this order and in other orders and regulations of the War Production Board. No person shall use for any purpose in manufacture, any copper base alloy foundry product, either rough or finished, containing more than 74% copper or 2% tin, unless one or more of the following conditions is satisfied:

(i) He was lawfully using copper base alloy for the particular purpose some time during the last six months of 1943;

(ii) A War Production Board order or regulation specifically allows an alloy with a higher copper or tin content;

(iii) The specifications of the Army or Navy of the United States, the U. S. Maritime Commission or the War Shipping Administration, applicable to the contract, subcontract or purchase order call for an alloy with a higher copper or tin content; or

(iv) He has been specifically authorized in writing by the War Production Board to use an alloy with a higher copper or tin content. (Applications for specific authorization under this subparagraph to use copper base alloy foundry products containing more than 74% copper or 2% tin, where such use would otherwise be in violation of the restrictions stated above, should be made by letter in duplicate addressed to the Copper Division of the War Production Board, Washington 25, D. C., Reference: M-9-c. A provision similar to this subparagraph (2) appears in Order M-43 and one application is sufficient under both Orders M-9-c and M-43).

(3) (i) The use of copper products or copper base alloy products for plating any article on the combined list or for plating any parts (including repair parts) of such an article, is prohibited unless such plating is expressly stated in the list to be permissible or such plating is an undercoating for lead, chromium or nickel. Undercoatings for lead should, in general, be less than 0.00005 inch in thickness.

(ii) The use of copper products or copper base alloy products for plating any article omitted from the combined list or excepted from that list, and the plating of parts (including repair parts) for such an article, is permitted *Provided*, That:

(a) Such plating is not for decorative purposes, or part of a decoration.

(b) The use of, or the normal wear on, such article or parts would make impracticable any other form of coating.

(d) *Restrictions on deliveries to manufacturers.* No person shall hereafter deliver copper products or copper base alloy products to any manufacturer, directly or indirectly, if he knows or has reason to believe that such products are to be used in violation of the terms of this order. No person shall deliver or accept delivery of any article or parts (including repair parts) which he knows or has reason to believe was manufactured, processed, assembled or finished in

violation of any applicable provision of this order.

(e) *General restrictions on deliveries.* The disposition of frozen and excessive inventories containing certain copper products or copper base alloy products shall be subject to the applicable provisions of Priorities Regulation No. 13 (§ 944.34), as amended from time to time.

(f) *Exceptions—(1) Applicability of order to certain Governmental agencies.* The provisions of this order shall not apply to the use of copper products or copper base alloy products in the manufacture of any article on the "Military Exemption List", or part thereof, which is being produced for purchase by, or for the account of, or for use by, the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Coast Guard, or the Veterans' Administration, where the use of copper products or copper base alloy products to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Coast Guard, or the Veterans' Administration, applicable to the contract, subcontract or purchase order.

(2) *Installation.* The provisions of this order shall not apply to the installation of any article or part (including a repair part) for the ultimate consumer on his premises when any manufacturing of such article or part is incidental to the installation and is done on the consumer's premises. This exception does not, however, in any way affect or modify the provisions of Supplementary Conservation Order M-9-c-4 (restricting the installation of certain types of copper and copper base alloy pipe, tube, and building materials) or of any other order restricting installation.

(3) *Repair.* The restrictions of this order shall not apply to the manufacture of repair parts to make a specific repair of a used article, or to a person repairing a used article, on or off the premises of the owner, if the manufacturer of the parts or the person making the repair does not use copper products or copper base alloy products weighing in the aggregate more than two pounds and when all manufacturing done by him is with knowledge of the particular used article to be repaired. The restrictions of this order shall also not apply to the manufacture of repair parts to make a specific repair of a used article, or to a person repairing a used article, on or off the premises of the owner, even if the manufacturer of the parts or the person making the repair uses copper products or copper base alloy products weighing in the aggregate more than two pounds, when (i) the copper scrap or copper base alloy scrap derived from the article being repaired weighs within one pound of the copper product or copper base alloy product used, (ii) all such scrap is delivered to a scrap dealer or to any other person to whom such delivery may be made under the provisions of Copper Order M-9 and

(iii) all manufacturing done is with knowledge of the particular used article to be repaired.

(4) *Research, developmental and experimental activities.*³ The provisions of this order shall not apply to the use of copper products or copper base alloy products to make experimental models or test runs, but only the minimum number of models or minimum size run needed to determine the suitability of the item for commercial production. Such models or materials shall not be distributed for the purpose of promoting sales or creating a consumer demand for such items, nor shall such items, if designed primarily for future civilian markets, be exhibited to the public. Research, developmental or experimental activities in connection with products or materials designed primarily for future civilian markets must be carried on without diverting any manpower, technical skill or facilities from activities connected with the war effort.

(g) *Special products; restrictions and exceptions—(1) Printing and publishing industries.* After October 3, 1943, the provisions of this order shall not apply to the use of copper products and copper base alloy products in typography, engraving, photo-engraving, gravure plate making, electrotyping, stereotyping, and printing in the printing and publishing industries. In those processes, the use of bronze powder, bronze ink, bronze paste, and bronze leaf is controlled by Supplementary Conservation Order M-9-c-3. All other uses in those industries of copper products, copper base alloy products, copper scrap, and copper base alloy scrap are governed by Conservation Order M-339. Nothing contained in this paragraph (g) (1) shall affect the prohibition against the manufacture of powder containing copper products or copper base alloy products under paragraph (a) and the Combined List of this order.

(2) *Insect screening.* This order does not restrict the sale or delivery of used or second-hand insect screening. However, no person shall sell or deliver to any one person more than 50 sq. ft. of any other copper or copper base alloy insect screening unless the sale or delivery is made to: (i) A jobber, wholesaler or retailer; (ii) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast Guard, the Veterans Administration, any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or Defense Supplies Corporation, Metals Reserve Corporation or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (except Defense Plant Corporation) or any person acting as agent of any such corporation (except Defense

³ Copper products and copper base alloy products in controlled material forms may be ordered for research, developmental and experimental activities by placing an order bearing the controlled material symbol V-9 and the standard CMP certification, all as provided in Order P-43.

Plant Corporation); or (iii) any person upon specific authorization of the War Production Board. Applications for specific authorization shall be made by letter addressed to the War Production Board, Copper Division, Washington 25, D. C., Ref: M-9-c. Nothing contained in this paragraph (g) (2) affects the prohibitions on the manufacture, processing, assembling or finishing of insect screening with copper products or copper base alloy products under paragraph (a) and the combined list. (See the item "insect screening" under the heading "Miscellaneous" on the combined list.)

(3) *Copper products not controlled by order.* The provisions of this order shall not apply to the manufacture of the following articles and parts (including repair parts) even though they contain copper products, or copper base alloy products, since these articles are specifically governed by the following orders: Shoe findings and footwear of all kinds governed by Supplementary Conservation Order M-9-c-1.

Fire protective equipment governed by General Limitation Order L-39.

Motorized fire apparatus governed by General Limitation Order L-43.

Bronze paste, bronze ink, and bronze leaf, and products made with bronze paste, bronze ink, bronze leaf and bronze powder (other than decalcomanias and ship bottom paint), governed by Supplementary Conservation Order M-9-c-3.

Jewelry as defined in and governed by Supplementary Conservation Order M-9-c-2.

Musical instruments governed by Supplementary Limitation Order L-37-a.

Water meters governed by Schedule I of Limitation Order L-154.

Gold filled and rolled gold plate governed by Direction 2 to Order M-199.

(4) *Attachment and assembly work.* (i) The provisions of this order do not apply to attaching finished slide fasteners, hook and eyes, brassiere hooks, sew-on, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, eyelets (other than eyelets usable as shoe eyelets), garter trimmings, hose supporters, insignia, jewelry, loops, mattress buttons, pin fasteners, pins, staples, slides, and trouser trimmings. The order does apply to the manufacture, processing, assembling and finishing of the closures and associated items listed above where the provisions of this order are more restrictive than other orders of the War Production Board.

(ii) The provisions of this order do not apply to the assembling of watch or clock movements finished prior to June 15, 1942, into cases not made of copper or copper base alloy. The provisions of this order do, however, apply to the manufacture, processing and finishing of watch and clock cases and of all other parts of watches and clocks and to assembling watches and clocks except as specifically exempted in this paragraph.

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

(1) "Copper" means unalloyed copper metal. It shall include unalloyed copper metal produced from scrap.

(2) "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight

equals or exceeds 40% of the total weight of the alloy. It shall include alloy metal produced from scrap but shall not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67-38.

(3) "Copper products" means products made of copper fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings, or forgings, or fabricated to any greater extent.

(4) "Copper base alloy products" means products made of copper base alloy, fabricated to the extent that they are plate, sheet, strip, rolls, coils, wire, rod, bar, tube, tubing, pipe, extrusions, ingot, powder, anodes, castings, or forgings, or fabricated to any greater extent.

(5) "Manufacturer" means a person who manufactures, processes, assembles, or finishes. "Manufacture" includes processing, assembling, and finishing.

(i) *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.

(2) *Applications under Priorities Regulation 25, applications for specific authorization, and appeals—(i) Exceptions under Priorities Regulation 25.* Except as noted below in subparagraph (iii) of this paragraph, all requests for exceptions from the restrictions in paragraph (a) on manufacture, processing, assembling or finishing of any articles on the combined list (or part of an article) must be filed under Priorities Regulation 25. Some other orders of the War Production Board contain restrictions on the use of copper products or copper base alloy products. An authorization granted under Priorities Regulation 25 will not waive the other restrictions unless the order containing them or a direction to Priorities Regulation 25, states that it will. In the absence of such a statement, it is also necessary to get relief from the restrictions of the other order in the manner provided in that order.

(ii) *Applications for specific authorization.* Where the order specifies that certain things may not be done unless the specific authorization of the War Production Board is obtained, applications for authorization should be made by letter in duplicate to the Copper Division in Washington.

(iii) *Appeals.* No appeal shall be filed from the provisions of paragraph (a) of this order except where a person wishes to make an article which is on the combined list and not on the "Military Exemption List" for one of the agencies mentioned in paragraph (f) (1) in a manner not permitted by the terms of this order. Any such appeal, or any appeal from the provisions of paragraphs (c) (1) and (c) (3) of this order, shall be made by filing Form WPB-1477 with the War Production Board, Copper Division, Washington 25, D. C., Ref: M-9-c.

(3) *Communications.* Any reports required to be filed under this order and

all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Copper Division, Washington 25, D. C., Reference: M-9-c.

(4) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply irrespective of whether the articles or parts whose manufacture is governed hereby are being manufactured pursuant to a contract made prior or subsequent to the effective date of this order. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided the manufacture of any articles or parts, the limitation of such other order shall be observed.

(5) *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.

Issued this 13th day of October 1944.

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

COMBINED LIST

NOTE: Combined List amended Oct. 13, 1944.

The manufacture, processing, assembling or finishing of the items listed below and of all parts (including repair parts) therefor is prohibited if such article or part contains copper products or copper base alloy products, except to the extent permitted by the exceptions noted on the list. Where this list excepts an item if the use of copper products or copper base alloy products in making the item is limited or if the item is being produced for a particular end use, the manufacture, processing, assembling and finishing of the item made under the terms of such an exception is governed by paragraph (a) of this order.

AUTOMOTIVE, TRAILER⁴ AND TRACTOR EQUIPMENT AND FARM MACHINERY

See also Order L-158 governing the manufacture of automotive replacement parts for passenger automobiles, motor trucks, truck trailers, passenger carriers, and off-the-highway motor vehicles.

Ambulance hardware (for locks, see under the heading "Miscellaneous" on this list), Defrosters (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Heaters (except when the only copper products or copper base alloy products used are (i) for parts necessary for conducting electricity or (ii) for radiators and for supply and return hot water lines for passenger carriers having a seating capacity of not less than eleven persons).

⁴ See also under "Passenger Transportation Equipment" on this List.

Neat hardware (for locks see under the heading "Hardware" on this list).
 Horns (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).
 Hub and gas-tank caps.
 Lights, lamps, headlamps and accessories (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity and for plating reflectors as provided by the item "Reflectors * * *" on this list under the heading "Miscellaneous").
 Miscellaneous fittings and trim.
 Motorcycles (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or for brazing).
 Motor-driven power cycles as defined in Order L-301 (except when the only copper products or copper base alloy products used are for parts necessary for generating and conducting electricity or for carburetors, clutch facings or repair parts, or for brazing).
 Mouldings.
 Rear-view mirrors and hardware.

BUILDING SUPPLIES

(Excluding supplies for ships, boats and aircraft)

Access panels.
 Air conditioning equipment and refrigeration equipment (except when the only copper products or copper base alloy products used are for an air conditioning system or refrigeration system coming within the definition of a "system" in Order L-126, and when the particular use of copper or copper base alloy is not prohibited by the terms of Order L-126 and the schedules thereto).
 Anchors and dowels.
 Blinds, including fixture fittings and trimmings.
 Caulking anchors.
 Cement flooring and composition flooring (except that crude arsenical copper precipitate may be used for flooring for hospital operating and anesthesia rooms, for places where explosives are handled or stored and for places where explosive vapors may be present).
 Conduits.
 Cornices.

Doors, windows, door and window frames and sills and parts excluding door handles and knobs. (This does not prohibit the use of copper or copper base alloy insect screening and weatherstripping to make or repair any of the above mentioned items, if the only copper or copper base alloy used is insect screening or weatherstripping). For door handles and knobs, see under the heading "Hardware". For the prohibition on manufacturing of copper or copper base alloy weatherstripping see "Weatherstripping and insulation" under this sub-heading "Building Supplies", and for the prohibition on manufacturing of copper or copper base alloy insect screening see "Insect screening" under the heading "Miscellaneous" on this list.

Drip pans.
 Elevators and escalators (except when the only copper products or copper base alloy products used are for bearings, worm gears and parts necessary for conducting electricity).
 Expansion bolts and caulking anchors.
 Fences and gates.
 Grilles, grids and gratings.
 Gutters, leaders, downspouts, expansion joints, and accessories thereto.
 Lighting fixtures (except when the only copper products or copper base alloy products

used are for parts necessary for conduction of electricity and for plating).

Linoleum stripping.
 Ornamental metal work.
 Partitions.
 Pipe butt protection.
 Pipe, tube, tubing and fittings for water supply or water distribution systems and installations or for any gas supply or gas distribution system (except corporation stops and couplings therefor, curb stops and couplings therefor, adapters, unions, solder nipples, colder bushings, and ferrules and except for all such pipe, tube, tubing and fittings for use in chlorine gas equipment).

Plumbing and heating supplies:
 Bands on pipe covering.
 Cistern and low-water floats, and toilet floats.
 Pipe, tube, tubing and fittings for piping systems (except colder nipples, colder bushings, and ferrules).
 Push, kick, switch, floor and all other device plates.
 Radiator shields and covers.
 Railings.
 Roof, roofing, louvers, marquees, roofing nails, flashings, flashing valleys, and other roofing items.
 (Sheet, roll, strip and rod for building construction.)
 Shelves.
 Stair and threshold treads, nosing and edgings.
 Store fronts.
 Termite shields.
 Terrazzo strips, reglets, moulding and trim.
 Thresholds and saddles.
 Tie rods.
 Unit heaters, unit ventilators, and convectors, space or local heaters, and blast heating coils, or any apparatus using such coils as part of its construction (except that any copper products or copper base alloy products may be used for valves, controls, or parts necessary for conducting electricity, copper strip may be used for fins, copper tube or sheet may be used for water courses and headers, and cast brass also may be used for headers, if the copper content of the cast brass does not exceed 82% and the tin content 3½%).
 Vents, ventilators and skylights.
 Water containers for humidification.
 Weatherstripping and insulation.

BURIAL EQUIPMENT

Burial urns.
 Burial vaults.
 Caskets and casket hardware. See also Order L-64.
 Memorial tablets.
 Morticians' supplies.
 (See also the item "Boxes, * * *" under the heading "Miscellaneous" on this list.)

CLOTHING AND DRESS ACCESSORIES

(See also Order L-63)

Dress ornaments.
 Handbag fittings.
 Insignia.
 Metal cloths.
 (See also the item "Slide fasteners * * *" under the heading "Miscellaneous" on this list.)

*The item sheet, roll, strip and rod for building construction has been deleted from the Combined List. However, Order L-9-c-4 still restricts the use of that type of material for construction, maintenance and repair purposes.

FURNISHINGS AND EQUIPMENT

Andirons, screens, and fireplace fittings.
 Candlesticks.
 Cooking and table utensils.
 Counters.
 Curtain fasteners, rods and rings.
 Cupboards.
 Fans (See the item "Fans * * *" under the heading "Miscellaneous" on this list).
 Furniture.
 Furniture hardware (except bushings for hospital bed springs if the copper content of the brass does not exceed 74% and the tin content 2%). For locks, see under the heading "Hardware" on this list.
 Gas heater and stove installation connections.
 Hollow-ware.
 Mud scrapers.
 Portable heaters, except electric portable heaters.
 Shower curtains.
 Stoves and ranges for household cooking use, gas (except when each valve contains not more than ½ oz. of copper base alloy and each control contains not more than 1½ oz. of copper base alloy and the stove or range contains no other copper or copper base alloy whatever; or except when the stove or range contains no copper or copper base alloy whatever other than 1½ oz. of copper base alloy in each control and the copper base alloy contained in any valves which either were finished prior to August 7, 1942, or which were or will be finished subsequent to that date pursuant to the granting of an appeal on or before May 26, 1944, or the issuance of a written specific authorization issued subsequent to May 26, 1944 to a valve manufacturer. Valve manufacturers desiring specific authorization to make valves out of copper base alloy products should apply by letter addressed to the Copper Division, War Production Board, Washington 25, D. C., Reference M-9-c, setting forth the relevant facts including the alloy of the copper base alloy products to be used).
 Stoves and ranges other than gas stoves and ranges for household cooking use (except when the only copper products or copper base alloy products used are for valves, ferrules for compression fittings, controls other than timers, and parts necessary for conducting electricity).
 Timers, for stoves and ranges.
 Trays.
 Upholsterers' supplies, including nails and tacks.
 Vases, pitchers, bowls, and artcraft.
 Washing tubs and washing boilers.
 Waste baskets, hat trees, humidors and similar items.

HARDWARE

(Excluding hardware for aircraft)

Builders' finishing hardware, including hinges, door knockers, door checks, door pulls, door stops, door handles, door knobs, and hangers and tracks (except when the only copper products or copper base alloy products used are permitted by the terms of Schedule I of Order L-236). For locks, latches and padlocks, see below on this list.
 Decorative hardware (including house numbers).
 Expansion bolts.
 Inclinator hardware and fittings.
 Letter boxes and mail chutes.
 Locks, latches and padlocks (except when the only copper products or copper base alloy products used are permitted by the terms of Schedule I of Order L-236; and except for interior working parts of railway car door locks and railway switch padlocks and for all parts of postal locks when manufactured by the Mail and Equipment Section of the United States Post Office).

Marine joiner hardware (except when the only copper product or copper base alloy product used are permitted by the terms of Schedule II of Order L-236).
Sash balances.

INDUSTRIAL MACHINERY

Pulp and paper manufacturing:
Stock and water lines, including shower pipes.

JEWELRY, GIFTS AND NOVELTIES

All jewelry, gifts and novelties including, but not limited to:
Advertising specialties.
Atomizers (see also this list under "Miscellaneous").
Bar fittings.
Book ends.
Cosmetic containers.
Lighters.
Napkin rings.
Picture frames.
Smokers' accessories, including ash trays.
Souvenirs.

PASSENGER TRANSPORTATION EQUIPMENT

(Including railroad cars, street and interurban cars, busses, and trailers, but excluding locomotives)

All items under the heading "Furnishings and equipment".

Air conditioning equipment and refrigeration equipment (except when the only copper products or copper base alloy products used are for an air conditioning system or refrigeration system coming within the definition of a "system" in Order L-126, and when the particular use of copper or copper base alloy is not prohibited by the terms of Order L-126 and the schedules thereto).

Bands on pipe covering.

Decorative hardware and ornamental metal work (for locks, see under the heading, "Hardware" on this List).

Door knockers, checks, pulls and stops (except for repair and replacement purposes).

Doors and windows, door and window frames and window sills.

Drinking water reservoirs.

General and finish hardware (except for repair and replacement purposes).

Lighting fixtures (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

Pipe, tube, tubing, and fitting for plumbing and heating (except for essential repairs).

Shower rods, heads and pans.

Sinks and drainboards.

Screening.

Towel and luggage racks.

Trolley frog bodies, trolley wire crossover bodies, trolley clamps used for supporting Fig. 8 or grooved trolley wire (unless used for carrying current), and miscellaneous items such as machine screws, bolts and studs used with overhead trolley line material.

Water containers for humidification.

Weatherstripping and insulation.

MISCELLANEOUS

Alarm and protective systems, other than fire protective systems covered by Order L-39 (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).

Arch supports.

Atomizers (except atomizers for medicinal purposes and for use in the preparation of dried milk and dried eggs, and except electrical insect sprayers).

Barrel hoops.

Badges.

Bar and counter equipment and fittings.

Barber shop equipment and supplies.

Barrel hooks.

Bathroom accessories.

Beauty parlor equipment and supplies (except for repair and replacement parts of commercial permanent wave equipment and commercial hair driers, when the only copper products or copper base alloy products used are permitted by the terms of Order L-65).

Beverage dispensing units and parts thereof (except for carbonators and except for self-contained drinking water coolers as defined in Schedule I of Order L-126).

Bicycles, and similar vehicles, and equipment therefor (except valves for bicycle tires and tubes). (See also Order L-52.)

Binoculars, including opera glasses.

Bird and pet cages and stands.

Blow torches, gasoline, kerosene and alcohol (except when the only copper products or copper base alloy products used are for the pump barrel, including pump barrel collar, pump check valve assembly, pump cylinder cap, brazing material, pack nut, valve stem, burner and jet block, filler plug bushing, feed pipe bushings and pump bushings).

Bottle coolers.

Boxes, cans, jars and other containers.

Branding, marking, and labeling devices and stock for same (except engraved burning branding dies; and except where the devices and the stock are for affixing governmental, notarial and corporate seals).

Brushes (except for the types used in electric motors and generators; and except for industrial brushes used for (a) applications requiring non-sparking characteristics, (b) burring of needles, (c) the manufacture of precision gauges, or (d) the manufacture of combat end-products complete for tactical operations (including, but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, and vehicles) when prescribed for field or combat use by the Army or Navy of the United States, or when prescribed for field or combat use by the Army or Navy of any foreign country, and (e) except for drawing, spacing, or binding wire for other industrial brushes where copper or copper base alloy wire is essential to the efficient performance of the brush). The term "drawing, spacing, or binding wire" does not include "stapling wire."

Cabinets.

Canes.

Carpet rods.

Chimes and bells (except for any bells when the only copper products or copper base alloy products used are for parts necessary for conducting electricity, and except for bells for use on board ship when the only copper products or copper base alloy products used are for parts necessary for conducting electricity or where the use of such products is essential to the proper functioning of the parts).

Clips.

Cleaning and polishing accessories, such as brooms, carpet sweepers, crumming sets, dust pans, mops, pot scourers, whisk brooms and floor and furniture polishers.

Clock cases.

Clothes line pulleys and reels and scrubbing boards.

Cooking utensils (except for commercial processing machinery when the only copper products or copper base alloy products used are permitted by the terms of Order L-292 or by a specific authorization of the War Production Board granted pursuant to such order).

Cooling towers (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity, heat exchangers, bearings, worm

gears for speed reducers, and spray nozzles when the copper content of the brass in the nozzles does not exceed 80% and the tin content 2%).

Cutlery, including pocket cutlery (except when the only copper products or copper base alloy products used contain no nickel and are for rivets and lining of pocket cutlery).

Daubers for shoe polish.

Dispensers, hand, for hand lotions, paper products, soap and straws.

Dog collars and other similar harness and equipment for pets.

Domestic garbage grinders.

Domestic laundry equipment as defined in

Order L-6, except washing machines (however, copper products or copper base alloy products may be used in the assembly of new domestic laundry equipment when such assembly is specifically authorized by the War Production Board under Order L-8; and copper products or copper base alloy products may be used in the production of repair and replacement parts for domestic laundry equipment to the extent permitted by the terms of Order L-8).

Domestic mechanical refrigerators as defined

in Order L-5 (except electric and gas refrigerators and except that copper products or copper base alloy products may be used in the production of repair or replacement parts for domestic mechanical refrigerators of types other than electric and gas refrigerators).

Domestic vacuum cleaners as defined in Order L-18-b (except that copper products or copper base alloy products may be used in the production of repair or replacement parts for domestic vacuum cleaners).

Electric blankets.

Electric irons, portable, designed primarily to be used in ironing or pressing wearing apparel and having a self-contained heating element in which heat is generated by the passage of electricity (except that copper products or copper base alloy products may be used in the manufacture of current carrying parts and for plating).

Electric light bulbs and cord sets for Christmas trees, and bulbs and neon and fluorescent tubes for advertising and display purposes.

Electrolytic devices for the removal and prevention of scale in boilers and condensers.

Flashlights and lanterns powered by dry cell batteries (except when the only copper products or copper base alloy products used are for the plating of parts necessary for conducting electricity other than cases). For other lanterns, see the item "Lanterns * * *" on this list.

Flower pots, boxes and holders for same.

Flower shears.

Food dispensing utensils, devices and machines.

Fountain pens (except that copper products or copper base alloy products may be used as an undercoating in the plating of outside functional parts).

Fountains (except drinking water fountains when the only copper products or copper base alloy products used are permitted by Schedules V and XII of Order L-43).

Furniture grommets.

Games as defined in Order L-81.

Garden tools and equipment.

Hair curlers, hair brushes and combs, shoe horns and button hooks.

Hand saw screws, nuts and washers for attaching saw blades to the handle.

Hammers including mallets except heads for hammers and mallets when they are manufactured from scrap material generated by the plant in which they are intended to be used).

Health supplies, except the following:

Acoustic aids,
 Anaesthesia apparatus and supplies,
 Atomizers (medical use only),
 Diagnostic equipment and supplies,
 Hypodermic syringes and needles,
 Infant incubators,
 Instruments,
 Laboratory equipment and supplies,
 Medicinal chemicals (limited to medical use only),
 Operating room supplies and equipment,
 Ophthalmic products and instruments,
 Physical therapy equipment (limited to medical use only),
 Respirators, resuscitators and iron lungs,
 Rubber hospital sundries,
 Splints and fracture equipment,
 Sterilizers, blanket and solution warmers,
 Surgical and orthopaedic appliances (including artificial limbs and arms but not including arch supports).
 Sutures and suture needles, and
 X-ray equipment and supplies.

Hooks, including hat and coat hooks.

Ice cream freezers for use in the home.

Insect screening.

Kitchen utensils, devices and machines (except can openers when the only copper products or copper base alloy products used are for gears, except egg beaters when the only copper products or copper base alloy products used are for gears and bushings, and except electrical appliances).

Kitchen and miscellaneous household articles.

Lace tips.

Ladders and hoists (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity), including fittings.

Lamps, electric (except that copper products or copper base alloy products may be used for parts necessary for conducting electricity, but only in the case of non-portable lamps for use in hospitals or in industry, otherwise than in offices, or in the case of bicycle lamps of the generator type).

Lamps, other than electric (except when the only copper products or copper base alloy products used are for valves, controls, and wicks, and for burners for mantle type kerosene lamps).

Lanterns (except for generators, valves, controls and fonts). This item does not apply to lanterns powered by dry cell batteries which are covered by the item "Flashlights * * *" on this list.

Lawn sprinklers, mowers, seeders and rollers.

Lighting fixtures for use outside of a building (except when the only copper products or copper base alloy products used are for parts necessary for conducting electricity).

For lighting fixtures in a building see "Lighting fixtures" under the heading

"Building Supplies" on this list.

Livestock and poultry equipment (except for bull rings; and except when the only copper products or copper base alloy products used are for valves, controls, parts necessary for conducting electricity, and wafer thermostats).

Loose-leaf binders.

Luggage fittings, trim and hardware.

Manicure implements.

Match and pattern plates, matrices, and flasks.

Mattress buttons and furniture glides.

Medals, including decorations.

Mirrors.

Name, identification, instruction and data plates.

Non-operating or decorative uses of copper or copper base alloy, or the use of the same in such parts of installations and equipment (mechanical or otherwise) as bases, frames, guards, standards and supports.

Package handles and holders.

Paint (except for ship bottoms).

Pari-mutuel, gambling and gaming machines, devices and accessories.

Pencils, mechanical (except that copper products or copper base alloy products may be used as an undercoating in the plating of outside functional parts).

Photographs or other record players.

Photographic equipment and accessories (I) except document copying machines and equipment therefor for business purposes and for use by the U. S. Post Office; (II) except for X-ray equipment; and (III) except for photographic equipment and accessories of the types the production and distribution of which is regulated by Order L-267).

Plms (except when the only copper products or copper base alloy products used contain no nickel and are used solely for heads or caps for laundry net plms and laundry identification plms).

Pressure boat fastenings, fittings, hardware, and motors.

Pole-line hardware.

Powder, except for non-decorative uses.

Printing rollers (except to the extent that an equivalent poundage in copper or copper base alloy is returned to a brass mill in the form of old rollers or scrapings from old rollers).

Putty and scraping knives.

Razors operated by electricity (except for repair parts).

Razors not operated by electricity (except when the only copper products or copper base alloy products used in making safety razors or parts are for heads and for plating, and, in making straight razors or parts are for rivets, pins and washers).

Reclaimers for heating water.

Reflectors (except that copper products or copper base alloy products may be used as an undercoating in electroplating in connection with silvering).

Refrigerator display cases.

Saddlery hardware and harness fittings.

Scales, except commercial, industrial and laboratory scales and laboratory balances. (See also Order L-180.)

Screens and points for oil wells.

Seismograph loading pole couplings.

Shells and caps for electric sockets except screw shells and except those used in connection with lamp signals in communication facilities.

Signs, including street signs. (See also Order L-29.)

Slide fasteners, hooks and eyes, bracelet hooks, sew-on, machine attached or riveted snap fasteners, buckles, buttons, corset clasps, garter trimmings, hose supporters, personal hardware, pin fasteners, slides, and trouser trimmings, except as may be permitted by the terms of Order L-114; and eyelets, loops, staples, rivets, burrs and tacks for use on wearing apparel, except as may be permitted by the terms of Order L-114. However, copper base alloy products may be used to make machine attached snap fasteners when they are ordered by manufacturers of nurses' uniforms. Manufacturers of nurses' uniforms shall not use the brass snap fasteners except on nurses' uniforms, and shall not dispose of the snap fasteners to others.

Slot, game and vending machines, including parking meters (except sanitary napkin vending machines when the only copper products or copper base alloy products used are for tumblers for locks).

Soda fountain equipment (except for carbonators, and except for repair and replacement parts manufactured in conformity with the inventory restrictions of Order L-38).

Sporting goods, and fishing and hunting equipment and supplies (I) except fishing equipment and supplies for commercial fishing use; and (II) except ammunition made from copper base alloy products allotted to manufacturers for the purpose of making civilian ammunition.

Staples and staplers. "Staples" means any two-pronged metal fasteners made from wire or strip which are usually cohered and which are applied by a device especially designed for the purpose. The term "staples" does not include any fasteners applied by foot-operated or power-driven stitching machines, but it does include rolls of wire designed to be both formed and applied as "staples" by a hand-operated device. "Staplers" means any devices designed for the purpose of applying staples as fasteners. The term, "staplers" includes among others, all devices commonly known as stapling machines and tackers, as well as hammers of the tacker type, but it does not include foot-operated or power-driven stitching machines.

Stationary supplies:

Desk accessories. (See also Order L-73.)

Office supplies. (See also Order L-73.)

Pencils.

Pens and penholders.

Statues.

Sundials.

Table flatware (except that copper products or copper base alloy products may be used as an undercoating in electroplating).

Telescopes.

Tent poles and parts.

Thermos jugs and bottles.

Tokens.

Toys.

Tying devices for laundry.

Unions and union fittings (except seats, and except for other parts of unions and union fittings (I) where and to the extent that the physical and chemical properties of the liquid or gas passing through the union or union fittings make the use of any other material dangerous or impractical, or (II) where the valve is of a type designed for use in an air conditioning or refrigeration "system" as defined in Order L-126, and when the particular use of copper or copper base alloy is not prohibited by the terms of Order L-126 and the schedules thereto):

(See also Order L-233.)

Umbrellas.

Valve handles.

Valves over two-inch size (except seats, discs, stems, yoke sleeves, yoke bushings, steam bearings, and packing glands, and except for other parts of such valves (I) where and to the extent that the physical and chemical properties of the liquid or gas passing through the valve makes the use of any other material dangerous or impractical, or (II) where and to the extent permitted by the terms of Order L-252 or by a specific authorization of the War Production Board granted pursuant to that order or (III) where the valve is of a type designed for use in an air conditioning or refrigeration "system" as defined in Order L-126, and when the particular use of copper or copper base alloy is not prohibited by the terms of Order L-126 and the schedules thereto).

Voting machines.

Weather vanes.

Weight reducing and exercising machines.

Wool (except metal sponges intended for use in dairy product processing plants and by

the canning industry). Metal sponges containing copper products or copper base alloy products shall not be sold except on ratings of AA-1 or higher and for distribution to dairy product processing plants and the canning industry.

MILITARY EXEMPTION LIST

(The effect of an item being on this list is explained in paragraph (f) (1) of the order.)

- Bakery equipment (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see below on this list.
- Bicycle coaster brakes.
- Binoculars.
- Blow torches, gasoline, kerosene and alcohol (parts other than tanks only).
- Boxes, cans, jars and other containers (for radio and communications equipment and for powder charges).
- Buttons and insignia for military uniforms
- (1) when the only copper products or copper base alloy products used are from idle or excess inventories acquired under Priorities Regulation 13 or are products which the manufacturer is entitled to divert from the use for which they were acquired under the provisions of paragraph (u) of CMP Regulation 1 or Direction 52 to that Regulation, or (ii) when and to the extent that the use of copper products or copper base alloy products in the manufacture of buttons and insignia is specifically authorized in writing by the War Production Board. Application for authorization to manufacture buttons and insignia for military uniforms should be made by letter addressed to the Copper Division, War Production Board, Washington 25, D. C., Reference M-9-c, setting forth the relevant facts, including the manner in which the applicant expects to obtain his copper products or copper base alloy products.
- Carbonated beverage dispensing units and soda fountain equipment for use on board ship (functional parts subject to corrosive action or which come in contact with food, only).
- Conduits and pipe (for radio and electrical communications equipment).
- Chronometer and watch cases.
- Decorations as defined in Army and Navy Regulations when produced to fill purchase orders rated AA-3 or higher only.
- Electric blankets.
- Field ranges and ski stoves.
- Fishing equipment and supplies for use on life boats and rafts.
- Furniture hardware (for use within magnetic circle on board ship).
- Hammers, including mallets.
- Heaters, automotive (parts necessary for conducting electricity and radiators only).
- Holsts, for handling powder, projectiles and explosives (for use on board ship).
- Hot water heater coils for hospital, laundry and bakery projects.
- Insect screening.
- Instruction and data plates of wrought material of a gauge of $\frac{1}{32}$ of an inch or less for use in aircraft, on board ship and on army ordnance fire control equipment (and of a gauge of $\frac{3}{32}$ of an inch or less for use on board ship when name plates of such a gauge are specified by the Maritime Commission).
- Instruction and data plates from cast material of a gauge of $\frac{5}{32}$ of an inch or less or of $\frac{7}{32}$ of an inch or less in the case of a ship builders name plate (for use on board ship but only if and to the extent

- specified by the specifications, other than performance specifications, of the governmental agency acquiring the plate).
- Kitchen utensils devices, machines and appliances (parts necessary for conducting electricity or which come in contact with food or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts).
- Ladders and stairs, for use in gasoline storage spaces on board ship (treads only).
- Laundry equipment, for use on board ship (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
- Laundry equipment, mobile, for field use (parts necessary for conducting electricity or where the use of copper products or copper base alloy products is essential to the proper functioning of the parts). For hot water heaters, tanks and coils see above on this list.
- Lighting equipment and accessories for use in aircraft, on board ship and for use in lighting aids for marine or aerial navigation, and for searchlights.
- Locks and latches (for use on board ship) and padlocks (for use where non-sparking metal is necessary to prevent a hazard from explosives).
- Mirrors, when they are to be installed on board ship and the only copper product or copper base alloy product used is for coating the backing of the mirror to a thickness not in excess of .0015 inch.
- Paint (for ship bottoms and flying boat hull bottoms).
- Phonographs and other record players being produced on a rating of AA-3 or higher.
- Photographic equipment and accessories.
- Pins for hinges (for use on board ship).
- Prescription scales (health supplies).
- Safety lamps, flame type (for use on board ship and for use in other places where there is danger of explosion).
- Shells and caps for electric sockets (for use in aircraft and on board ship).
- (1) Slide fasteners and tack buttons for use on jungle clothing and equipment, flying suits and Navy flying boots, aircraft, Navy Bureau of Aeronautics and Army Air Force equipment and accessories, Navy winter N-1 suits including trousers and jackets, Navy jackets N-4, Signal Corps equipment and accessories, and submarine boat equipment, being produced on a rating of AA-3 or higher; and (ii) sew-on, machine attached or riveted snap fasteners, buckles, eyelets, staples, rivets and burrs, being produced on a rating of AA-3 or higher.
- Telescopes.
- Unions and union fittings (for use on board ship).
- Valve handles (for use within magnetic circle on board ship).
- Valves (for use on board ship).
- Valves of vacuum type, up to 3 inches.
- NOTE: Interpretations 1-4 are obsolete.
- INTERPRETATION 5
- USE OF COPPER IN THE MANUFACTURE OF CERTAIN DRAINS AND STRAINERS
- Copper Conservation Order M-9-c, as amended December 10, 1941, specifically prohibited any person from using after March 31, 1942, any copper or copper base alloy in the manufacture of gutters, leaders or downspouts, or accessories thereto, and of all roofing items, to go on private buildings. These provisions have remained in the order without interruption.
- In addition, since May 7, 1942, paragraph (d) (1) of Order M-9-c (relettered as paragraph (c) (1) when the order was amended

on October 4, 1943), has provided that no manufacturer may continue to manufacture from copper or copper base alloy, any article the manufacture of which, with copper or copper base alloy, is not specifically prohibited by the order, if it is practicable to use any material less scarce than copper, brass or bronze to make the article.

For some time, many manufacturers have been making floor, roof, cesspool and shower drains and strainers out of galvanized steel or iron; and it has been demonstrated that the use for such purposes of this type of material instead of copper or copper base alloy is practicable for all uses to which these articles are put except their use in places where explosives are handled or stored or where explosive vapors may be present. Furthermore, the types of iron and steel used as well as zinc, are less scarce materials than copper or copper base alloy.

Accordingly, manufacturers are prohibited by Copper Conservation Order M-9-c from using brass or other copper and copper base alloy materials to make all roof, floor, cesspool and shower drains or strainers, even if the drains or strainers are not accessories to gutters, leaders or downspouts, or roofing items. An exception to the foregoing arises in the case of drains or strainers for floors in places where explosives are handled or stored or where explosive vapors may be present. (Issued Oct. 19, 1943.)

[F. R. Doc. 44-15870; Filed, Oct. 13, 1944; 11:46 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-640]

ROY L. LARSON

Correction

The FEDERAL REGISTER serial number for the document appearing on page 12408 of the issue for Friday, October 13, 1944, should read "F. R. Doc. 44-15748".

PART 3133¹—PRINTING AND PUBLISHING

[Limitation Order L-177, Amdt. 1]

WALL PAPER

Section 3133.35¹ Limitation Order L-177, is hereby amended as follows:

- By deleting paragraphs (a), (c), (f) and (j).
- By relettering paragraphs (b), (c) and (d) as paragraphs (a), (b) and (c) respectively.
- By adding a new paragraph (d) as follows:

(d) *Certification to paper dealer or mill.* No manufacturer of wall paper may order or accept delivery of paper, and no person may deliver paper to a manufacturer of wall paper, unless the manufacturer of wall paper furnishes, or has previously furnished, to the person making the delivery, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned manufacturer of wall paper certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with Order L-177 and that all purchases by him of items regulated by that order, as amended from

¹ Formerly Part 3031, § 3031.1.

time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for paper.

4. By relettering paragraph (g) as paragraph (e) and amending the paragraph to read as follows:

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

5. By relettering paragraphs (h) and (i) as paragraphs (f) and (g).

6. By adding a new paragraph (h) to read as follows:

(h) *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.

7. By deleting paragraph (e) (3) of Schedule I.

Issued this 13th day of October 1944.

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

[F. R. Doc. 44-15864; Filed, Oct. 13, 1944; 11:44 a. m.]

[Limitation Order L-241, Amdt. 1]

COMMERCIAL PRINTING AND DUPLICATING

Section 3133.9 *Limitation Order L-241* is hereby amended as follows:

1. By amending paragraphs (q), and (r) to read as follows:

(q) *Limit on tonnage which may be accepted.* No printer may accept, and no person may accept for a printer's use, delivery of any paper (except paper in transit on October 13, 1944) if the printer's total inventory of paper at the time of such delivery is, or by virtue of such delivery would become, in excess of the quantity set forth in the table below, or a 30 days' supply, whichever is greater. The number of days' supply shall be computed at the average daily rate of allowable consumption for the current calendar quarter. "Total inventory" means the aggregate weight, added together, of all kinds, grades, sizes, basis weights and items of paper in the printer's inventory.

During the month of—	Inventory ceiling
October 1944....	95% of the printer's total inventory on October 1, 1944, or 95% of a 60 days' supply, whichever is less.
November 1944 and each month thereafter.	85% of the printer's total inventory on October 1, 1944, or 85% of a 60 days' supply, whichever is less.

(r) *Increase of deliveries.* A printer may accept delivery of paper which would increase his inventory to more than the quantity set forth in paragraph (q) only in the following two circumstances:

(1) If a printer's total inventory exceeds the quantity set forth in paragraph (q), but his inventory of a particular item (size, grade and basis weight) is less than the amount of that item required for his production in the ensuing 30 days, he may bring his inventory of that item up to the amount required for his production in the ensuing 30 days.

(2) Regardless of the quantity of a particular item, or of all items, in a printer's inventory, he may accept delivery of any item which he is entitled to accept under paragraphs (q) or (r) (1) in the unit quantity (e. g., full carload, full truckload, 10,000 pounds, 5,000 pounds, 4 cases) in which he accepted delivery of that item in 1941.

Issued this 13th day of October 1944.

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

[F. R. Doc. 44-15865; Filed, Oct. 13, 1944; 11:44 a. m.]

[Limitation Order L-244, Amdt. 1]

MAGAZINES AND PERIODICALS

Section 3133.15 *Limitation Order L-244* is hereby amended as follows:

1. By amending paragraphs (o) and (p) to read as follows:

(o) *Limit on tonnage which may be accepted.* No publisher may accept, and no person may accept for a publisher's use, delivery of any paper (except paper in transit on October 13, 1944) if the publisher's total inventory at the time of such delivery is, or by virtue of such delivery would become, in excess of the quantity set forth in the table below or a one month's supply, whichever is greater. The number of months' supply shall be computed at the average monthly rate of allowable consumption during the last six months of 1943. "Total inventory" means the aggregate weight, added together, of all kinds, grades, sizes, basis weights and items of paper in the publisher's inventory.

During the month of—	Inventory ceiling
October 1944....	95% of the publisher's total inventory on October 1, 1944, or 95% of a two months' supply, whichever is less.
November 1944 and each month thereafter.	85% of the publisher's total inventory on October 1, 1944, or 85% of a two months' supply, whichever is less.

(p) *Increase of deliveries.* A publisher may accept delivery of paper which would increase his inventory to more than the quantity set forth in paragraph (o) only in the following two circumstances:

(1) If a publisher's total inventory exceeds the quantity set forth in paragraph (o), but his inventory of a particular item (size, grade and basis weight) is less than the amount of that item required for his production in the ensuing 30 days, he may bring his inventory of that item up to the amount required for

his production in the ensuing 30 days.

(2) Regardless of the quantity of a particular item, or of all items, in a publisher's inventory, he may accept delivery of any item which he is entitled to accept under paragraph (o) or (p) (1) in the unit quantity (e. g., full carload, full truckload, 10,000 pounds, 5,000 pounds, 4 cases) in which he accepted delivery of that item in 1942.

Issued this 13th day of October 1944.

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

[F. R. Doc. 44-15866; Filed, Oct. 13, 1944; 11:44 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-245, Amdt. 1]

BOOKS AND BOOKLETS

Section 3133.17. *General Limitation Order L-245* is hereby amended as follows:

1. By amending paragraph (q) to read as follows:

(q) *Limit on tonnage which may be accepted.* No publisher may accept, and no person may accept for a publisher's use, delivery of any paper (except paper in transit on October 13, 1944) if the publisher's total inventory at the time of such delivery is, or by virtue of such delivery would become, in excess of the quantity set forth in the table below or one-eighth of his yearly consumption quota, whichever is greater. "Total inventory" means the aggregate weight, added together, of all kinds, grades, sizes, basis weights and items of paper in the publisher's inventory.

During the month of—	Inventory ceiling
October 1944.....	95% of the publisher's total inventory on October 1, 1944, or 95% of one-fourth of his consumption quota, whichever is less.
November 1944 and each month thereafter.	85% of the publisher's total inventory on October 1, 1944, or 85% of one-fourth of his consumption quota, whichever is less.

2. By amending the first sentence of paragraph (r) to read as follows:

(r) *Increase of deliveries.* A publisher may accept delivery of paper which would increase his inventory to more than the quantity set forth in paragraph (q) only in the following three circumstances:

3. By amending paragraph (r) (1) to read as follows:

(1) If a publisher's total inventory of all paper exceeds the quantity set forth in paragraph (q) but his inventory of a particular item (size, grade and basis weight) of paper is less than one-eighth of his yearly consumption quota, he may bring his inventory of that item up to

one-eighth of his yearly consumption quota provided it is put into process within ninety days after receipt of the paper.

Issued this 13th day of October 1944.

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

[F. R. Doc. 44-15867; Filed, Oct. 13, 1944;
11:44 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-289, Amdt. 1]

GREETING CARDS AND ILLUSTRATED POST CARDS

Section 3133.20 *Greeting cards and illustrated post cards* is hereby amended as follows:

1. By amending the first sentence of paragraph (a) to read as follows: "This order docs four things."
2. By eliminating the next to the last sentence of paragraph (a) commencing, "Fourth, it limits the number of designs * * *"
3. By changing the word "Fifth" to the word "Fourth" in the last sentence of paragraph (a).
4. By deleting paragraph (i).
5. By amending paragraph (r) to read as follows:

(r) *Limits on tonnage which may be accepted.* No publisher may accept, and no person may accept for a publisher's use, delivery of any paper or paperboard (except paper or paperboard in transit on October 13, 1944) if the publisher's inventory of that material at the time of such delivery is, or by virtue of such delivery shall become, in excess of the quantity set forth in the table below, or a 45-day supply of that material, whichever is greater. For the purpose of this limitation order, inventories of paper for use in the manufacture of cards and of paperboard for the boxing and packaging of the cards must be determined independently. "Total inventory" means the aggregate weight, added together of all kinds, grades, sizes, basis weights and items of paper or of paperboard in the publisher's inventory. The term "paperboard" includes boxes. The number of days' supply of paper or paperboard shall be computed at the average daily rate of allowable consumption of that material for the current calendar quarter.

During the month
of—

	<i>Inventory ceiling</i>
October 1944...	95% of the publisher's total inventory of paper or paperboard on October 1, 1944, or 95% of a 90 days' supply of that material, whichever is less.
November 1944 and each month thereafter.	85% of the publisher's total inventory of paper or paperboard on October 1, 1944, or 85% of a 90 days' supply of that material, whichever is less.

By amending paragraph (s) to read as follows:

(s) *Increase of deliveries.* A publisher may accept delivery of paper or paperboard which would increase his inventory

of that material to more than the inventory of that material permitted in paragraph (r) only in the following two circumstances:

(1) If a publisher's total inventory of paper or paperboard exceeds the inventory permitted in paragraph (r), but his inventory of a particular item (size, grade and basis weight) is less than the amount of the item required for his production in the ensuing 45 days, he may bring his inventory of that item up to the amount required for his production in the ensuing 45 days.

(2) Regardless of the quantity of a particular item, or of all items, in a publisher's inventory, he may accept delivery of any item which he is entitled to accept under paragraphs (r) and (s) (1) in the unit quantity (e. g., full carload, full truckload, 10,000 pounds, 5,000 pounds, 4 cases) in which he accepted delivery of that item in 1942.

Issued this 13th day of October 1944.

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

[F. R. Doc. 44-15868; Filed, Oct. 13, 1944;
11:45 a. m.]

PART 3133¹—PRINTING AND PUBLISHING

[Limitation Order L-294, Amdt. 1]

DISPLAYS

Section 3133.40² *Limitation Order L-294* is hereby amended as follows:

1. By deleting paragraph (b) (1) (iii).
2. By adding a new paragraph (c) to read as follows:

(c) *Certification to paper dealer or mill.* No person may order or accept delivery of paper, or paperboard, and no person may deliver paper, or paperboard, for use in the production of displays, unless he furnishes, or has previously furnished, to the person making the delivery, a certification in substantially the following form, signed manually or as provided in Priorities Regulation 7 (§ 944.27) by an official duly authorized for such purpose:

The undersigned certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the seller and to the War Production Board that he is familiar with order L-294 and that all purchases by him of items regulated by that order, as amended from time to time, will be in compliance therewith.

This is a one-time certification and need not accompany each individual order for paper or paperboard.

3. By relettering paragraph (c) as paragraph (d).

Issued this 13th day of October 1944.

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

[F. R. Doc. 44-15869; Filed, Oct. 13, 1944;
11:44 a. m.]

¹ Formerly Part 3252, § 3252.1.

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 54, as Amended Oct. 13, 1944]

DEFERRED ALLOTMENTS

The following amended direction is issued pursuant to CMP Regulation 1:

(a) *General.* This direction describes the operation of deferred allotments. These allotments and authorized controlled material orders based on them are identified with the letter "Z" as the initial letter of the CMP allotment symbol. In most cases, this symbol will be "Z-1". Deferred allotments and authorized controlled material orders based on them are exactly the same as regular allotments and authorized controlled material orders, except as provided in this direction or as may be provided under other regulations.

(b) *Treatment by a controlled material producer of authorized controlled materials orders based on deferred allotments.* (1) A controlled material producer must accept or reject an authorized controlled material order identified by the symbol "Z" in the same way that he must accept or reject any other authorized controlled material order. However, if after accepting orders identified by a "Z" symbol, he receives orders (other than "Z" orders), which he is otherwise required to accept but would be unable to accept because of the provision of paragraph (b) (2) (iii) or Direction 23 of CMP Regulation 1 (relating to the amount of orders that can be accepted), he must defer his most recently accepted "Z" orders to the extent necessary and accept the other order.

(2) A controlled material producer must defer production of his most recently accepted "Z" order to the extent necessary to make deliveries on time on other authorized controlled material orders or other orders which he is required to fill.

(3) If at the time a "Z" order is required to be deferred by paragraph (b) (1) or (b) (2) it is scheduled for delivery within less time than the "lead times" of Schedule III to CMP Regulation No. 1, the producer need not defer such order. For instance, if a steel producer receives an authorized controlled material order with an "N-1" symbol and, under the provisions of paragraphs (b) (1) and (b) (2) he would be required to defer a "Z" order for carbon pipe which is scheduled for delivery in less than 30 days (the lead time specified in Schedule III for carbon pipe) he need not defer such order.

(4) If a "Z" order is deferred because of the provisions of paragraph (b) (1) or (b) (2) of this direction, it may be scheduled for delivery in a later month only if a new "Z" order could be accepted for delivery in such a month under the provisions of this direction and paragraph (b) of CMP Regulation No. 1. However, if the order is scheduled for delivery in a later month and that month is in a later quarter, it is not necessary for the customer to make any change in his order or have an allotment valid for the later quarter. The provisions of paragraph (b) (4) of CMP Regulation 1 and paragraph (g) of Direction 23 to that regulation, relating to prior scheduling of past due orders, do not apply to "Z" orders.

(5) Whenever a controlled material producer finds that he will be unable to fill a "Z" order within the month promised he must promptly notify the customer, stating approximately when he expects to make delivery.

(c) *Deliveries from mill stock.* A controlled material producer must not fill from mill stock, including mill accumulations of rejected material, any "Z" order until he has filled all other orders which he has received

calling for similar items which he is required to fill under CMP regulations.

(d) *Deliveries of controlled material for further conversion to fill "Z" orders.* If a steel producer orders controlled material from another controlled material producer which he will convert into another controlled material form for delivery on a "Z" order, he must place his order by the use of the CMP allotment symbol (instead of the symbol "FC"). It is not necessary to obtain specific permission to use this symbol. The producer on which such an order is placed must treat it as a "Z" order under this direction, and may not schedule it as part of any production directive setting aside mill capacity for "further conversion" orders.

(e) *Reports to the War Production Board.* Producers shall treat "Z" orders separately on all reports required to be filed with the War Production Board.

(f) Treatment by steel producers of orders identified by the symbol "Z-1E" is explained in Direction No. 44 to CMP Regulation No. 1.

Issued this 13th day of October 1944.

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

[F. R. Doc. 44-15873; Filed, Oct. 13, 1944;
11:45 a. m.]

PART 3290—TEXTILE CLOTHING AND LEATHER

[Conservation Order M-379, Direction 1, as
Amended Oct. 12, 1944]

WORK CLOTHING PRODUCTION ORDER

Direction 1 to Conservation Order
M-379 is hereby amended to read as
follows:

Notwithstanding the provisions of paragraph (b) (2) of Conservation Order M-379, no manufacturer may cut or use any solid blue denim (2.45 yard or heavier on a 28" width basis), heretofore or hereafter acquired by him, except for incorporation into the following products:

Garments manufactured to fill orders of U. S. Army or Navy. -

Men's bib overalls, sizes 30 and larger.

Men's waistband overalls or dungarees, sizes 28 and larger.

Men's overall jackets (lined and unlined), sizes 34 and larger.

Boys' bib overalls, sizes 10 to 16, inclusive.

Boys' waistband overalls or dungarees, sizes 10 to 16, inclusive.

Issued this 12th day of October 1944.

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

[F. R. Doc. 44-15824; Filed, Oct. 12, 1944;
4:06 p. m.]

PART 3292—AUTOMOTIVE VEHICLES, PARTS AND EQUIPMENT

[Limitation Order L-270, as Amended Oct. 13,
1944]

AUTOMOTIVE MAINTENANCE EQUIPMENT

§ 3292.56 *Limitation Order L-270—*
(a) *What the order does.* This order

explains what is meant by "automotive maintenance equipment", how much and what kinds of such equipment may be made, and how it may be sold.

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

(1) "Producer" means any person who manufactures any automotive maintenance equipment, whether for his own account or for the account of others.

(2) "Manufacture" means to fabricate or assemble any item of automotive maintenance equipment.

(3) "Automotive maintenance equipment" means the items listed in Schedules A, B, C or D to this order.

(4) "Automotive vehicles" means passenger automobiles, light, medium and heavy motor trucks, truck tractors, truck trailers, passenger carriers and off-the-highway motor vehicles.

(5) "Item" means any product listed in Schedules A, B, C or D to this order and, includes all sizes and types in such listing.

(6) "Repair part" means any part or component of any item of automotive maintenance equipment not consumed or used up in ordinary operation of the automotive maintenance equipment.

(7) "Military order" means any contract or purchase order calling for delivery to or for the account of the Army or Navy of the United States, United States Maritime Commission or the War Shipping Administration.

Provisions Relating to Production

(c) *General policy.* In processing applications for priorities assistance on Form CMP-4B, the War Production Board will be guided by the policy that the total production will not exceed the approved WPE program for the products to which this order applies and that the production in any one plant, or labor requirements therefor, will not interfere with war production in that plant or in any other plant located in the same area.

(d) *Restrictions on production of individual items—*(1) *No production of Schedule A items.* Except to fill military orders, no producer shall manufacture any item listed in Schedule A.

(2) *Limitation on production of Schedule B items.* Except to fill military orders, no producer shall manufacture in any calendar quarter any item listed in Schedule B in excess of fifty (50) percent of the number of the like item manufactured by him in the corresponding calendar quarter in 1941.

(i) *Provision for minimum factory runs.* In the event that the limitation imposed by this paragraph (d) (2) should result in restricting production to less than his minimum practical factory run of any item listed in Schedule B, a producer may, notwithstanding the provisions of paragraph (d) (2), manufacture a minimum practical factory run: *Provided,* That the total number of any such item manufactured by him in any two consecutive calendar quarters shall not exceed fifty (50) percent of the

total number of the like item manufactured by him in the two corresponding calendar quarters of 1941.

(3) *Limitation on production of Schedule C items.* Except to fill military orders, no producer shall manufacture in any calendar quarter any item listed in Schedule C in excess of one hundred (100) percent of the number of the like item manufactured by him in the corresponding calendar quarter of 1941.

(4) *Limitation on production of Schedule D items.* Except to fill military orders, no producer shall manufacture in any calendar quarter any item listed in Schedule D in excess of one hundred (100) percent of the number of the like item manufactured by him in the corresponding calendar quarter of 1941, unless a quarterly quota in excess of one hundred (100) percent of the corresponding quarter of 1941 production has been assigned to the producer under the following procedure:

(i) *Special quotas on Schedule D items.* A request for assignment of a special quota for production of any item listed in Schedule D, in excess of one hundred (100) percent of the number of the like item manufactured by him in the corresponding quarter of 1941, may be made by a producer who can increase production within the limitations of paragraph (c).

Such a producer may file an application in writing with the Automotive Division of the War Production Board, Washington 25, D. C., Ref: L-270, for permission to increase production at such plant by giving complete explanation of the circumstances justifying such increase. Thereupon the War Production Board may authorize an increase in the production of the item at such plant in such quantities and upon such conditions as it shall find requisite in the public interest. Such authority will be issued either in the form of individual letters or by published directions supplemental to this order.

The War Production Board may likewise direct an increase in the production of items on Schedule D in conformity with paragraph (c), in such quantities and upon such conditions as it shall find requisite in the public interest.

(e) *Limitation on production of repair parts.* Except to fill military orders, no producers shall manufacture in any calendar quarter a dollar volume of repair parts for automotive maintenance equipment in excess of ten (10) percent of the total dollar volume of automotive maintenance equipment manufactured by him in the corresponding calendar quarter of 1941.

Provisions Relating to Critical Materials

(f) *Use of steel.*¹ No producer shall use any steel or other critical materials

¹ See latest quarterly copy of publication entitled, *Material Substitution and Supply List*, Conservation Division, War Production Board.

in the manufacture of automotive maintenance equipment where the use of less critical materials is practicable, and when so used such steel or other critical materials shall be reduced to the minimum quantity and grade necessary for the proper operation of the automotive maintenance equipment.

(g) *Use of copper.*² No producer shall use any copper products or copper base alloy products in the manufacture of automotive maintenance equipment other than in the following: (i) Conductors of electrical current, (ii) bearings, bushings, thrust washers and similar parts which require oil, grease or water lubrication, (iii) valve seats, tubes, and similar parts where condensation or corrosion make substitutions of less critical materials impracticable: *Provided*, That any copper products or copper base alloy products so used shall be reduced to the minimum practical gauge, size and grade necessary for the proper operation of the automotive maintenance equipment.

Provisions Relating to Distribution

(h) *Sales by producers only on rated orders.* No producer shall sell, transfer or deliver, on consignment or otherwise, any item on Schedules A, B, C or D, except pursuant to orders bearing preference ratings of AA-5 or higher;

(1) Assigned on Forms WPB-541 (PD-1A), on Form WPB-542 (PD-3A), on Form WPB-547 (PD-1X), or on Canadian Form PB-1010.

(2) Assigned on export licenses or requisitions approved by Foreign Economic Administration.

(3) Assigned pursuant to application on Form CMP-4B, on CMP-4A, on Canadian Forms PB-1005, on PB-1006, or on PB-1007 and used only for the procurement of items on Schedules A, B, C or D to be physically incorporated in other end-products. The use of preference ratings assigned on these forms is prohibited for the procurement of any items on Schedules A, B, C or D for resale as such.

(i) *Sales of stationary crankshaft regrinders only on WPB-1319 ratings.* On and after June 1, 1944, notwithstanding the provisions of paragraph (h), no producer shall sell, transfer or deliver, on consignment or otherwise, any stationary crankshaft regrinders, except to fill military orders or pursuant to ratings assigned on Form WPB-1319.

(1) Application should be made by the user on Form WPB-1319, in accordance

with the instructions for its use, which is obtainable at all field offices of the War Production Board.

(j) *No ratings required for repair parts.* No preference ratings are required for the purchase of repair parts for automotive maintenance equipment.

Miscellaneous Provisions

(k) *Quarterly reports by producers on Form WPB-3614.* Each producer of automotive maintenance equipment shall execute and file with the Automotive Division of the War Production Board within fifteen days after the close of each calendar quarter a report, (on Form WPB-3614), of the number of units of each item listed in Schedules A, B, C or D produced by him in such calendar quarter. The reporting provision of this order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(l) *Exceptions and appeals—(1) Production under Priorities Regulation 25.* Any person who wants to manufacture any automotive maintenance equipment or repair parts which he is not permitted to make under paragraphs (d) or (e), or who wants to make more automotive maintenance equipment or repair parts than permitted under those paragraphs, may apply for permission to do so as explained in Priorities Regulation 25. He may still, of course, apply for a special quota on Schedule D items as explained in paragraph (d) (4) (i). All provisions of this order except paragraphs (d) and (e) apply to production authorized under Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of paragraphs (d) and (e) may be made by filing Form WPB-1477 in triplicate with the field office of the War Production Board for the district in which is located the plant or branch to which the appeal relates. No appeal should be filed from the restrictions of paragraphs (d) or (e).

(m) *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 or both. 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.

(n) *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.

(o) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Automotive Division, Washington 25, D. C., Reference: L-270.

Issued this 13th day of October 1944.

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

SCHEDULE A

See paragraph (d) (1) of this order.

Alignment gauges (except as listed in Schedule B)
Battery chargers; floor, stand and wall type (except as listed in Schedule C)
Battery chargers: trickle type (except industrial installation)
Battery testers (except as listed in Schedule C)
Body and fender tools; hand, pneumatic, hydraulic or electric operated
Brake testing machines: automotive vehicle type
Car washers: pressure or nozzle type
Car washing machinery
Chassis dynamometers
Chuck gauges: any type of air pressure measuring gauge which is attached in any manner to a flexible air line to be used for inflating tires
Combustion analyzers: automotive vehicle type
Distributor setting machines (except as listed in Schedule B)
Electrical testing equipment: automotive vehicle type (except as listed in Schedules B or C)
Engine flushing machines: internal
Engine reconditioning equipment (except as listed in Schedules B, C, or D)
Engine repair stands (except as listed in Schedule C)
Frame straightening equipment (except heavy duty—as listed in Schedule C)
Frame straightening racks
Front end equipment (except as listed in Schedules B or C)
Gasoline mileage testers
Headlight testers: automotive vehicle type
Jacks: bumper or wheel rim
Jacks: pit, lift or vibrating; mechanical or hydraulic (except as listed in Schedule C)
Jacks: portable or tool box type (less than 3-tons lifting capacity, measured by load raising ability through the entire jacking range from minimum to maximum height)

Jacks: shop, wheel type; mechanical or hydraulic (except as listed in Schedule D)
 Lifts: automotive vehicle type (except heavy duty as listed in Schedule C)
 Motor analyzing equipment (except as listed in Schedules B or C)
 Spark plug cleaners: pedestal or stand type
 Spark plug testers
 Tire air hose reels
 Tire air pressure gauges (except as listed in Schedules B or C)
 Tire air service equipment: tower, pedestal or wall type (except as listed in Schedules B, C or D)
 Tire pumps (except as listed in Schedules C or D)
 Tire scuff checking devices (except as listed in Schedule B)
 Tow bars
 Wheel balancers: automotive vehicle type
 Wheel spinners

SCHEDULE B

See paragraph (d) (2) of this order.

Alignment gauges: portable (including only caster, camber, king-pin, toe-in, tracking, turning radius, or combinations thereof)
 Alignment gauges: stationary, drive-over type
 Battery jumpers
 Bearing oil leak detectors
 Brake bleeders
 Brake fillers
 Brake lining appliers: hand type
 Brake shoe gauges
 Cylinder leakage testers: automotive vehicle testing type
 Degreasing flushers: transmission or differential
 Distributor setting machines: bench model
 Front end machines: light duty; to include all gauges, tools and parts necessary and to be of capacity sufficient for checking and correcting to manufacturers' specifications all angles of steering geometry on all automotive vehicles of 1½ tons and less capacity.
 Fuel pump testers: automotive vehicle testing type
 Master air gauges: tire air gauge testers
 Piston expanding machines
 Speedometer testing machines
 Transmission jacks
 Wheel straightening equipment
 Wrecking cranes: truck mounted type

SCHEDULE C

See paragraph (d) (3) of this order.

Air chucks
 Air pressure gauges: pencil type or truck service type
 Armature growlers: automotive vehicle testing type
 Battery chargers: fast type (battery leads not to exceed 7 feet each; AG lead not to extend over 15 feet beyond charger case).
 Battery chargers: wall type (six or more battery capacity)
 Battery testers (prong type)
 Brake drum gauges
 Brake drum grinding attachments
 Brake drum lathes
 Brake lining grinders: portable or spindle mounted
 Brake relining machines
 Cam angle meters
 Circuit testers: automotive vehicle testing type
 Cleaners: steam vapor (self-firing or generating)
 Clutch pressure plate grinders
 Clutch rebuilding equipment
 Coil testers: automotive vehicle testing type
 Compression gauges: automotive vehicle testing type

Condenser testers: automotive vehicle testing type
 Connecting rod aligners
 Crankshaft regrinders: portable
 Cylinder head resurfacers
 Cylinder hones
 Cylinder reboring bars
 Engine repair stands: engine revolving type
 Frame straightening machines: heavy duty; to include all gauges, tools and parts necessary and to be of capacity sufficient for removing all lateral and vertical bends from the frames of all automotive vehicles.
 Front end machines: heavy duty; to include all gauges, tools and parts accessory and to be of capacity sufficient for checking and correcting to manufacturers' specifications all angles of steering geometry on all conventional axle automotive vehicles.
 Generator test benches: automotive vehicle testing type
 Jacks: pit or lift (not less than 5-tons lifting capacity)
 Horses or trestles: automotive shop type
 Lifts: automotive vehicle twin post type (capacity not less than 10-tons)
 Magneto rechargers
 Magneto testers
 Main bearing boring machines
 Motor block test heads: automotive vehicle testing type
 Piston pin bushing hones: portable
 Piston regrinders
 Spark plug cleaners: bench type
 Timing lights; automotive vehicle testing type
 Tire pumps: hand or foot operated
 Tire valve service tools
 Vacuum gauges: automotive vehicle testing type
 Valve refacers
 Valve seat grinders
 Valve seat insert tools
 Wheel removing dollies: automotive vehicle type

SCHEDULE D

See paragraph (d) (4) of this order.

Bushing grinders
 Connecting rod boring attachments
 Connecting rod boring machines
 Connecting rod rebabbiting jigs
 Crankshaft regrinders: stationary
 Cylinder sleeve pullers
 Jacks: curb wheel type (less than two tons capacity)
 Jacks: shop wheel type (four and ten tons capacity)
 Shell bearing boring machines
 Spark plug pumps

INTERPRETATION 1, 2, AND 3: Obsolete.

[F. R. Doc. 44-15872; Filed, Oct. 13, 1944; 11:45 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-226, Revocation]

DICHLORETHYL ETHER

Section 3293.311 Allocation Order M-226 is hereby revoked. War Production Board authorization for delivery and use of dichlorethyl ether is unnecessary on and after October 1, 1944. This revocation does not affect any liabilities incurred under the order.

Issued this 13th day of October 1944.

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

[F. R. Doc. 44-15571; Filed, Oct. 13, 1944; 11:45 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Gen. RO 5; Amdt. 82]

FOOD RATIONING FOR INSTITUTIONAL USERS

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

Section 5.7 (e) (1) is amended by changing "October 1, 1944" to read "October 20, 1944".

This amendment shall become effective October 13, 1944.

(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 Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9634, respectively; War Food Order Nos. 56, 58, 59, 61 and Supplement 1 thereto, and 64, 8 F.R. 2005, 2251, 3471, 7093; 9 F.R. 4319, 9134, 9389)

Issued this 13th day of October 1944.

CHESTER BOWLES,
 Administrator.

[F. R. Doc. 44-15845; Filed, Oct. 13, 1944; 11:14 a. m.]

PART 1335—CHEMICALS

[MPR 354; Amdt. 5]

COPPER SULPHATE

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

Maximum Price Regulation 354 is amended in the following respects:

1. Section 1335.1011 (a) (1) (i) (d) is amended to change the price \$8.95 in the table therein to \$9.20.

2. Section 1335.1011 (b) (1) (i) is amended to read as follows:

(i) Where seller determined maximum prices for such sales under the General Maximum Price Regulation prior to April 3, 1943. The maximum price for sales to any class of purchasers shall be the seller's maximum price for sales to a purchaser of the same class as determined under the General Maximum Price Regulation prior to April 3, 1943, less fifteen cents per 100 pounds for other than monohydrated grades.

This amendment shall become effective October 13, 1944.

Issued this 13th day of October 1944.

CHESTER BOWLES,
 Administrator.

[F. R. Doc. 44-15349; Filed, Oct. 13, 1944; 11:16 a. m.]

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

* 8 F.R. 10002, 11479, 11480, 11676, 12403, 12483, 12744, 14472, 15483, 16787, 17495; 9 F.R. 401, 455, 632, 1810, 2212, 2252, 2287, 2476, 2789, 3030, 3075, 3340, 3577, 3704, 4196, 4393, 4647, 4873, 5041, 5232, 5634, 5826, 5915, 6103, 6504, 6823, 7167, 7260, 7703, 7770, 8242, 8313.

* 8 F.R. 3343, 5803, 6176, 7765, 11252.

PART 1340—FUEL

[MPR 120,¹ Amdt. 122]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Section 1340.221 is amended to read as follows:

§ 1340.221 Appendix J: Maximum prices for bituminous coal produced in District No. 10. (a) The maximum prices set forth in paragraph (b) of this section are subject to the maximum price instructions provided in § 1340.210.

(b) The following maximum prices are established in cents per ton of 2,000 pounds f. o. b. transportation facilities at the mine or preparation plant from which delivery is made.

(1) Maximum prices in cents per net ton for shipment to all destinations, for all uses and by all methods of transportation, except truck or wagon

Rail price group number	Prices and size group numbers																		
	Mine run		Domestic lump and egg, raw or washed	Steam lump, egg and nut, raw or washed	Raw chestnut, pea and stoker	Raw screenings	Raw carbon	Raw dust	Washed chestnut and pea	Special stoker	Washed screenings	Washed carbon	Dedusted screenings	Dedusted carbon					
	Railroad locomotive fuel	For other use													7	1, 2, 3	4, 5, 6, 8	9-12, incl.	13, 14
1, 2 and 8	260	260	330	300	250	210	155	105	260	295	240	215	230	200					
3	260	250	295	270	240	205	120	105	255	280	225	205	180	185					
4	250	250	295	270	240	205	120	105	255	280	225	205	180	185					
5, 6	250	215	260	250	210	175	110	95	255	280	225	205	180	185					
7	260	225	260	230					225	260	210	180	185	185					
10 and 16-22 incl.	215	190	245	220	215	175	115	95	225	215	205	170	185	185					
11	250	225	300	250	225	170	110	95	265	250	200	155	170	185					
12, 13 and 23	230	200	245	235	215	175	115	115	250	210	200	170	185	185					
14, 15	265	265	300	270	255	235	155	155	260	210	200	225	240	180					
24, 25 and 26	235	220	245	235	210	170	115		235	210	215	175	180	180					
27, 28	235	220	250	235					250	230	215	175	180	180					
29 Mine Index No. 189	265	265	300	290					285	255	235	235							
29 Mine Index Nos. 503 and 515	265	265	300	290	290	230	145							240					
30	265	265	285	270	260	235	180		275	275	255	225	245	245					
31	400	400	450	320	445	305	225		360	360	360	275	315	315					
32, 33	260	260	280	265	265	235	100							245					
34	235	235	280	265	250	205	155		240	240	225	190	215	215					

(1) Special price instructions. (a) The maximum price for "Deluxe Superior Processed Stoker" coal, a mixture composed of not less than 80% of Size Group 20 coal and the remainder of Size Group 25 coal, produced at Mine No. 18 (Mine Index No. 9) and Mine No. 47 (Mine Index No. 62), in Price Group No. 1 of the Peabody Coal Company shall be 295 cents per ton.

(b) Special price instruction for railroad locomotive fuel. (1) Mine run is the combination of all sizes as produced, without the addition or removal of any size or portion thereof.

(2) Modified mine run shall contain 15%, with a tolerance of 2% up or down, of coal that will pass through screens with round hole openings 1 1/4" in diameter, or other shaped openings equivalent in area (1 1/4" screenings), and larger lumps may also be broken down; or modified mine run may be 6" x 1 1/4" egg with 15%, with a tolerance of 2% up or down, of 1 1/4" screenings as described above. For maximum price purposes, coal described in this subdivision (2) shall take the maximum prices applicable to Size Group 6.

(3) Raw screenings (Size Groups 13 to 16, inclusive) is coal that will pass through screens with round hole openings 2" or less in diameter, or other shaped openings equivalent in area, without the addition or removal of any size or portion thereof.

(4) Sizes in Size Group Nos. 1 through 8 may be applied, at the option of the producer, on orders for railroad locomotive fuel specifying nut (3" x 5/16"), modified mine run, mine run or resultant mine run (6" x 0").

(5) Sizes in Size Group Nos. 9 to 29, inclusive, may be applied, at the option of the producer on orders for railroad locomotive fuel specifying screenings (Size Groups 13 to 16, inclusive).

(2) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses

Coals produced at all mines in the following counties	Truck price group Nos. ¹	Prices and size group numbers																	
		Mine run	Lump and egg, raw or washed		Lump, egg and nut raw or washed			Raw chestnut, pea and stoker	Raw screenings	Raw carbon	Raw dust	Washed chestnut and pea	Special stoker	Washed screenings	Washed carbon	Dedusted screenings	Dedusted carbon		
			7	1	2-3	4-5	6											8	9-12, incl.
Grundey, Livingston—Will (section No. 1)	1A	345	435	425	410	400	390	310	265	210									
	B	325	435	385	390	360	370	385	285	185			410	290	275	245			
Bureau, Marshall (section No. 2)	2A	290	360	360	340	330	270	265	220	165									
	B	270	360	360	320	310	250	245	200	145			310	305	300	260			
LaSalle, Woodford (section No. 2)	3A	380	430	425	410	400	390	355	265	210			305	300	285	255			230
	B	365	410	405	390	390	370	290	245	190			285	260	205	235			260
Henry, Mercer, Rock Island and Warren (section No. 3)	4A	370	430	430	410	410	280	285	220	165									216
	B	270	410	360	360	310	270	235	200	145									216
Knox and Stark (section No. 3)	5A	290	360	355	340	330	270	270	220	165									216
	B	270	340	335	320	310	250	250	200	145			265	260	235	205			216
Fulton, except mines in the No. 1 Seam, Logan, Peoria and Tazewell	6A	290	360	355	340	330	270	270	220	165									235
	A-1	290	385	380	365	365	270	270	220	165									235
No. 1 Seam Mines in Fulton County (section No. 4)	B	270	340	335	320	310	250	250	200	145			265	260	235	205			216

¹ A and A-1 Underground truck mines without a rail siding or connection or underground mines loading coal entirely by hand without the aid of any mechanical means such as loading machines or conveyors inside the mine. B All other mines.

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

¹ 9 F.R. 5042, 5375, 5587.

(2) Maximum prices in cents per net ton for shipment by truck or wagon to all destinations for all uses—Continued

Coals produced at all mines in the following counties	Truck price group Nos. 1	Prices and size group numbers																
		Mine run	Lump and egg, raw or washed		Lump, egg and nut raw or washed				Raw chestnut, nut and stoker	Raw screenings	Raw carbon	Raw dust	Washed chestnut and pea	Special stoker	Washed screenings	Washed carbon	Dedusted screenings	Dedusted carbon
			7	1	2-3	4-5	6	8										
Adams, Brown, Cass, Greene, Hancock, Jersey, McDonough, Pike, Schuyler and Scott (section No. 5)	7A	275	330	335	340	310	310	310	230	230	165							
Macoupin (section No. 5)	B	275	330	335	340	310	310	310	230	230	145							
Christian, Menard, Morgan and Sangamon (section No. 6)	8A	270	325	330	335	305	305	305	225	225	155							
Montgomery (section No. 6)	B	270	325	330	335	305	305	305	225	225	145							
Macon (section No. 6)	9A	270	325	330	335	305	305	305	225	225	155							
Shelby (section No. 6)	B	270	325	330	335	305	305	305	225	225	145							
Crawford, Edgar, Jasper, Vermilion and Wabash (section No. 7)	10A	270	325	330	335	305	305	305	225	225	155							
Madison, Monroe and St. Clair (section No. 8)	B	270	325	330	335	305	305	305	225	225	145							
Bond, Clinton, Marion and Washington (section No. 9)	11A	270	325	330	335	305	305	305	225	225	145	145	200	200	200	200	200	200
Jackson, Jefferson, Perry and Randolph (section No. 9)	B	270	325	330	335	305	305	305	225	225	155							
Franklin, Gallatin, Pope, Saline, White and Williamson (section No. 10)	12A	270	325	330	335	305	305	305	225	225	155							
	B	270	325	330	335	305	305	305	225	225	145							

¹A and A-1 Underground truck mines without a rail siding or connection or underground mines loading coal entirely by hand without the aid of any mechanical means such as loading machines or conveyors inside the mine. B All other mines.

(3) Specific description of size group numbers referred to in subparagraphs (1) and (2) of this paragraph (b).

Size group numbers and description

- All lump and egg coals bottom size larger than 4", washed or raw.
- All lump and egg coals bottom size larger than 3" but not exceeding 4", washed or raw.
- All lump and egg coals bottom size larger than 2" but not exceeding 3", washed or raw.
- All lump coal bottom size larger than 1 1/2" but not exceeding 2", washed or raw. All egg coals bottom size larger than 1 1/2" but not exceeding 2" and top size larger than 4", washed or raw.
- All egg coals bottom size larger than 1 1/2" but not exceeding 2" and top size larger than 2" but not exceeding 4", washed or raw.
- All lump coal bottom size 1 1/2" and smaller, washed or raw. All egg coals bottom size 1 1/2" and smaller and top size larger than 2", washed or raw.
- Straight mine run from which no fines have been removed, modified mine run modified by the removal of any intermediate size or sizes; no fines removed, resultants larger than 2" x 0; no fines removed.
- All stove coal bottom size larger than 3/8" and top size larger than 1 1/2" but not exceeding 2", washed or raw.
- 9 to 12, inclusive. Raw nut and pea coal bottom size larger than 10 mesh or 3/8" and top size not exceeding 2".
- 13, 14. Raw screenings larger than 3/8" x 0 but not exceeding 2" x 0.
15. Raw carbon top size larger than 10 mesh or 3/8" but not exceeding 3/8" x 0.

16. Raw dust top size not exceeding 10 mesh or 3/8".

17 to 20, inclusive. Washed or air-cleaned nut and pea coal bottom size larger than 10 mesh or 3/8" and top size not exceeding 2".

21 and 22. Washed or air-cleaned nut and pea coal bottom size larger than 1 millimeter top size not exceeding 2".

23 and 24. Washed or air-cleaned screenings top size not exceeding 2".

25. Washed or air-cleaned carbon top size not exceeding 3/8".

26 and 27. Dry dedusted screenings top size not exceeding 2".

28. Dry dedusted special stoker bottom size larger than 28 mesh and top size not exceeding 3/8".

29. Dry dedusted carbon top size smaller than 3/8".

(4) All orders of adjustment issued prior to September 25, 1944 and all adjustments computed on OPA Form No. 653-638 under former § 1340.207 (d) (added by Amendment No. 74) shall be void as of October 18, 1944.

This amendment shall become effective October 18, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15847; Filed, Oct. 13, 1944; 11:15 a. m.]

PART 1341—CANNED AND PRESERVED FOODS
[MPR 306¹ Incl. Amdts. 1-35]

CERTAIN PACKED FOOD PRODUCTS

This compilation of Maximum Price Regulation 306 includes Amendment 35, effective October 18, 1944. The text amended by Amendment 35 is underscored.

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

¹8 F.R. 16396.

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

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).
 1341.553b Maximum prices for resales by processors of items which have been sold to them by government agencies.
 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 Excepted transactions.
 1341.557 Maximum prices for new container types or sizes.
 1341.558 When a maximum price under this regulation is established.
 1341.559 Label and labor allowances.
 1341.560 F. o. b. factory prices where the processor owns more than one factory.
 1341.561 Maximum delivered prices by zone or area.
 1341.562 Maximum prices for distributors other than wholesalers and retailers.
 1341.562a Restriction on packers' sales to primary distributors.
 1341.562b Position of brokers.
 1341.563 Specific authorizations of maximum prices.
 1341.564 Unit of sale and fractions of a cent.
 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.
 1341.588 Maximum prices for fruits, berries and vegetables packed in glass containers.

Sec.
 1341.589 Permitted increases for secondary packers of certain specified packed food products.

AUTHORITY: §§ 1341.551 to 1341.589, inclusive, issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 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), amended by Am. 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 and after, except that § 1341.553b shall apply to items packed prior to 1943. (This regulation applies to items packed on and after January 1, 1944, until such time as they are covered by a superseding regulation.) 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.

[Paragraph (g) amended by Am. 27, 9 F.R. 2237, effective 2-25-44; and Am. 29, 9 F.R. 6109, effective 6-5-44]

(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. However, this term shall not include any product when processed by freezing or dehydrating.

(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. However, this term shall not include any product when processed by freezing or dehydrating.

(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. However, this term shall not include any product when processed by freezing or dehydrating.

[Paragraphs (k), (l) and (m) amended by Am. 26, 9 F.R. 1710, effective 2-18-44]

[Paragraph (m) added by Am. 11; 8 F.R. 10725, effective 7-30-43; and amended by Am. 26]

(n) "Secondary packer" means a person who purchases the kind of processed commodity being priced in bulk, barrels or other large containers and reprocesses or repacks it in smaller containers other than the original container in which the commodity was shipped to him.

[Paragraph (n) added by Am. 28, 9 F.R. 4340, effective 4-28-44]

§ 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.....	1341.583	A
(2) Miscellaneous fruits.....	1341.583	A
(3) Cherries, red sour.....	1341.583	A
(4) Cocktail cherries.....	1341.583	A
(5) Fruit cocktail.....	1341.583	A
(6) Mixed fruits.....	1341.583	A
(7) Brined cherries.....	1341.583	A
(8) Maraschino and glace (drained) cherries.....	1341.583	A
(9) Dried prunes in juice and prune products.....	1341.583	A
(10) Concord grape juice.....	1341.583	A
(11) Concord grape pulp.....	1341.583	A

[Items (2) and (3) added by Am. 11, 8 F.R. 10725, effective 7-30-43. Items (4), (5)

and (6) added by Am. 17, 8 F.R. 13707, effective 10-9-43; Items (7), (8) and (9) added by Am. 19, 8 F.R. 16619, effective 12-14-43. Items (10) and (11) added by Am. 23, 8 F.R. 17482, effective 12-28-43]

(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.....	1341.554	C
(10) Sauerkraut.....	1341.554	B
(11) Sweet potatoes.....	1341.554	B
(12) Mushrooms.....	1341.554	B

[Paragraph (b) and item (1) added by Am. 3, 8 F.R. 3732, effective 3-31-43; item (2) added by Am. 4, 8 F.R. 3853, effective 3-27-43; (3) added by Am. 5, 8 F.R. 4179, effective 3-31-43; (4) added by Am. 6, 8 F.R. 4633, effective 4-7-43; (5) added by Am. 7, 8 F.R. 4840, effective 4-15-43; (6), (7), (8), and (9) added by Am. 9, 8 F.R. 9291, effective 7-10-43; item (10) added by Am. 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 Am. 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 outgoing 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. 421,² 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 423⁵ 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 (d) and (e) added by Am. 12, 8 F.R. 10824, effective 8-5-43]

§ 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 Am. 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.553b *Maximum prices for resales by processors of items which have been sold to them by government agencies.* The maximum price for sales by a processor, to purchasers other than government procurement agencies, of any item packed prior to 1943 which has been sold to the processor by a government agency, shall be that processor's maximum price, f. o. b. factory, as established under this regulation for the same item when packed in 1943. However, differences in brand shall be ignored.

[§ 1341.553b added by Am. 29, 9 F.R. 6169, effective 6-5-44]

§ 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 Am. 2, 8 F.R. 2921, effective 1-23-43]

§ 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 *Excepted transactions.* The following transactions are excepted from the provisions of this regulation: Sales and deliveries of commodities covered by this regulation by any processor in any calendar year in which his total volume of sales of such commodities does not exceed 1500 quarts (or an equivalent amount in other container sizes).

[§ 1341.556 added by Am. 19, 8 F.R. 16619, effective 12-14-43; and amended by Am. 31, 9 F.R. 7833, effective 7-17-44]

§ 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 re-

⁴ 9 F.R. 5656.

⁵ 9 F.R. 5671.

² 9 F.R. 5648.

placing, 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 deduction 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 amended by Am. 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 seller'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 may be established for any item only once, and it may not be changed by the seller except (a) with the written permission of the District Director of the Office of Price Administration for the area in which he is located in cases where the seller has figured his maximum lower than the applicable pricing method allows, and (b) in cases where a change in the regulation changes the seller's applicable pricing method. District Directors are authorized to give this permission.

If the seller wishes to disclose 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, on his books, before he discloses the lower price. A seller who has not figured a price for any item may deliver the item, but he may not receive payment for it until he has established a maximum price in accordance with the rules of this section.

[§ 1341.558 added by Am. 19, 8 F.R. 16619, effective 12-14-43; and amended by Am. 31, 9 F.R. 7833, effective 7-17-44]

§ 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.

(b) In each sale to purchasers other than government procurement agencies, where a processor makes an allowance for labor or labels under this section he shall state the amount and nature of the allowance on the invoice accompanying the sale.

[Paragraph (b) added by Am. 31, 9 F.R. 7033, effective 7-17-44]

§ 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 Am. 15, 8 F.R. 11800, 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) amended by Am. 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 Am. 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 28, 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 ceiling under MPR 152 for the No. 2 can of X brand tomatoes was \$1.10 a dozen. Under MPR 309, it is now \$1.325. The primary distributor therefore adds the increase of \$0.225 to his own ceiling 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) amended by Am. 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) amended by Am. 19]
[§ 1341.562 added by Am. 12, 8 F.R. 10324, 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 Am. 12, 8 F.R. 10324, 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 Am. 14, 8 F.R. 11236, 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 amended by Am. 19, 8 F.R. 16619, effective 12-14-43]

§ 1341.564 *Units of sale and fractions of a cent.* (a) Maximum prices shall be stated in terms of the same general units (like pounds, dozens, etc.) in which the seller has customarily quoted prices for the product, except when the applicable pricing method shows that another unit shall be used.

(b) Amounts computed in the process of figuring a maximum price (other than the maximum price itself) shall be carried to four decimal places (hundredths of a cent). For sales to government procurement agencies, the maximum price itself shall be carried to four decimal places. If any figured maximum price (other than for sales to government procurement agencies) includes a fraction of a cent, the seller shall adjust the maximum price to the nearest fractional unit of a cent (like 1¢; ½¢, etc.) in which he has customarily quoted prices for the product.

[§ 1341.564 added by Am. 15, 8 F.R. 11806, effective 8-24-43 and amended by Am. 35, effective 10-18-44]

§ 1341.565 *Grades and invoices.* (a) Wherever a grade for an item is specifically listed (e. g., "A", "B", "C", or "Fancy", "Extra Standard" and "Standard") or prices are determined by reference to an item so listed, the term "grade" means the grade at the time of shipment, as established and defined by the United States Department of Agriculture. Each processor selling such an item shall furnish the purchaser, at or before the time of delivery, with an invoice describing the item and separately stating its grade.

(b) In all other cases, the term "grade" means the commercial grade or customary trade quality designation at the time of shipment.

[Paragraphs (a) and (b) amended by Am. 24, 9 F.R. 287, effective 1-11-44]

(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 Am. 9, 8 F.R. 9291, effective 7-10-43 and revoked by Am. 13, 8 F.R. 10986, effective 8-5-43]

(f) [Revoked]

[Paragraph (f) revoked by Am. 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 Emergency 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 Am. 8, 8 F.R. 6617, effective 5-18-43 and paragraph (k) added by Am. 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 having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order and any delivery or agreement to deliver entered into pursuant to such authorization shall be made at a price no greater than the price finally established by the Office of Price Administration whether such price is greater or less than the maximum price in effect at the time of delivery.

[§ 1341.566 added by Am. 12, 8 F.R. 10824, effective 8-5-43 and amended by Am. 34, 9 F.R. 11637, 12022, effective 9-20-44]

§ 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 covered 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 Am. 10, 8 F.R. 12701, 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 Am. 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. 08-R-709).

[§ 1341.569a added by Am. 19, 8 F.R. 16619, 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 28, 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 Am. 17, 8 F.R. 13707, effective 10-9-43]

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

[NOTE: Procedural Regulation No. 6 (9 F.R. 10628) 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.]

[NOTE: Supplementary Order No. 23 (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 Am. 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

^o 8 F.R. 13240.

^r 9 F.R. 10476.

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. [MPR 306 originally 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 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:

(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 Regulation Nos. 421, 422 or 423, you must refigure your ceiling price for the item in accordance with the applicable provisions of these regulations (see section 6 in each case). You must refigure your ceiling price on the first delivery of this item to you containing this notification after (insert effective date of amendment authorizing change in maximum price).

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, or securely attach it to the outside of the case or carton. 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." However, for sales direct to any retailer, the processor may supply the notice by attaching it to, or stating it on, the invoice covering the shipment instead of providing it with the goods.

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 or stated on the invoice issued in connection with the

*2d Revision: 8 F.R. 4132, 5937, 7662, 9333, 15193; 9 F.R. 1636.

first transaction with such purchaser after making such change, as follows:

(Insert Date)
 NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALESALEERS OR RETAILERS

Our OFA ceiling price for (describe item) has been changed from \$_____ to \$_____ under the provisions of Maximum Price Regulation No. 306. You are required to notify all retailers and wholesalers purchasing the item from you after (insert effective date of amendment authorizing change in maximum price).

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

Item No.	Col. 2 State or area	Col. 3 Style of pack	Col. 4 Grade	Col. 5 Container— No. 2 Can		Col. 6 Container— No. 3 cylinder		Col. 7 Container— No. 10 Can	
				Gov. ern- ment sales	Other sales	Gov. ern- ment sales	Other sales		
1	Florida and Texas.	Natural (unsweetened).	A or fancy	1.07%	1.12%	2.46	2.56	4.85	5.00
			C or standard	1.02%	1.07%	2.35	2.45	4.65	4.80
			O or standard	0.97%	1.02%	2.25	2.35	4.46	4.60
2	California and Arizona.	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
			O or standard	1.00	1.05	2.30	2.40	4.60	4.75
		Natural (unsweetened).	A or fancy	1.17%	1.22%	2.70	2.80	5.46	5.60
			C or standard	1.12%	1.17%	2.60	2.70	5.25	5.40
			O or standard	1.07%	1.12%	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
			O or standard	1.10	1.15	2.55	2.65	5.20	5.35

price) of the corresponding change in your maximum price. The notice must be made in the manner prescribed in § 1341.562 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 OFA Ceiling Price Change Enclosed."

[§ 1341.562 added by Am. 11, 8 F.R. 10725, effective 7-30-43; and amended by Am. 26, 9 F.R. 1710, effective 2-18-44]

§ 1341.563 Appendix A: Maximum prices for packed fruit—(a) Grapefruit juice.

Table amended by Am. 1, 8 F.R. 1313, effective 1-28-43, and Am. 2, 8 F.R. 2921, 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 Am. 7, 8 F.R. 4840, 5266, effective 4-15-43]

(b) Miscellaneous packed fruits. (1) The miscellaneous packed fruits covered in paragraph (b) are listed below and include 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 Am. 17, 8 F.R. 13707, effective 10-9-43 and Am. 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) amended by Am. 17, 8 F.R. 13707, effective 10-9-43]

Raw fruit	State	Maximum cost
Apricots	All states	1942 cost per ton as required to be computed under MPR 185 plus \$1 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 \$.02 per pound.
Figs [except Kadota]	All states	\$125.00 per ton.
Figs (except Kadota)	All states	1942 cost per ton as required to be computed under MPR 185 plus \$15 per ton.
Peaches, Clingstone.	All states	\$60 per ton.
Peaches, freestone.	California, Oregon and Washington	\$40 per ton.
	All other states	1942 cost per ton as required to be computed under MPR 185 plus \$10 per ton.
Pears.	California, Oregon, Washington, Idaho and Utah.	\$63 per ton.
	All other states	1942 cost per ton as required to be computed under MPR 185 plus \$3 per ton.
Plums	California, Oregon, Washington, Idaho and Utah.	\$75 per ton.
	All other states	1942 cost per ton as required to be computed under MPR 185 plus \$3 per ton.
Prunes, fresh	All states	1942 cost per ton as required to be computed under MPR 185.

(1) 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 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:

(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) amended by Am. 19, 8 F.R. 16619, effective 12-14-43]

(4) Deduct the total 1942 raw fruit cost per dozen containers as required to be computed under Maximum Price Regulation No. 185, plus \$10

(iii) Multiply the figure so obtained by .96. The resulting figure shall be the

(1) 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:

(1) 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 con-

tainer 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) amended by Am. 19, 8 F.R. 16618, 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).

However, sales by processors to government procurement agencies of whole unpeeled apricots, packed in No. 10 cans, with a drained weight of 90 ounces or

more per can, which are not required to meet their quotas under War Food Order 22-6, are not subject to maximum prices. In addition, sales by processors whose factories are located in Michigan, New York, Pennsylvania or Virginia to government procurement agencies of pureed peaches prepared in those factories from Yellow Clingstone or Yellow Freestone type, washed, trimmed, pitted, pre-heated and screened or otherwise pulped, packed in No. 10 cans, in which the product occupies not less than 90% of the total volume capacity of the container, are not subject to maximum prices.

[Subparagraph (7) amended by Am. 32, 9 F.R. 8144, effective 7-17-44 and Am. 33, 9 F.R. 10773, effective 9-1-44]

[Paragraph (b) added by Am. 11, 8 F.R. 10725, effective 7-30-43 and amended as otherwise noted]

(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	12.69	2.49	12.69	2.49	12.59	2.69	13.09
2		Heavy	2.40	12.60	2.39	12.59	2.33	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	11.49	2.49	12.69	2.49	12.69	2.59	12.59
4	C-Standard	Water	2.30	11.70	2.49	12.69	2.25	11.25	2.33	11.75	2.33	11.75	2.33	12.25
5		Extra Heavy	2.25	11.25	2.35	11.75	2.39	11.69	2.39	11.69	2.39	11.70	2.49	12.69
6		Heavy	2.20	11.00	2.39	11.79	2.15	10.75	2.23	11.23	2.23	11.23	2.35	11.75
7		Light	2.15	10.75	2.25	11.25	2.19	10.49	2.29	11.09	2.29	11.09	2.29	11.59
8		Water	2.10	10.50	2.29	11.00	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 Am. 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 in-

crease 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) amended by Am. 19, 8 F.R. 16619, 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 Am. 17, 8 F.R. 13707, effective 10-9-43]

Component fruit	State	Maximum cost
Cocktail cherries.....	All States.....	Where the processor of fruit cocktail purchases 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.....	\$60.00 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.....	\$60.00 per ton.
Pears.....	California.....	\$65.00 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 \$8 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) amended by Am. 19, 8 F.R. 16619, effective 12-14-43]

(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:

(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 Am. 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) amended by Am. 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 Am. 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 period from September 1 through November 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 (September 1, through November 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.

[Subparagraph (i) amended by Am. 20, 9 F.R. 1710, effective 2-18-44]

(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.

(vi) A processor who purchases and uses red sour cherries in processing brined cherries shall determine his maximum price under paragraph (g) except that in making the subtraction under subparagraph (1) (iii) and the addition under subparagraph (1) (v) he shall:

(a) Subtract his 1941 weighted average red sour cherry cost converted into units of the finished product; and

(b) Add to the difference figured by making this subtraction the 1943 weighted average raw fruit cost converted into units of the finished product. However, in figuring the 1943 weighted average cost of red sour cherries, the processor shall base his calculation on not less than 75% of his purchases of red sour cherries of the 1943 crop purchased and used by him in processing brined cherries and in no event shall the raw fruit cost for red sour cherries of the 1943 pack be in excess of 8½ cents per pound.

[Subparagraph (vi) added by Am. 26, 9 F.R. 1710, effective 2-18-44]

(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, grade, size and container of brined cherries of the 1943 pack shall be the processor's maximum price.

[Subparagraph (2) amended by Am. 23, 9 F.R. 4349, effective 4-26-44]

(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 sulfurous acid.

[Paragraph (g) added by Am. 19, 8 F.R. 16619, effective 12-14-43 and amended as otherwise noted]

(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 23 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 procurement agencies as established under paragraph (ii).

[Paragraph (h) added by Am. 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:

(1) 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 Am. 20, 8 F.R. 16896, effective 12-22-43]

(6) A processor who purchases and uses red sour cherries in the 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 (1) (i) and the addition under subparagraph (1) (ii) he shall:

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

(ii) Add to the difference figured by making this subtraction the 1943 weighted average raw fruit cost converted into units of the finished product. However, in figuring the weighted average cost of red sour cherries, the processor shall base his calculation on not less than 75% of his purchases of red sour cherries of the 1943 crop purchased and used by him in processing maraschino and glace (drained) cherries and in no event shall the raw fruit cost for red sour cherries of the 1943 pack be in excess of 8½ cents per pound.

[Subparagraph (6) added by Am. 26, 9 F.R. 1710, effective 2-18-44]

(1) *Dried prunes in juice and prune products*—(1) *General*. The prune products covered in this paragraph (1) 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 (i) added by Am. 19, 8 F. R. 16619, effective 12-14-43]

(j) *Concord grape juice and Concord grape pulp.* (1) The processor's maximum prices per dozen containers or other unit of sale of Concord grape juice and Concord grape pulp, respectively, manufactured from Concord grapes of

the 1943 crop, f. o. b. factory, for sales to persons 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 Concord grape juice or Concord grape pulp, respectively, charged by the processor, f. o. b. factory for the same grade, style and container during the period from October 1, 1941 through January 31, 1942. "Weighted average price" means the total gross sales dollars charged for each grade, style and container divided by the number of containers or other units of sale sold of such grade, style and container. All sales contracts made in the regular course of business during the base period (October 1, 1941 through January 31, 1942) shall be included, regardless of the date of delivery, except sales contracts made with the United States. Sales contracts made at time other than during the base period shall not be included even though delivery was during the base period.

[Subparagraph (i) corrected, 9 F. R. 734, effective 12-28-43]

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

(a) Figure the weighted average cost for Concord grapes of the 1941 crop by dividing the total amount paid for Concord grapes of the 1941 crop used in manufacturing the product being priced or 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 October 1, 1941, through January 31, 1942. The figure obtained by this division is the 1941 raw grape cost per dozen containers or other unit of sale being priced.

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

(a) Figure the weighted average cost for Concord grapes of the 1943 crop by dividing the total amount paid for not less than the first 75% of his total purchases of Concord grapes of the 1943 crop used in manufacturing the product being priced by the total number of tons so purchased: *Provided*, That in no event shall the 1943 raw grape cost, delivered to the processor's factory or to his customary receiving station, exceed the appropriate amount indicated in the table below:

State:	Maximum cost (per ton)
New York.....	\$85.00
Ohio.....	85.00

State:	Maximum cost (per ton)
Pennsylvania.....	85.00
Michigan.....	75.00
Washington.....	45.00

(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 October 1, 1941 through January 31, 1942. The figure obtained by this division is the 1943 raw grape cost per dozen-containers or other unit of sale being priced.

The resulting figure in (iii) shall be the processor's maximum price per dozen containers or other unit of sale being priced of Concord grape juice or Concord grape pulp, as the case may be, manufactured from Concord grapes of the 1943 crop, f. o. b. factory, for sales to persons other than government procurement agencies.

(2) Where the processor did not pack and sell the same grade, style and container of Concord grape juice or Concord grape pulp, respectively, during the period from October 1, 1941 through January 31, 1942, the maximum price of his closest competitive seller for the same grade and container of Concord grape juice or Concord grape pulp, respectively, manufactured from Concord grapes 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 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.

(4) The processor's maximum prices per dozen containers or other unit of sale of Concord grape juice and Concord grape pulp, respectively, f. o. b. factory, for sales to government procurement agencies, shall be 96% of his maximum prices for sales of the item to persons other than to government procurement agencies as established under subparagraphs (1) and (2).

(5) "Concord grapes" means strains of Concord type grapes of the purple slipskin varieties, including but not limited to Concord, Cottage, Eaton, Hartford, Hicks, Rockwood, Ives and Worden.

[Paragraph (j) added by Am. 23, 8 F. R. 17422, effective 12-23-43]

§ 1341.564 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	7.90	1.55	7.75	1.525	7.65	1.55	7.75
2			B-Ex. Std.	1.425	7.15	1.40	7.00	1.375	6.90	1.40	7.00
3			C-Standard	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
4	Alaska	No. 2	A-Fancy	1.475	7.40	1.45	7.25	1.425	7.15	1.45	7.25
5			B-Ex. Std.	1.325	6.65	1.30	6.50	1.275	6.40	1.30	6.50
6			C-Standard	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
7	Alaska	No. 3	A-Fancy	1.375	6.90	1.35	6.75	1.325	6.65	1.35	6.75
8			B-Ex. Std.	1.225	6.15	1.20	6.00	1.175	5.90	1.20	6.00
9			C-Standard	1.125	5.65	1.10	5.50	1.075	5.40	1.10	5.50
10	Alaska	No. 4 and up	A-Fancy	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
11			B-Ex. Std.	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
12			C-Standard	1.075	5.40	1.05	5.25	1.025	5.15	1.05	5.25
13	Alaska	Ungraded	A-Fancy	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
14			B-Ex. Std.	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
15			C-Standard	1.075	5.40	1.05	5.25	1.025	5.15	1.05	5.25
16	Sweet	No. 1	A-Fancy	1.575	7.90	1.55	7.75	1.525	7.65	1.55	7.75
17			B-Ex. Std.	1.425	7.15	1.40	7.00	1.375	6.90	1.40	7.00
18			C-Standard	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
19	Sweet	No. 2	A-Fancy	1.575	7.90	1.55	7.75	1.525	7.65	1.55	7.75
20			B-Ex. Std.	1.425	7.15	1.40	7.00	1.375	6.90	1.40	7.00
21			C-Standard	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
22	Sweet	No. 3	A-Fancy	1.475	7.40	1.45	7.25	1.425	7.15	1.45	7.25
23			B-Ex. Std.	1.325	6.65	1.30	6.50	1.275	6.40	1.30	6.50
24			C-Standard	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
25	Sweet	No. 4	A-Fancy	1.375	6.90	1.35	6.75	1.325	6.65	1.35	6.75
26			B-Ex. Std.	1.225	6.15	1.20	6.00	1.175	5.90	1.20	6.00
27			C-Standard	1.125	5.65	1.10	5.50	1.075	5.40	1.10	5.50
28	Sweet	No. 5 and up	A-Fancy	1.275	6.40	1.25	6.25	1.225	6.15	1.25	6.25
29			B-Ex. Std.	1.175	5.90	1.15	5.75	1.125	5.65	1.15	5.75
30			C-Standard	1.075	5.40	1.05	5.25	1.025	5.15	1.05	5.25
31	Sweet	Ungraded	A-Fancy	1.425	7.15	1.40	7.00	1.375	6.90	1.375	6.90
32			B-Ex. Std.	1.225	6.15	1.20	6.00	1.175	5.90	1.175	5.90
33			C-Standard	1.125	5.65	1.10	5.50	1.075	5.40	1.075	5.40
34	Prince of Wales and Laxton	Ungraded	A-Fancy	1.475	7.40	1.45	7.25	1.425	7.15	1.425	7.15
35			B-Ex. Std.	1.225	6.15	1.20	6.00	1.175	5.90	1.175	5.90
36			C-Standard	1.075	5.40	1.05	5.25	1.025	5.15	1.025	5.15

[Paragraph heading amended by Am. 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 maximum 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 Am. 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 Am. 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	Per doz. No. 2 cans
Region I:	
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

Region and State	Per doz. No. 2 cans
Region I—Con.	
Vermont	\$0.095
Virginia	.090
West Virginia	.07
Region II:	
Alabama	.095
Arkansas	.085
Florida	.095
Georgia	.095
Illinois	.1075
Indiana	.065
Iowa (Central) ¹	.1125
Iowa (balance of State)	.0625
Kansas	.045
Kentucky	.1125
Louisiana	.095
Michigan	.0725
Minnesota	.095
Mississippi	.095
Missouri	.045
Nebraska	.0625
North Dakota	.045
Oklahoma	.045
Ohio	.085

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

Region and State	Per doz. No. 2 cans
Region II—Con.	
South Carolina	\$0.095
South Dakota	.045
Tennessee	.1125
Texas	.07
Wisconsin (Southeastern) ²	.1075
Wisconsin (balance of State)	.095
Region III:	
Arizona	.095
Colorado	.085
Idaho (Franklin County)	.11
Idaho (balance of State)	.035
Montana	.0625
Nevada	.095
New Mexico	.07
Utah	.11
Wyoming	.03

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

Region and State	Per doz. No. 2 cans
Region IV	
California	\$0.09
Oregon	.035
Washington (Slagit and Snohomish Counties)	.15
Washington (balance of State)	.095

[Subparagraph (1) amended by Am. 19, 8 F.R. 16919, effective 12-14-43]

(1) For each variety, sieve size and grade of peas in No. 10 cans, multiply by 5 the maximum price determined under paragraph (1) for No. 2 cans.

[Paragraph (a) added by Am. 3, 8 F.R. 3732, effective 3-31-43 and amended by Am. 9, 8 F.R. 9231, 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	0.89	1.30	1.75	0.89	1.225	1.675	0.85	1.25	1.50	0.85	1.275	1.725	0.85
2	Extra-Standard	1.125	1.50	0.85	1.10	1.475	0.85	1.025	1.49	0.89	1.05	1.425	0.89	1.075	1.45	0.89
3	Standard	1.025	1.375	0.85	1.09	1.35	0.85	0.925	1.275	0.89	1.05	1.39	0.89	1.075	1.325	0.89

(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 (portion of State not included in Region V), Wyoming, Colorado, Utah, New Mexico, Arizona and Nevada.

Region V: Idaho (Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Idaho, Clearwater and Shoshone Counties), Oregon, Washington and California.

[Subparagraph (2) amended by Am. 26, 9 F.R. 1710, effective 2-18-44]

(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	Per doz. No. 2 cans
Region I:	
Connecticut	\$0.1025
Maine	.03
Massachusetts	.03
New Hampshire	.03
New York (Lower Hudson River Valley and Long Island ¹)	.1025
New York (balance of State)	.06
Pennsylvania (Northern)	.06
Rhode Island	.03
Vermont	.03
Region II:	
Delaware	.06
Illinois	.065
Indiana	.065
Iowa	.065
Kentucky	.065
Maryland	.06
Michigan	.065
Minnesota	.065
Nebraska	.065
New Jersey	.06
North Dakota	.065
Ohio	.065
Pennsylvania (Southern)	.105
South Dakota	.065
Tennessee	.065
Virginia	.06
West Virginia	.06
Wisconsin	.065

¹ Includes area lying below the city of Albany and closely adjacent to the Hudson River.

Region III: All States except Texas \$0.045

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, Ughur, Wood, Rains, Kaufman, Van Zandt, Smith, Gregg, Harrison, Panola, Rusk, Henderson, Anderson, Cherokee, Shelby, Macgreggches 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) .0375

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

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) .07

California (balance of State) .05

Oregon .0375

Washington .0375

[Subparagraph (1) amended by Am. 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 Am. 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 Am. 10]

[Paragraph (b) added by Am. 4, 8 F.F. 3853, effective 3-27-43 amended by Am. 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			Column 5			Column 6			Column 7		
			Region I			Region II			Region III			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.....	1.36	1.31	6.80	1.31	1.26	6.55	1.385	1.335	6.80	1.29	1.24	6.45
2		B-Ex. Std.....	1.26	1.21	6.30	1.21	1.16	6.05	1.285	1.235	6.40	1.19	1.14	5.93
3		C-Std.....	1.16	1.11	5.80	1.11	1.06	5.55	1.185	1.135	5.90	1.09	1.04	5.45
4	Cream style, except evergreen and narrow grain.	A-Fancy.....	1.26	1.21	6.30	1.21	1.16	6.05	1.285	1.235	6.40	1.19	1.14	5.93
5		B-Ex. Std.....	1.16	1.11	5.80	1.11	1.06	5.55	1.185	1.135	5.90	1.09	1.04	5.45
6		C-Std.....	1.06	1.01	5.30	1.01	.96	5.05	1.085	1.035	5.40	.99	.94	4.93
7	Cream style, evergreen and narrow grain.	A-Fancy.....	1.16	1.11	5.80	1.11	1.06	5.55	1.185	1.135	5.90	1.09	1.04	5.45
8		B-Ex. Std.....	1.11	1.06	5.55	1.06	1.01	5.30	1.135	1.085	5.55	1.04	.99	5.29
9		C-Std.....	1.06	1.01	5.30	1.01	.96	5.05	1.085	1.035	5.40	.99	.94	4.93

(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	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

Region and State	Per doz. No. 2 cans
Region I—Continued.	
Wisconsin.....	\$.075
New York.....	.08
Pennsylvania.....	.09
New Jersey.....	.09
Delaware.....	.09
Maryland.....	.09
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 Am. 5, 8 F.R. 4179, effective 3-31-43 and amended by Am. 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:

Column 1 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	1.85	2.600	9.25	1.675	2.250	8.35	1.725	2.325	8.60	1.70	2.300	8.50	1.60	2.425	9.00
2			B-Ex. Std.....	1.55	2.100	7.75	1.75	2.375	8.75	1.575	2.125	7.85	1.625	2.200	8.10	1.60	2.150	8.00	1.70	2.500	8.50
3			C-Std.....	1.45	1.950	7.25	1.65	2.225	8.25	1.475	2.000	7.35	1.525	2.070	7.60	1.50	2.025	7.50	1.60	2.150	8.00
4	#2.....	A-Fancy.....	1.50	2.025	7.50	1.70	2.300	8.50	1.525	2.050	7.60	1.575	2.125	7.85	1.55	2.100	7.75	1.63	2.225	8.23	
5		B-Ex. Std.....	1.40	1.900	7.00	1.60	2.175	8.00	1.425	1.925	7.10	1.475	2.000	7.35	1.45	1.950	7.25	1.53	2.100	7.75	
6		C-Std.....	1.30	1.750	6.50	1.50	2.025	7.50	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	1.60	2.175	8.00	1.425	1.925	7.10	1.475	2.000	7.35	1.45	1.950	7.25	1.53	2.100	7.75	
8		B-Ex. Std.....	1.30	1.750	6.50	1.50	2.025	7.50	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	1.40	1.900	7.00	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	7.25	
10	#4.....	A-Fancy.....	1.30	1.750	6.50	1.50	2.025	7.50	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	1.45	1.975	7.25	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	1.40	1.900	7.00	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	7.25	
13	#5 and up.	A-Fancy.....	1.20	1.625	6.00	1.40	1.900	7.00	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	7.25	
14		B-Ex. Std.....	1.15	1.550	5.75	1.35	1.825	6.75	1.175	1.675	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	1.30	1.750	6.50	1.125	1.600	5.60	1.175	1.575	5.85	1.15	1.530	5.75	1.25	1.675	6.25	
16	Ungraded.	A-Fancy.....	1.20	1.625	6.00	1.40	1.900	7.00	1.225	1.650	6.10	1.275	1.725	6.35	1.25	1.675	6.25	1.35	1.825	7.25	
17		B-Ex. Std.....	1.15	1.550	5.75	1.35	1.825	6.75	1.175	1.675	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	1.30	1.750	6.50	1.125	1.600	5.60	1.175	1.575	5.85	1.15	1.530	5.75	1.25	1.675	6.25	

Column 1 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
19	Cut (green or wax).	#2	A-Fancy	1.45	1.920	7.25	1.45	2.225	8.25	1.47	2.060	7.35	1.42	2.050	7.65	1.50	2.055	7.50	1.60	2.150	8.00
20			B-Ex. Std.	1.35	1.825	6.75	1.45	2.100	7.75	1.575	1.810	6.85	1.42	1.925	7.10	1.45	1.950	7.00	1.50	2.025	7.50
21			C-Std.	1.25	1.675	6.25	1.45	1.975	7.25	1.575	1.725	6.35	1.32	1.850	6.65	1.35	1.775	6.50	1.45	1.900	7.00
22		#3	A-Fancy	1.35	1.825	6.75	1.45	2.100	7.75	1.575	1.810	6.85	1.42	1.925	7.10	1.45	1.950	7.00	1.50	2.025	7.50
23			B-Ex. Std.	1.25	1.675	6.25	1.45	1.975	7.25	1.575	1.725	6.35	1.32	1.850	6.65	1.35	1.775	6.50	1.45	1.900	7.00
24			C-Std.	1.15	1.530	5.75	1.35	1.825	6.75	1.475	1.675	5.85	1.22	1.650	6.15	1.25	1.625	6.00	1.30	1.750	6.50
25		#4	A-Fancy	1.25	1.675	6.25	1.45	1.975	7.25	1.575	1.725	6.35	1.32	1.850	6.65	1.35	1.775	6.50	1.45	1.900	7.00
26			B-Ex. Std.	1.20	1.625	6.00	1.40	1.925	7.00	1.525	1.675	6.10	1.27	1.725	6.35	1.30	1.675	6.25	1.35	1.825	6.75
27			C-Std.	1.15	1.530	5.75	1.35	1.825	6.75	1.475	1.675	5.85	1.22	1.650	6.15	1.25	1.625	6.00	1.30	1.750	6.50
28		#5 and up.	A-Fancy	1.15	1.530	5.75	1.35	1.825	6.75	1.475	1.675	5.85	1.22	1.650	6.15	1.25	1.625	6.00	1.30	1.750	6.50
29			B-Ex. Std.	1.10	1.475	5.50	1.30	1.775	6.50	1.425	1.625	5.60	1.17	1.575	5.85	1.20	1.550	5.75	1.25	1.675	6.25
30			C-Std.	1.05	1.425	5.25	1.25	1.725	6.25	1.375	1.575	5.35	1.12	1.525	5.60	1.15	1.475	5.50	1.20	1.625	6.00
31		Ungraded.	A-Fancy	1.15	1.530	5.75	1.35	1.825	6.75	1.475	1.675	5.85	1.22	1.650	6.15	1.25	1.625	6.00	1.30	1.750	6.50
32			B-Ex. Std.	1.10	1.475	5.50	1.30	1.775	6.50	1.425	1.625	5.60	1.17	1.575	5.85	1.20	1.550	5.75	1.25	1.675	6.25
33			C-Std.	1.05	1.425	5.25	1.25	1.725	6.25	1.375	1.575	5.35	1.12	1.525	5.60	1.15	1.475	5.50	1.20	1.625	6.00

[Table amended by Am. 21, 8 F.R. 17224, effective 12-28-43]

(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 Idaho (Washington, Payette, Gem, Canyon, Ada, Owyhee, Boundary, Bonner, Kootenai, Benewah, Latah, Nez Perce, Lewis, Idaho, Clearwater and Shoshone 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.

[Subparagraph (iv) and (v) added by Am. 19, 8 F.R. 10619, 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.

(iv) In No. 55 (211 x 300) cans, shall be 55% of the maximum price for the same variety, style, sieve size (including blends) and grade packed in No. 2 cans.

[Subparagraph (iv) added by Am. 23, 9 F.R. 1710, effective 2-18-44]

(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	Per doz. No. 2 cans
Region I: All States	\$.15
Region II: New York	.05
Region III:	
Alabama	.025
Arkansas	.075
Delaware	.075

Region and State	Per doz. No. 2 cans
Region III—Continued.	
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
Oklahoma (Delaware, Mayes, Wagoner, Tulsa, Cherokee, Adair, Muskogee, Sequoyah, Haskell, LeFlore, Bushmataha, 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 and State	Per doz. No. 2 cans
Region VI:	
California: pole beans	\$.013
other than pole beans	.08
All other States or portions thereof	.13
[Subparagraph (i) amended by Am. 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.

Item No.	Grade	State or area	Container		
			No. 2 Can	No. 2½ Can	No. 10 Can
1	A or fancy	All	\$1.175	\$1.475	\$5.15
2	C or standard	All	1.075	1.35	4.75
3	Below standard		.925	1.16	4.10

(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:

Column 1	Column 2	Column 3		
		Container size		
Item No.	Grade	No. 2 can	No. 2½ can	No. 10 can
1	A or Fancy	\$1.38	\$1.79	\$6.24
2	C or Standard	1.23	1.67	5.86
3	Below Standard	1.14	1.47	5.25

(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 Am. 6, 8 F.R. 4633, effective 4-7-43 and amended by Am. 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 Am. 7, 8 F.R. 4840, effective 4-15-43 and amended by Am. 9, 8 F.R. 9291, effective 7-10-43 and Am. 10, 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		3.45		3.45
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		Cut Spears	Center Cuts	A-Fancy	Colossal	2.825		\$14.20		\$13.50	2.60	\$13.00	2.60	\$13.00
7					Large	1.45		7.70	1.50	7.50	1.60	7.50	1.60	7.50
8					Medium	3.025								
9					Small	3.025								
10					Small	2.725								
11	Green Tipped	Cut Spears	A-Fancy	Colossal	3.025									
12				Mammoth	3.025									
13				Large	3.025									
14				Medium	3.025									
15	Other than All Green	Cut Spears	A-Fancy	Colossal	3.025									
16				Large	3.025									
17				Medium	3.025									
18	Soup Cuts	Center Cuts	A-Fancy	Colossal	1.075		13.20							
19				Large	1.075		5.20							
20	Soup Cuts	Center Cuts	A-Fancy	Colossal	1.075		17.30							
21				Large	1.075		9.50							

[Table amended by Am. 15, 8 F.R. 11806, effective 8-24-43 and Am. 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) The maximum price for any variety, style, grade and size of asparagus packed:

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

(b) In No. 55 (211 X 300) cans, shall be 55% of the maximum price for the same variety, style, grade and size packed in No. 2 cans;

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

(d) In No. 300 (300 X 407) cans, shall be 78% of the maximum price for the same variety, style, grade and size packed in No. 2 cans.

[Subparagraph (iii) amended by Am. 19, 8 F.R. 16619, effective 12-14-43; and Am. 26, 9 F.R. 1710, effective 2-18-44]

Column 1	Column 2	Column 3	Column 4		
Item No.	Grade	State or area	Container size		
			No. 2 Cans	No. 2 1/2 Cans	No. 10 Cans
1	A or fancy	All	\$1.05	\$1.20	\$4.20
2	C or standard	All	.85	1.075	2.75
3	Below standard	All	.75	.85	3.50

[Table amended by Am. 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 Am. 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.

[Subparagraph (4) added by Am. 10, 8 F.R. 10558, effective 8-2-43 and amended by Am. 15, 8 F.R. 11808, effective 8-24-43. Former subparagraph (4) revoked by Amendment 10]

(5) If the processor cannot establish a maximum price for such variety, style, grade and size under the foregoing provisions of paragraph (f) or of §§ 1341.557 or 1341.588, 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) added by Am. 26, 9 F.R. 1710, effective 2-18-44. Former subparagraph (5) redesignated (6)]

(6) 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), as the case may be.

[Subparagraph (6), formerly (5), added by Am. 10, 8 F.R. 10558, effective 8-2-43; and amended by Am. 26, 9 F.R. 1710, effective 2-18-44]

[Paragraph (f) added by Am. 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:

(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 maximum 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) amended by Am. 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) amended by Am. 15, 8 F.R. 11808, 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. 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 Am. 15, 8 F.R. 11808, effective 8-24-43 and amended by Am. 16, 8 F.R. 12791, effective 9-17-43]

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

[§ 1341.584 added by Am. 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:

²⁷ 7 F.R. 3635, 3963, 4453, 5138, 5363, 6219, 6226, 6472, 8348; 8 F.R. 1133, 2597, 8975.

(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 sales:	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) amended by Am. 20, 8 F.R. 16896, 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) amended by Am. 20, 8 F.R. 16896, 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 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 Am. 19, 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 Am. 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 (i), 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 Am. 19, 8 F.R. 16619, effective 12-14-43]

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

[Section heading amended by Am. 19, 8 F.R. 16619, effective 12-14-43; paragraph (a) amended by Am. 19 and Am. 30, 9 F.R. 7593, effective 7-10-44]

Group I:
 Artichokes
 Bamboo sprouts
 Bean sprouts
 Celery
 Hominy
 Okra
 Onions
 Parsnips
 Peas, blackeye, crowder, cream and field

Group I—Continued.

Peppers
 Pickles packed from fresh vegetables other than cucumbers
 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 Am. 10, 8 F.R. 10553, effective 8-2-43 Am. 15, 8 F.R. 11836, effective 8-24-43 and Am. 30]

(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 (i).

(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 1943 raw vegetable cost per dozen containers determined 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 vegetables in 1943, based on not less than the first 75% of his purchases, by the dozen container yield per ton or other unit as required to be used in computing his 1942 maximum price. However, in no event shall the 1943 raw vegetable cost exceed the applicable support price of the War Food Administration for the area where the processor's factory is located, except that where the processor purchases any of the raw vegetables in Group II in a support price area other than in which his factory is located, his 1943 raw vegetable cost shall not exceed the applicable support price for the area in which the raw vegetables were 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 available common or contract carrier rate.

[Subparagraph (b) amended by Am. 15, 8 F.R. 11806, effective 3-24-43, and Am. 26, 9 F.R. 1710, effective 2-18-44].

(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 (i).

(3) *Maximum prices for mixed vegetables and mixed vegetable juices (Group III).* (i) 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 1942 raw vegetable cost for such vegetables as required to be used in computing maximum prices for the 1942 pack and add to the figure so obtained the 1943 raw vegetable cost per dozen containers determined 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 vegetables in 1943, based on not less than the first 75% of his purchases, by the dozen container yield per ton or other unit as required to be used in computing his 1942 maximum price. However, in no event shall the 1943 raw vegetable cost exceed the applicable support price of the War Food Administration for the area where the processor's factory is located, except that where the processor purchases any of the raw vegetables in Group II in a support price area other than in which his factory is located, his 1943 raw vegetable cost shall not exceed the applicable support price for the area in which the raw vegetables were 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 available common or contract carrier rate.

[Subparagraph (b) amended by Am. 26, 9 F.R. 1710, effective 2-18-44]

(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 type and size of the 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: *Provided*, That as to all the vegetables in Group II, and any mixture of vegetables in Group III which contains a vegetable for which the War Food Administration has announced a support price, the competitor shall be one in the same support price area.

(a) Where the same competitor does not pack such item in 1943 or, as to Group II and III vegetables for which a support price is named, he is located in a different support price area, 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 container type and size: *Provided*, That as to all vegetables in Group II and any mixture of vegetables in Group III which contains a vegetable for which the War Food Administration has announced a support price, the competitor shall be one in the same support price area.

(ii) Where the processor did not pack the same variety, style, grade and container type and size 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 type and size of the 1943 pack shall be the processor's maximum price: *Provided*, That as to vegetables in Group II and any mixture of vegetables in Group III which contains a vegetable for which the War Food Administration has announced a support price, the competitor shall be one in the same support price area.

(iii) The maximum price for any variety, style and grade of any particular item in Group I, II, or III packed:

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

(b) In No. 55 (211 x 300) cans, shall be 55% of the maximum price for the same variety, style and grade packed in No. 2 cans;

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

(iv) In the event that a processor cannot establish his maximum price under the provisions of the regulation, he shall apply to the Office of Price Administration, Washington, D. C., for authoriza-

tion of a maximum price as provided in § 1341.563.

[Subparagraph (4) amended by Am. 19, 8 F.R. 16619, effective 12-14-43; and Am. 26, 9 F.R. 1710, effective 2-18-44]

(b) *Maximum prices for pickles packed from fresh cucumbers*—(1) *Maximum prices for sales to purchasers other than government procurement agencies.* (i) The processor's maximum price per dozen, f. o. b. factory, for sales to purchasers other than government procurement agencies of each kind, variety, grade, brand, style of pack, container type and size of pickles packed from fresh cucumbers shall be:

(a) The weighted average price per dozen charged by the processor, f. o. b. factory, for the same item during the first 60 days after the beginning of the 1941 pack; plus

(b) Eight per cent of the weighted average price per dozen, f. o. b. factory, as figured under (a), above; plus

(c) An increase for fresh cucumber costs, figured by converting 40 cents per bushel (of fresh cucumbers) into cents per dozen of the finished product, on the basis of his 1941 yield. The processor shall figure his "1941 yield" by dividing the total number of bushels of fresh cucumbers used by him in processing the item during the 1941 pack by the total number of dozens of the item packed during that period.

(ii) "Weighted average price" means the total gross sales dollars charged for the item divided by the number of dozens of containers sold. All sales made in the regular course of business during the 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 contracts made at times other than during that period shall not be included, even though delivery was made during the period.

(iii) If the processor cannot figure his maximum price under (i), above, nor under § 1341.557, his maximum price shall be the maximum price of his most closely competitive processor for the same item.

(2) *Maximum prices for sales to government procurement agencies.* The processor's maximum price per dozen, f. o. b. factory, for sales to government procurement agencies shall be 96 per cent of the maximum price, f. o. b. factory, for sales to purchasers other than government procurement agencies, as determined under subparagraph (1), above.

[Paragraph (b) added by Am. 30, 9 F.R. 7503 effective 7-10-44]

[§ 1341.585 added by Am. 9, 8 F.R. 9291, 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, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont.	Fancy.....	1.62	1.625	1.63
		All other.....	1.62	1.62	1.63
II	Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Tennessee, and Wisconsin.	Fancy.....	1.625	1.625	1.63
		All other.....	1.63	1.63	1.63
III	Colorado, Idaho, Montana, Utah, and Wyoming.	Fancy.....	1.62	1.62	1.63
IV	California, Oregon and Washington.	All other.....	1.625	1.62	1.63
		Fancy.....	1.62	1.62	1.63
		All other.....	1.625	1.62	1.63

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

Region	States	Grade		Multiply maximum price by
I	Maine, New Hampshire, New York, Pennsylvania (these counties not included in Region II), and Vermont.	Fancy.....		1.635
		All other.....		1.649
II	Delaware, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Montana, Nebraska, New Jersey, Ohio, Pennsylvania (Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton Bedford, and Somerset Counties only), Tennessee, and Wisconsin.	Fancy.....		1.645
		All other.....		1.645
III	Mississippi.....	Fancy.....		1.620
IV	Colorado, Idaho, Utah, and Wyoming.	All other.....		1.620
		Fancy.....		1.649
V	California, Oregon and Washington.	All other.....		1.649
		Fancy.....		1.649
		All other.....		1.649

(3) Corn.

Region	States	Grade	Multiply maximum price by	
			Cream Style	Whole Kernel
I	Maine, New Hampshire.....	Fancy.....	1.62	1.62
II	Colorado, Idaho (portion of state not included in Region III), Illinois, Indiana, Iowa, Ohio, Michigan, Montana, Nebraska, Tennessee, Utah, and Wyoming.	All other.....	1.625	1.625
		Fancy.....	1.629	1.625
III	California, Idaho (Southwestern-Washington, Payette, Gem, Canyon, Ada and Owyhee Counties), Oregon, Washington.	All other.....	1.629	1.625
		Fancy.....	1.629	1.629
IV	Delaware, Maryland, Minnesota, New Jersey, New York, Pennsylvania, Vermont, and Wisconsin.	All other.....	1.625	1.625
		Fancy.....	1.625	1.625

(4) Snap beans.

Region	States	Grade	Multiply maximum price by	
			Cut	Whole
I	Maine, New Hampshire, and Vermont.....	Fancy.....	1.625	1.620
		All other.....	1.629	1.615
II	New York.....	Fancy.....	1.625	1.620
		All other.....	1.629	1.615
III	Delaware, Maryland, Mississippi, New Jersey, Pennsylvania, and Tennessee.	Fancy.....	1.629	1.620
		All other.....	1.625	1.620
IV	Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio and Wisconsin.	Fancy.....	1.625	1.620
		All other.....	1.629	1.619
V	Colorado, Idaho (portion of state not included in Region VI), Montana, Utah, and Wyoming.	Fancy.....	1.629	1.625
		All other.....	1.625	1.625
VI	California, Idaho (Southwestern-Washington, Payette, Gem, Canyon, Ada, and Owyhee Counties), Oregon and Washington.	Fancy.....	1.629	1.625
		All other.....	1.625	1.625

[Subparagraphs (1), (2), (3), and (4) amended by Am. 15, 8 F.R. 11806, effective 3-24-43; Am. 16, 8 F.R. 12791, effective 9-17-43; Am. 18, 8 F.R. 14577, effective 10-25-43; Am. 19, 8 F.R. 16619, effective 12-14-43; and Am. 25, 9 F.R. 96, effective 12-31-43]

(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, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Washington, Wisconsin, and Wyoming.	All.....	1.645

(i) 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) (i).

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

(2) Asparagus.

State	Variety and grade	Multiply maximum price by
California.....	All.....	1.62
Oregon and Washington.....	All.....	1.63
Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Wisconsin and Wyoming.	All.....	1.64

[Subparagraphs (1) and (2) amended by Am. 15, 8 F.R. 11806, effective 8-24-43, Am. 16, 8 F.R. 12791, effective 9-17-43; Am. 18, 8 F.R. 14577, effective 10-25-43; and Am. 25, 9 F.R. 96, effective 12-31-43]

(3) Red sour cherries.

State	Grade	Multiply maximum price by
Colorado, Idaho, Illinois, Maine, Michigan, Mississippi, Montana, New Hampshire, New York, Ohio, Oregon, Pennsylvania, Tennessee, Utah, Vermont, Washington, Wisconsin and Wyoming.	All.....	1.625

[Subparagraph (3) added by Am. 11, 8 F.R. 10725, effective 7-30-43 and amended by Am. 16, 8 F.R. 12791, effective 9-17-43; Am. 18, 8 F.R. 14577, effective 10-25-43 and Am. 25, 9 F.R. 96, effective 12-31-43]

(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 for sales of the items designated to government procurement agencies if (i) they have incurred wage rate increases with the approval of the War Labor Board or under the Fair Labor Standards Act; (ii) if the wage rate increases became effective after January 1, 1943; and (iii) if 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 state or portion thereof: *Provided*, That no processor whose factory is located in Arizona, Connecticut, Kentucky, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Alabama, Florida, Georgia, Kansas, Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Texas, or whose wage rate increase was incurred under the Fair Labor Standards Act, shall adjust his maximum prices for increases in labor unless, prior to November 26, 1943, he applied to the Office of Price Administration, Washington, D. C., for authorization to figure the increase.

[Paragraph (c) amended by Am. 19, 8 F.R. 16619, effective 12-14-43; and Am. 25, 9 F.R. 96, effective 12-31-43]

(1) *Tomato juice.*

State:	Multiply maximum price by
Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont (those counties not included in the group of states beginning with Illinois and ending with Wisconsin).....	1.04
Alabama, Arkansas, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.....	1.035
Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, Pennsylvania (Bucks, Montgomery, Philadelphia, Delaware, Chester, Lancaster, York, Cumberland, Adams, Franklin, Fulton, Bedford, and Somerset Counties only), South Dakota, and Wisconsin.....	1.045
Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.....	1.02

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

Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.....	1.02
Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.....	1.04

[Subparagraphs (1) and (2) amended by Am. 15, 8 F.R. 11806, effective 8-24-43; Am. 16, 8 F.R. 12791, effective 9-17-43; Am. 18, 8 F.R. 14577, effective 10-25-43; Am. 19, 8 F.R. 16619, effective 12-14-43 and Am. 25, 9 F.R. 96, effective 12-31-43]

(3) *Peaches, clingstone.*

State	Grade	Multiply maximum price by
California.....	All....	1.03

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

State	Grade	Multiply maximum price by
Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.	All....	1.035

[Subparagraphs (3) and (4) added by Am. 11, 8 F.R. 10725, effective 7-30-43 and amended by Am. 15, 8 F.R. 11806, effective 8-24-43; Am. 16, 8 F.R. 12791, effective 9-17-43; Am. 19, 8 F.R. 16619, effective 12-14-43; and Am. 25, 9 F.R. 96, effective 12-31-43]

(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 (i) they have incurred wage rate increases with the approval of the War Labor Board or under the Fair Labor Standards Act; (ii) if the wage rate increases become effective after January 1, 1943; and (iii) if 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 prices 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 agencies by multiplying the maximum prices for such sales by the same figure. *Provided*, That no processor whose factory is located in Arizona, Connecticut, Kentucky, Maine, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, South Carolina and Texas, or whose wage rate increase was incurred under the Fair Labor Standards Act, shall adjust his maximum prices for increases in labor unless, prior to November 26, 1943, he applied to the Office of Price Administration, Washington, D. C., for authorization to figure the increase.

[Paragraph (d) amended by Am. 19, 8 F.R. 16619, effective 12-14-43; and Am. 25, 9 F.R. 96, effective 12-31-43]

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

[Heading amended by Am. 30, 9 F.R. 7609, effective 7-10-44]

State:	Multiply maximum prices by
Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.....	1.016

[Subparagraph (1) amended by Am. 15, 8 F.R. 11806, effective 8-24-43; Am. 16, 8 F.R. 12791, effective 9-17-43; Am. 18, 8 F.R. 14577, effective 10-25-43; Am. 19, 8 F.R. 16619, effective 12-14-43; and Am. 25, 9 F.R. 90, effective 12-31-43]

(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
Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.	All....	1.03

¹Except that for apricots multiply by 1.016.

[Paragraph heading amended by Am. 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
Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.	All....	1.035

[Subparagraphs (2) and (3) added by Am. 11, 8 F.R. 10725, 11247, effective 7-30-43 and

amended by Am. 15, 8 F.R. 11806, effective 8-24-43; Am. 16, Am. 18, 8 F.R. 14577, effective 10-25-43; Am. 19 and Am. 25]

[§ 1341.586 added by Am. 9, 8 F.R. 9291, effective 7-10-43]

(4) *Sauerkraut.*

State	Grade	Container	Multiply maximum price by
Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.	All	Tin or glass.	1.025

[Subparagraph (4) added by Am. 18, 8 F.R. 14577, effective 10-25-43 and amended by Am. 25, 9 F.R. 96, effective 12-31-43]

[§ 1341.586 added by Am. 9, 8 F.R. 9291, effective 7-10-43, and amended as otherwise noted]

§ 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.
- Boysenberries.
- Cranberries.
- Gooseberries.
- Huckleberries.
- Loganberries.
- Raspberries, black and red.
- Strawberries.
- Youngberries.

[Subparagraph (1) amended by Am. 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 0.03 per pound (0.04 for strawberries).
Cranberries, Huckleberries and Strawberries.	
Blackberries	\$.12
Blueberries, wild, grown in Maine, Massachusetts, New Hampshire and Vermont	.12
Boysenberries	.12
Gooseberries	.03
Loganberries	.12
Raspberries, black	.13
Raspberries, red	.15
Youngberries	.12

[Subparagraph (ii) amended by Am. 15, 8 F.R. 11806, effective 8-24-43 and Am. 20, 8 F.R. 16396, 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 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) amended by Am. 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 Am. 11, 8 F.R. 10725, effective 7-30-43]

§ 1341.588 *Maximum prices for fruits, berries and vegetables packed in glass containers.* The provisions of this section apply only to commodities packed in the container sizes listed below and

where the pricing provisions relating to such commodities do not contain specific dollars-and-cents maximum prices for the commodities packed in glass, or a method of determining such a price by adding a specific amount or taking a certain percentage of a dollars-and-cents price.

(a) *Fruits and berries.* The processor's maximum price for any variety, style and grade of the fruits and berries covered by this regulation which are packed in glass containers of any of the sizes listed in the table below, and which the processor did not sell in those container types and sizes during the first 60 days after the beginning of the 1941 pack (or other base period applicable to such commodity under Maximum Price Regulation No. 185) shall be 20 cents per dozen more than the maximum price for the same variety style and grade packed in the equivalent can size.

(b) *Vegetables.* The processor's maximum price for any variety, style, and grade of the vegetables covered by this regulation which are packed in glass containers of any of the sizes listed in the table below, and which in the case of formula-priced commodities, the processor did not sell in that container type and size during the first 60 days after the beginning of the 1941 pack (or other base period applicable to such vegetable under the pricing provisions of this regulation) shall be 15 cents per dozen more than the maximum price for the same variety, style and grade packed in the equivalent can size.

CONTAINER EQUIVALENTS

Name	Dimension	Overflow capacity	
		Tin	Glass
No. 1 Plastic	211 x 450	Ounces 10.94	Ounces 11 1/2
No. 300	250 x 467	15.22	15 1/2
No. 1 Tall	261 x 411	16.70	17
No. 330	263 x 456	16.83	17
No. 2	267 x 429	20.85	22.75
No. 2 1/2	491 x 411	29.79	28.375
No. 3 Cyl	494 x 700	51.70	49

When a processor is able to establish maximum prices under the provisions of this section, the procedure set forth in § 1341.557 shall not be applicable.

[§ 1341.533 added by Am. 22, 8 F.R. 17235, effective 12-29-43]

§ 1341.589 *Permitted increases for secondary packers of certain specified packed food products.* (a) The secondary packer of maraschino and glace cherries, Concord grape juice and sauerkraut shall determine maximum prices per dozen containers or other unit for these products which are purchased by him in bulk, barrels or other large containers and further processed and repacked in smaller containers, by adding to his maximum prices for such products as established under section 2 of the General Maximum Price Regulation, the difference in each case between his customary supplier's maximum price under

section 2 of the General Maximum Price Regulation and his maximum price for the product f. o. b. factory as computed under Maximum Price Regulation No. 306, converted to the same units and adjusted where necessary to include incoming freight.

(b) In the event that a secondary packer cannot establish his maximum price under paragraph (a), he shall apply to the Office of Price Administration, Washington, D. C., for authorization of a maximum price, as provided for processors in § 1341.563.

[§ 1341.589 added by Am. 28, 9 F.R. 4349, effective 4-26-44]

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 13th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15846; Filed, Oct. 13, 1944;
11:15 a. m.]

PART 1499—COMMODITIES AND SERVICES
[RMPR 165, Supp. Service Reg. 38]

CONTRACT SERVICES RENDERED IN CONNECTION WITH PICKING COTTON IN CERTAIN ARIZONA COUNTIES

The statement of considerations involved in the issuance of this Supplementary Service Regulation No. 38 has been filed with the Division of the Federal Register.* For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9230 and 9328, Supplementary Service Regulation No. 38 is hereby issued.

§ 1499.2273 *Contract services rendered in connection with picking cotton in certain Arizona Counties.* (a) Dollars and cents maximum prices established for contract services rendered in connection with picking cotton in certain Arizona Counties.

(1) The maximum prices for contract services performed in connection with picking cotton in the Arizona Counties described in paragraph (b) shall be the prices set forth in Table I below. These prices shall include the following services to be rendered by the independent contractor at his own expense to the cotton grower and cotton picker.

(i) Secure cotton pickers, haul cotton pickers to the fields, supervise the picking of cotton, supply ice water to the pickers, weigh the cotton.

(ii) The independent contractor shall pay the cotton pickers the rate prescribed by the War Food Administration and is forbidden from charging cotton pickers for transportation or other services which are a part of his work for the grower.

TABLE I

(1) Contract rate for picking American Egyptian (SXP) cotton—\$4.40 per 100 pounds of well picked, clean, seed cotton.

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

¹9 F.R. 7439, 9107, 9411, 11173, 12040.

(2) Contract rate for picking American upland cotton—(1) \$2.50 per 100 pounds of well picked, clean, seed cotton in Pima, Santa Cruz, Pinal and Maricopa Counties. (ii) \$2.20 per 100 pounds of well picked, clean, seed cotton in Greenlee and Graham Counties.

(3) Contract rate for pulling, bolting, snapping and scrapping American Egyptian (SXP) and American upland cotton—\$1.50 per 100 pounds of seed cotton.

(2) Definitions of terms used in this Supplementary Service Regulation:

"Independent contractor" means one who supplies or offers to supply all the services of contractors listed in (a) (1) above and who hires twenty-five or more cotton pickers.

"Certain Arizona Counties" includes the following counties in Arizona: Pima, Greenlee, Santa Cruz, Pinal, Graham, and Maricopa.

(3) The prices established by this regulation are subject to revision or modification at any time by the Office of Price Administration.

This Supplementary Service Regulation No. 38 shall become effective October 12, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15829; Filed, Oct. 12, 1944;
4:36 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

AMENDMENTS TO REGULATIONS

Correction

In paragraph 1 of Federal Register Document 44-15755, appearing at page 12420 of the issue for Friday, October 13, 1944, "§ 183.9" should read "§ 153.9".

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 21—PACIFIC REGION NATIONAL WILDLIFE REFUGES

RUBY LAKE NATIONAL WILDLIFE REFUGE, NEV.

Under authority of section 84 of the act of March 4, 1909 (35 Stat. 1088), as amended, the following is ordered:

§ 21.790a *Hunting within the Ruby Lake National Wildlife Refuge, Nevada.* The hunting of migratory waterfowl will be permitted in accordance with regulations under the Migratory Bird Treaty Act within that portion of the Ruby Lake National Wildlife Refuge, Nevada, lying in White Pine County, T. 25 and 26 N., R. 57 and 58 E., Mount Diablo Meridian.

Entry on and use of the refuge for any purpose is governed by the regulations of the Secretary dated December 10, 1940,¹ and strict compliance therewith is required. Not to exceed two hunting dogs may be used by each hunter but such dogs shall not be permitted to run unattended on the refuge.

Hunters shall follow such routes of travel within the refuge as are designated by posting. In addition, all hunters must comply with the State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license is required by such laws and regulations.

OSCAR L. CHAPMAN,
Assistant Secretary.

OCTOBER 12, 1944.

[F. R. Doc. 44-15874; Filed, Oct. 13, 1944;
11:50 a. m.]

Notices

FEDERAL TRADE COMMISSION.

[Docket No. 4953]

WELCH GRAPE JUICE CO. AND H. W. KASTOR & SONS ADVERTISING CO.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October A. D., 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, October 27, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Federal Trade Commission Offices, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-15860; Filed, Oct. 13, 1944;
11:39 a. m.]

¹5 F.R. 5284.

NORTH EASTERN RADIO CO., AND MIDWEST
RADIO SERVICE CO.

[Docket No. 5127]

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October A. D., 1944.

In the matter of Nathaniel Goldberg, an individual trading as North Eastern Radio Company and Midwest Radio Service Company.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law:

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, October 24, 1944, at ten o'clock in the forenoon of that day (eastern standard time) Room 505, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.[F. R. Doc. 44-15861; Filed, Oct. 13, 1944;
11:39 a. m.]

[Docket No. 5134]

HENRY MILLINERY IMPORT CORP.

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October A. D., 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, October 26, 1944, at ten o'clock in the forenoon of that day (eastern standard time), Federal Trade Commission Offices, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed imme-

diately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.[F. R. Doc. 44-15862; Filed, Oct. 13, 1944;
11:39 a. m.]

[Docket No. 6157]

P. BALLANTINE & SONS

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 1, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Court Room No. 5, Post Office Building, Newark, New Jersey.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.[F. R. Doc. 44-15863; Filed, Oct. 13, 1944;
11:39 a. m.]OFFICE OF DEFENSE TRANSPORTA-
TION.

[Notice and Order of Termination 5]

ASH TRUCK LINES, INC.

POSSESSION, CONTROL AND OPERATION OF
MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Ash Truck Lines, Inc., by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of Ash Truck Lines, Inc., 801 Ohio Street, Holton, Kansas, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 14, 1944. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 5".

Issued at Washington, D. C., this 13th day of October 1944.

J. M. JOHNSON,
Director.

Office of Defense Transportation.

[F. R. Doc. 44-15915; Filed, Oct. 12, 1944;
2:16 p. m.]

[Supp. Order ODT 20A-182]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN LYNN, MASS.,
AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,¹ and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Lynn, Massachusetts, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would

¹ Filed as part of the original document.

not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Boston, Massachusetts, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-182" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Boston, Massachusetts.

8. This order shall become effective October 20, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of October 1944.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

APPENDIX 1

Lynn Yellow Cab Co., Lynn, Mass.
Town Taxi Co., Lynn, Mass.
Empire Service Cab Co., Lynn, Mass.
Rays Checker Taxi Co., Lynn, Mass.
Packard Cab Co., Lynn, Mass.

[F. R. Doc. 44-15819; Filed, Oct. 12, 1944;
2:16 p. m.]

[Supp. Order ODT 20A-183]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN DULUTH, MINN.,
AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,¹ and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Duluth, Minnesota, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Highway Transport Department, Office of Defense Transportation, Duluth,

Minnesota, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein. No operator who now is or hereafter becomes a party to the plan shall be expelled therefrom or refused participation therein without the authority of the Office of Defense Transportation.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A-183" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Duluth, Minnesota.

8. This order shall become effective October 20, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of October 1944.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

APPENDIX 1

Asa Lyons, Sr., doing business as Lyons Cab Company, 1707 E. Superior St., Duluth, Minn.

Harry Harris Goldman, 25 N. 4th Ave. E., Duluth, Minn.

Yellow Cab Duluth Co., 207-13 E. Superior St., Duluth, Minn.

Black & White Duluth Cab, Inc., 207-13 East Superior Street, Duluth, Minn.

Harris Safety Cab, 208 E. Sixth Street, Duluth, Minn.

Checker Independent Cab Co., 112 East First Street, Duluth, Minn.

Diamond Cab Company, 112 East First St., Duluth, Minn.

[F. R. Doc. 44-15820; Filed, Oct. 12, 1944;
2:16 p. m.]

[Supp. Order ODT 3, Rev. 343]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN KNOXVILLE, TENN., AND ASHEVILLE, N. C.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the

¹ Filed as part of the original document.

prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 17, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of October 1944.

J. M. JOHNSON,
Director.

Office of Defense Transportation.

APPENDIX 1

Associated Transport, Inc., New York, N. Y.
ET & WNC Transportation Company (a corporation), Johnson City, Tenn.
Smith's Transfer Corporation, Lenoir, N. C.
The Mason & Dixon Lines, Incorporated, Kingsport, Tenn.

[F. R. Doc. 44-15517; Filed, Oct. 12, 1944;
2:17 p. m.]

[Supp. Order ODT 6A-53]

COMMON CARRIERS

COORDINATED OPERATIONS IN BROWNWOOD,
TEX.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757, 14582, 9 F.R. 2794) a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-53" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 17, 1944, and shall remain in full

¹ Filed as part of the original document.

force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Sunset Motor Lines, 705 W. Washington, San Angelo, Tex.
Merchants Fast Motor Lines, Inc., Fort Worth, Tex.

[F. R. Doc. 44-15816; Filed, Oct. 12, 1944; 2:16 p. m.]

[Supp. Order ODT 6A-55]

COMMON CARRIERS

COORDINATED OPERATIONS IN MEMPHIS, TENN.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A, (8 F.R. 8757, 14582, 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a

diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-55" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 17, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

M. R. Rutherford and J. E. Wagoner, co-partners, doing business as Mayers-National Truck Line, (Lessee and Operator of William B. Mayers, doing business as Mayers-National Truck Line), Memphis, Tenn.

L. T. Jamison, doing business as Acco Transport Company, (H. W. Clark, Receiver), Memphis, Tenn.

[F. R. Doc. 44-15818; Filed, Oct. 12, 1944; 2:17 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 120, Order 1080]

S. E. EVANS CONSTRUCTION CO., INC., ET AL.
ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120; *It is ordered*:

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 14. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.225 and all other provisions of Maximum Price Regulation No. 120.

S. E. EVANS CONSTRUCTION CO., INC., 2914 N. "O" ST., FORT SMITH, ARK., HOBBS NO. 4 MINE, MINE INDEX NO. 630, SEBASTIAN COUNTY, ARK., PRODUCTION GROUP NO. 5, RAIL SHIPPING POINT, HARTFORD, ARK.

	Size group Nos.				
	3	12	14	18	19
Price classification.....	(*)	(*)	(*)	(*)	A
Rail shipment.....	(*)	(*)	(*)	(*)	253
Truck shipment.....	(*)	(*)	(*)	(*)	280

*Previously established.

A. M. HOBBS & SONS COAL CO., HARTFORD, ARK., HOBBS NO. 1 MINE, LOWER HARTSHORN SEAM, MINE INDEX NO. 1020, SEBASTIAN COUNTY, ARK., PRODUCTION GROUP NO. 8, RAIL SHIPPING POINT, HARTFORD, ARK., STRIP MINE

	Size group Nos.				
	3	12	14	18	19
Price classification.....	E	L	B	B	Q
Rail shipment.....	600	445	210	210	380
Truck shipment.....	480	425	260	210	395

¹ Filed as part of the original document.

INTERIOR FUEL CO., 326 DWIGHT BLDG., KANSAS CITY, MO., TAHONA UPPER SEAM MINE, UPPER HARTHORNE SEAM, MINE INDEX NO. 1024, LE FLORE COUNTY, ORLA., PRODUCTION GROUP NO. 6, RAIL SHIPPING POINT: WILLIAMS, ORLA., STRIP MINE

	Size group Nos.															
	4	6	7	8	9	10	11	12	13	14	15	16	17	18		
Price classification.....	E	F	F	F	F	H	E	L	D	B	B	B	A	M		
Rail shipment.....	565	555	555	555	510	500	490	445	390	210	210	210	325	455		
Truck shipment.....	560	560	560	560	535	485	490	425	325	220	210	220	310	425		

INTERIOR FUEL CO., 326 DWIGHT BLDG., KANSAS CITY, MO., TAHONA LOWER SEAM MINE, LOWER HARTHORNE SEAM, MINE INDEX NO. 1025, LE FLORE COUNTY, ORLA., PRODUCTION GROUP NO. 6, RAIL SHIPPING POINT: WILLIAMS, ORLA., STRIP MINE

	Size group Nos.															
	4	6	7	8	9	10	11	12	13	14	15	16	17	18		
Price classification.....	E	F	F	F	F	H	E	L	D	B	B	B	A	M		
Rail shipment.....	565	555	555	555	510	500	490	445	390	210	210	210	325	455		
Truck shipment.....	560	560	560	560	535	485	490	425	325	220	210	220	310	425		

J. E. PARKER & SONS COAL CO., HUNTINGTON, ABE., JAMES N. FORD No. 1 MINE, MINE INDEX NO. 102, SEBASTIAN COUNTY, ABE., PRODUCTION GROUP NO. 5, RAIL SHIPPING POINT, HUNTINGTON, ABE. AND MIDLAND, ABE.

	Size group Nos.				
	3	12	14	16	10
Price classification.....	(*)	(*)	(*)	(*)	A
Rail shipment.....	(*)	(*)	(*)	(*)	230
Truck shipment.....	(*)	(*)	(*)	(*)	230

*Previously established.

TRI COUNTY COAL CO., RUSSELLVILLE, ABE., TRI COUNTY No. 1 MINE, LOWER HARTHORNE SEAM, MINE INDEX NO. 1021 POPE COUNTY, ABE., PRODUCTION GROUP NO. 1, RAIL SHIPPING POINT, RUSSELLVILLE, ABE., STRIP MINE

	Size group Nos.												
	4	6	7	8	9	10	11	12	13	14	15	16	18
Price classification.....	B	B	A	A	B	A	A	A	A	A	A	A	A
Rail shipment.....	690	695	615	630	510	640	640	640	570	325	325	325	325
Truck shipment.....	690	695	610	630	535	645	645	630	535	325	325	325	375

Railroad locomotive fuel:

- Any size prepared coal single or double screened, straight run of mine, and all resultants exceeding 6" x 0..... 335
- All resultants larger than 2 1/2" x 0 but not exceeding 6" x 0..... 310
- All resultants 2 1/2" x 0 and smaller.... 220

This order shall become effective October 13, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15825; Filed, Oct. 12, 1944; 4:34 p. m.]

[MPR 120, Order 1081]

THE ARCADIA CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with §1340.210 (a) (6) of Maximum Price Regulation No. 120, it is ordered:

Producers identified herein operate named mines assigned the mine index

numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 1. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

THE ARCADIA COMPANY, INDIANA, PA., UREY MINE, C SEAM, MINE INDEX NO. 614, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT: HOOVER-HUDY, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification.....	G	G	G	G	G
Rail shipment.....	320	320	315	265	265
Railroad locomotive fuel.....	320	320	315	265	265
Truck shipment.....	325	320	320	320	310

MRS. EMMA H. CALHOUN, 123 CLINTON AVE., RENOV, PA., CALHOUN MINE, B SEAM, MINE INDEX NO. 425, CLINTON COUNTY, PA., SUBDISTRICT 3, STRIP MINE

Truck shipment.....	375	320	330	240	320
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KRISTANSON & JOHNSON COAL CO., INC., LANSE, PA., WOODSIDE MINE, C SEAM, MINE INDEX NO. 518, CLEARFIELD COUNTY, PA., SUBDISTRICT 8, RAIL SHIPPING POINT: WALLACE, PA. & BIGLER, PA., STRIP MINE

Price classification.....	F	F	F	F	F
Rail shipment.....	335	335	325	265	265
Railroad locomotive fuel.....	320	320	305	265	265
Truck shipment.....	270	335	335	325	315

B. PERINI & SONS, INC., P. O. BOX 151, SOMERSET, PA., FLORENCE STRIP MINE No. 1, D SEAM, MINE INDEX NO. 417, SOMERSET COUNTY, PA., SUBDISTRICT 37, RAIL SHIPPING POINT: COLEMAN, PA., STRIP MINE.

Price classification.....	B	B	B	B	C
Rail shipment.....	320	370	320	240	230
Railroad locomotive fuel.....	320	320	315	235	235
Truck shipment.....	320	335	335	245	230

RIVER SUCKLEES COAL CO., No. 9 COUNTY NATIONAL BANK BLDG., CLEARFIELD, PA., RIVER No. 2 MINE, D SEAM, MINE INDEX NO. 514, CLEARFIELD COUNTY, PA., SUBDISTRICT 13, RAIL SHIPPING POINT, BANTAN JUNCTION, PA., STRIP MINE

Price classification.....	D	D	D	D	D
Rail shipment.....	330	240	335	325	325
Railroad locomotive fuel.....	320	320	315	235	235
Truck shipment.....	370	245	245	335	325

TARTAN COAL MINING CO., P. O. BOX 170, KITTANNING, PA., TARTAN No. 6 MINE, E SEAM, MINE INDEX NO. 319, ARMSTRONG COUNTY, PA., SUBDISTRICT 11, RAIL SHIPPING POINT, McWILLIAMS, PA., NEW BETHELEHEM, PA., STRIP MINE

Price classification.....	G	G	G	G	H
Rail shipment.....	320	320	315	265	265
Railroad locomotive fuel.....	320	320	305	235	235
Truck shipment.....	325	320	320	320	305

TAYLOR BEES, HAWTHORN, PA., TAYLOR No. 2 MINE, D SEAM, MINE INDEX NO. 523, CLARION COUNTY, PA., SUBDISTRICT 4, RAIL SHIPPING POINT, HAWTHORN, PA., DEEP MINE

Price classification.....	G	G	G	H	H
Rail shipment.....	320	320	315	235	235
Railroad locomotive fuel.....	320	320	305	235	235
Truck shipment.....	325	320	320	315	305

FRED C. TOPP, 13 SOUTH FRONT ST., PHILADELPHIA, PA., BANNER No. 3 MINE, A SEAM, MINE INDEX NO. 506, CENTRE COUNTY, PA., SUBDISTRICT 14, RAIL SHIPPING POINT, ORZELA MILLS, PA., STRIP MINE

Price classification.....	H	H	H	H	H
Rail shipment.....	320	320	310	235	235
Railroad locomotive fuel.....	320	320	265	235	235
Truck shipment.....	320	325	325	315	305

ZACHEL COAL CO., 110 EAST CENTRAL AVE., TRUSVILLE, SCHMADER MINE, A SEAM, MINE INDEX NO. 417, CLARION COUNTY, PA., SUBDISTRICT 1, STRIP MINE

Truck shipment.....	275	320	320	320	310
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This order shall become effective October 13, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15826; Filed, Oct. 12, 1944;
4:34 p. m.]

[RMPR 169, Order 51]

ATLANTIC CHIP STEAK CO.

APPROVAL OF MAXIMUM PRICES

On September 16, 1944 Atlantic Chip Steak Company, 823 Callowhill Street, Philadelphia, Pennsylvania, filed an application for the determination of a maximum selling price for its "Chip Steaks".

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of § 1364.452 (r) of Revised Maximum Price Regulation No. 169; *It is hereby ordered:*

(a) That the maximum selling price for "Chip Steaks" produced and sold by Atlantic Chip Steak Company, Philadelphia, Pennsylvania shall be 47½ cents per pound, f. o. b. the seller's place of business. Atlantic Chip Steak Company is permitted to sell this item to purveyors of meals. (defined in § 1364.455 (b) (2) of Revised Maximum Price Regulation No. 169) and to intermediate distributors for resale to purveyors of meals. The authorized maximum selling price for the specialty steak product sold under the brand name of "Chip Steak" is applicable only where the meat item is manufactured in accordance with the method described in the application of Atlantic Chip Steak Company requesting such maximum price.

(b) Atlantic Chip Steak Company shall not sell or deliver to purveyors of meals and/or to intermediate distributors for resale to purveyors of meals during any three month period beginning October 1, January 1, April 1, and July 1 a total volume by weight of "Chip Steak" in excess of 29,300 pounds, except that for that portion of the period beginning on the effective date of this order and terminating on December 31, 1944, Atlantic Chip Steak Company shall limit its sales of "Chip Steaks" to a volume by weight not exceeding an average of 2,260 pounds per week.

(c) Atlantic Chip Steak Company shall supply each purveyor of meals upon his initial purchase of "Chip Steaks" with a written notice in the following form:

NOTICE TO PURVEYORS OF MEALS

The Office of Price Administration has, by order, authorized Atlantic Chip Steak Company to sell "Chip Steaks" to purveyors of meals for not more than 47½ cents per pound

f. o. b. our place of business at Philadelphia, Pennsylvania.

(d) The maximum price for sales of "Chip Steaks" by any intermediate distributor shall be 47½ cents per pound f. o. b. the seller's place of business.

(e) Atlantic Chip Steak Company shall supply each such intermediate distributor (any person who purchases from Atlantic Chip Steak Company for resale purposes) upon his initial purchase of "Chip Steaks" with a written notice in the following form:

NOTICE TO DISTRIBUTORS OF "CHIP STEAKS"

The Office of Price Administration has, by order authorized Atlantic Chip Steak Company to sell "Chip Steaks" for not more than 47½ cents per pound to purveyors of meals and to intermediate distributors who purchase this item for resale to purveyors of meals. Atlantic Chip Steak Company is permitted to sell this item to you at a discount but you must resell it to purveyors of meals and you must observe the same maximum price permitted Atlantic Chip Steak Company, i. e., 47½ cents per pound f. o. b. your place of business. You are furthermore required to advise each purveyor of meals making his initial purchase of "Chip Steaks" of the maximum price established for sales of this product.

(f) Not later than the tenth day following each three month period ending December 31, March 31, June 30, and September 30, Atlantic Chip Steak Company shall submit a statement to the Office of Price Administration, Washington, D. C. showing the total volume of "Chip Steaks" sold to purveyors of meals and to intermediate distributors, separately itemized, for each such three month period, setting forth the name and address of each such distributor. In the event that such statement is not filed on or before the date specified, this order shall be subject to revocation. After the tenth day following any such three month quota period Atlantic Chip Steak Company shall not sell or deliver "Chip Steaks" until such statement has been submitted to the Office of Price Administration at Washington, D. C.

(g) All prayers of the application not granted herein are denied.

(h) This Order No. 51 may be revoked or amended by the Price Administrator at any time.

This Order No. 51 shall become effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15835; Filed, Oct. 12, 1944;
4:34 p. m.]

[RMPR 169, Order 52]

KOLD KIST, INC.

APPROVAL OF MAXIMUM PRICES

On September 6, 1944, Kold Kist, Inc., 5329 East Washington Blvd., Los Angeles, California filed an application for the determination of a maximum selling price for its "Kold Kist Tender-Rite Steaks."

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Divi-

sion of the Federal Register. For the reasons set forth in the opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of § 1364.452 (r) of Revised Maximum Price Regulation No. 169; *It is hereby ordered:*

(a) That the maximum selling price for "Kold Kist Tender-Rite Steaks" produced and sold by Kold Kist, Inc., Los Angeles, California, shall be 45 cents per pound, f. o. b. the seller's place of business. Kold Kist, Inc., is permitted to sell this item to purveyors of meals (defined in § 1364.455 (b) (2) of Revised Maximum Price Regulation No. 169) and to intermediate distributors for resale to purveyors of meals. The authorized maximum selling price for the specialty steak product sold under the brand name of "Kold Kist Tender-Rite Steaks" is applicable only where the meat item is manufactured in accordance with the method described in the application of Kold Kist, Inc., requesting such maximum price.

(b) Kold Kist, Inc., shall not sell or deliver to purveyors of meals and/or to intermediate distributors for resale to purveyors of meals during any three-month period beginning October 1, January 1, April 1 and July 1, a total volume by weight of "Kold Kist Tender-Rite Steaks" in excess of 43,750 pounds, except that for the period beginning on the effective date of this order and terminating on December 31, 1944, Kold Kist, Inc., shall limit its sales of "Kold Kist Tender-Rite Steaks" to a volume by weight not exceeding an average of 3,365 pounds per week.

(c) Kold Kist, Inc., shall supply each purveyor of meals upon his initial purchase of "Kold Kist Tender-Rite Steaks" with a written notice in the following form:

NOTICE TO PURVEYORS OF MEALS

The Office of Price Administration has, by order, authorized Kold Kist, Inc., to sell "Kold Kist Tender-Rite Steaks" to purveyors of meals for not more than 45 cents per pound, f. o. b. our place of business at Los Angeles, California.

(d) The maximum price for sales to purveyors of meals of "Kold Kist Tender-Rite Steaks" by any intermediate distributor shall be 45 cents per pound f. o. b. the seller's place of business.

(e) Kold Kist, Inc., shall supply each such intermediate distributor (any person who purchases from Kold Kist, Inc., for resale purposes) upon his initial purchase of "Kold Kist Tender-Rite Steaks" with a written notice in the following form:

NOTICE TO DISTRIBUTORS OF "KOLD KIST TENDER-RITE STEAKS"

The Office of Price Administration has, by order, authorized Kold Kist, Inc., to sell "Kold Kist Tender-Rite Steaks" for not more than 45 cents per pound to purveyors of meals and to intermediate distributors who purchase this item for resale to purveyors of meals. Kold Kist, Inc., is permitted to sell this item to you at a discount but you must resell it to purveyors of meals and you must observe the same maximum price permitted Kold Kist, Inc., i. e., 45 cents per pound f. o. b. your place of business. You are furthermore required to advise each pur-

veyor of meals making his initial purchase of "Kold Kist Tender-Rite Steaks" of the maximum price established for sales of this product.

(f) Not later than the tenth day following each three-month period ending December 31, March 31, June 30, and September 30, Kold Kist, Inc. shall submit a statement to the Office of Price Administration, Washington, D. C., showing the total volume of "Kold Kist Tender-Rite Steaks" sold to purveyors of meals and to intermediate distributors, separately itemized, for each such three month period, setting forth the name and address of each such distributor. In the event that such statement is not filed on or before the date specified, this order shall be subject to revocation. After the tenth day following any such three-month period, Kold Kist, Inc., shall not sell or deliver "Kold Kist Tender-Rite Steaks" until such statement has been submitted to the Office of Price Administration, Washington, D. C.

(g) All prayers of the application not granted herein are denied.

(h) This Order No. 52 may be revoked or amended by the Price Administrator at any time.

This Order No. 52 shall become effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15836; Filed, Oct. 12, 1944;
4:35 p. m.]

[RMFR 169, Order 53]

STEAK SPECIALTIES CO.

APPROVAL OF MAXIMUM PRICES

On September 4, 1944, Steak Specialties Company, 806 North Broadway, Los Angeles, California, filed an application for the determination of a maximum selling price for its "Strato Beef Steaks".

Due consideration has been given to the application and an opinion in support of this order has been issued simultaneously herewith and filed with the Division of the Federal Register. For the reasons set forth in the opinion, under authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to the provisions of § 1364.452 (r) of Revised Maximum Price Regulation No. 169; *It is hereby ordered:*

(a) That the maximum selling price for "Strato Beef Steaks" produced and sold by Steak Specialties Company, Los Angeles, California, shall be 40 cents per pound, f. o. b. the seller's place of business. Steak Specialties Company is permitted to sell this item to purveyors of meals (defined in § 1364.455 (b) (2) of Revised Maximum Price Regulation No. 169) and to intermediate distributors for resale to purveyors of meals. The authorized maximum selling price for the specialty steak product sold under the brand name of "Strato Beef Steak" is applicable only where the meat item is manufactured in accordance with the method described in the application of

Steak Specialties Company, requesting such maximum price.

(b) Steak Specialties Company shall not sell or deliver to purveyors of meals and/or to intermediate distributors for resale to purveyors of meals during any three month period beginning October 1, January 1, April 1 and July 1 a total volume by weight of "Strato Beef Steaks" in excess of 85,000 pounds, except that for that portion of the period beginning on the effective date of this order and terminating on December 31, 1944, Steak Specialties Company shall limit its sales of "Strato Beef Steaks" to a volume by weight not exceeding an average of 6,540 pounds per week.

(c) Steak Specialties Company shall supply each purveyor of meals upon his initial purchase of "Strato Beef Steak" with a written notice in the following form:

NOTICE TO PURVEYORS OF MEALS

The Office of Price Administration has, by order, authorized Steak Specialties Company to sell "Strato Beef Steaks" to purveyors of meals for not more than 40 cents per pound f. o. b. our place of business at Los Angeles, California.

(d) The maximum price for sales of "Strato Beef Steaks" by any intermediate distributor shall be 40 cents per pound f. o. b. the seller's place of business.

(e) Steak Specialties Company shall supply each such intermediate distributor (any person who purchases from Steak Specialties Company for resale purposes) upon his initial purchase of "Strato Beef Steak" with a written notice in the following form:

NOTICE TO DISTRIBUTORS OF "STRATO BEEF STEAKS"

The Office of Price Administration has, by order authorized Steak Specialties Company to sell "Strato Beef Steaks" for not more than 40 cents per pound to purveyors of meals and to intermediate distributors who purchase this item for resale to purveyors of meals. Steak Specialties Company is permitted to sell this item to you at a discount but you must resell it to purveyors of meals and you must observe the same maximum price permitted Steak Specialties Company, i. e., 40 cents per pound f. o. b. your place of business. You are furthermore required to advise each purveyor of meals making his initial purchase of "Strato Beef Steaks" of the maximum price established for sales of this product.

(f) Not later than the tenth day following each three month quota period ending December 31, March 31, June 30 and September 30, Steak Specialties Company shall submit a statement to the Office of Price Administration at Washington, D. C. showing the total volume of "Strato Beef Steaks" sold to purveyors of meals and to intermediate distributors, separately itemized, for each such three month period, setting forth the name and address of each such distributor. In the event that such statement is not filed on or before the date specified, this order shall be subject to revocation. After the 10th day following any such three month quota period Steak Specialties Company shall not sell or deliver "Strato Beef Steaks" until such statement has been submitted to the Office of

Price Administration at Washington, D. C.

(g) All prayers of the application not granted herein are denied.

(h) This Order No. 53 may be revoked or amended by the Price Administrator at any time.

This Order No. 53 shall become effective October 13, 1944.

Issued this 12th of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15337; Filed, Oct. 12, 1944;
4:37 p. m.]

[MFR 183, Amdt. 56 to Order A-1]

BUILDING BRICK AND TILE

APPROVAL OF MAXIMUM PRICES

An opinion accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Paragraph (a) (42) is added to Order No. A-1 to read as follows:

(42) *Modification of maximum prices for building brick, structural clay hollow building tile, and clay drain tile.* (i) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 183, as amended, for building brick (common and face, except ceramic glazed), produced in the States of Colorado, Kansas, and that part of Missouri west of and including the counties of Mercer, Sullivan, Linn, Chariton, Saline, Pottis, Morgan, Camden, Laclede, Wright, Douglas, and Ozark, may be increased by adding an amount not in excess of \$2.50 per thousand for standard size brick to the f. o. b. plant prices or delivered prices.

The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 183, as amended, for structural clay hollow building tile (except ceramic glazed ware), and clay drain tile (glazed and unglazed), produced in the area described above, may be increased by adding an amount not in excess of \$1.07 per ton to the f. o. b. plant prices or delivered prices.

(ii) The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 183, as amended, for building brick (common and unglazed face), produced in the States of Illinois, Indiana, and Kentucky; that part of Missouri east of and including the counties of Putnam, Adair, Macon, Randolph, Howard, Cooper, Moniteau, Miller, Purlaski, Texas, and Howell; and that part of the State of Wisconsin east of and including the counties of Brown, Outagamie, Winnebago, Fond-du-Lac, Dodge, Jefferson, and Rock, may be increased by adding an amount not in excess of \$2.50 per thousand for standard size brick to the f. o. b. plant prices or delivered prices.

The manufacturers' maximum prices established pursuant to Maximum Price Regulation No. 183, as amended, for structural clay hollow building tile (except ceramic glazed ware), and clay drain tile (glazed and unglazed), produced in the area described above, may be increased by adding thereto an amount not in excess of \$.97 per ton to

the f. o. b. plant prices or delivered prices.

(iii) If a manufacturer had an established differential in price during the month of March 1942 for non-standard sizes of building brick (common and face) he may convert the adjustment granted herein for standard size brick on the basis of the conversion factors or formula in use by him during March 1942 in establishing a price differential between the standard size brick and the non-standard size brick under this adjustment.

(iv) Any reseller purchasing building brick (common and face), structural clay hollow building tile (except ceramic glazed ware) and clay drain tile (glazed and unglazed) for resale from any manufacturer who has adjusted his maximum prices in accordance with this subparagraph (42) may increase his maximum prices, established under the General Maximum Price Regulation, by a dollars-and-cents amount not exceeding his actual dollars-and-cents increase in cost resulting from the increase permitted by this subparagraph (42).

(v) The maximum prices established herein shall be subject to cash, quantity, and other discounts, transportation allowances, services, and other terms and conditions of sale at least as favorable as the seller extended or rendered on comparable sales to purchasers of the same class during March 1942.

(vi) Any price adjustments granted prior to October 13, 1944, by the Price Administrator or any Regional Administrator, for any seller of brick, building tile, or drain tile, covered by the provisions set forth above, are hereby revoked.

This Amendment No. 56 shall become effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15830; Filed, Oct. 12, 1944; 4:35 p. m.]

[MPR 188, Rev. Order 1931]

READ MACHINERY CO., INC.

APPROVAL OF MAXIMUM PRICES

Order No. 1931 under Maximum Price Regulation No. 188 is revised and amended to read as follows:

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Numbers 9250 and 9328; *It is ordered:*

(a) This revised order establishes maximum prices for sales of splints, bars, pins and accessories manufactured by the Read Machinery Company, Inc., York, Pennsylvania.

(1) The maximum prices for all sales and deliveries by the manufacturer, Read Machinery Company, Inc., of the articles described in its application of February 9 and August 30, 1944, from the time Maximum Price Regulation No. 188 be-

came applicable to these sales and deliveries are as follows:

Model No.	Description	Maximum Price for Sales to General Electric X-Ray Corp.
R-7025A	Jaw Splint.....	\$6.88
R-7025B	Utility Splint.....	7.50
R-7025C	Radius and Ulna Splint.....	13.25
R-7025D	Humeral Splint.....	15.12
R-7025E	Tibial Splint.....	17.00
R-7026C	Tibial Right Angle Pin Bar R. L.	1.88
R-7026D	Tibial Right Angle Pin Bar L. L.	1.88
R-7027D	Small Pin Bar 4" x 1"	1.08
R-7027G	Large Pin Bar 5" x 1"	1.08
R-7030B	Pin Cutter.....	20.00
R-7030C	Pin Handle.....	1.25
R-7028B	End Wrenches 3/8" x 1/2"	.75
R-7026D	Humeral Pins 3/4" x 5"	.35
R-7025F	Remoral Splint.....	16.65
R-7025G	Os-Calceis Splint.....	16.33
R-7029A	Metacarpal Band.....	3.78
R-7029C	Tibial Right Angle Pin Bar R. L. N. T.	2.38
R-7029D	Tibial Right Angle Pin Bar L. L. N. T.	2.38
R-7029E	Remoral Right Angle Pin Bar R. L.	2.53
R-7029F	Remoral Right Angle Pin Bar L. L.	2.53
R-7029B	Projected Pin Bar.....	3.00
R-7027A	Small Pin Bar 1 3/8" x 1/2"	.70
R-7027F	Large Pin Bar 1 3/8" x 1/2"	.70
R-7027J	Small Pin Bar 1 3/8" x 1/2"	.70
R-7027K	Large Pin Bar 1 3/8" x 1/2"	.70
R-7027B	Small Pin Bar 2 1/4" x 3/4"	.83
R-7027E	Large Pin Bar 3" x 3/4"	.83
R-7027C	Small Pin Bar 3" x 1"	.95
R-7027H	Large Pin Bar 3 1/2" x 1"	.95
R-7027L	Pin Bar 3" x 3/4"	1.08
R-7030A	Flex Shaft Drill.....	20.00
R-7028G	Large Universal Allen Wrench.....	3.00
R-7028F	Small Universal Allen Wrench.....	2.50
R-7028E	Large Allen Hex Wrench.....	.03
R-7028D	Small Allen Hex Wrench.....	.03
R-7028A	End Wrenches 3/16" x 3/8"	.63
R-7028C	End Wrenches 1/2" x 3/8"	1.00
R-7028A	Jaw Pins 1/2" x 1/2"	.23
R-7028B	Utility Pins 3/4" x 1/2"	.25
R-7028C	Radius and Ulna Pins 1/2" x 4"	.23
R-7026D	Humeral Pins 3/4" x 5" N.	.35
R-7026E	Tibial Pins 3/16" x 5"	.40
R-7026F	Femoral Pins 3/16" x 6"	.45
R-7026G	Femoral Pins 3/16" x 7"	.44
R-7026G	Os-Calceis Pins 3/16" x 7"	.44
R-7026L	Pins 3/4" x 6"—Met. Band.....	.25

These prices are f. o. b. York, Pennsylvania.

(2) On and after the effective date of this order, the General Electric X-Ray Corporation, 205 E. 42nd Street, New York, New York, may sell and deliver the articles described in (1) above at prices no higher than those set forth below, f. o. b. its warehouse.

Model No.	Maximum Price for Sales to Dealers	Maximum Price for Sales to Consumers
R-7025A	\$9.17	\$13.75
R-7025B	10.00	15.00
R-7025C	17.67	26.50
R-7025D	20.17	30.25
R-7025E	22.67	34.00
R-7026C	2.50	3.75
R-7026D	2.50	3.75
R-7027D	1.43	2.15
R-7027G	1.43	2.15
R-7030B	26.67	40.00
R-7030C	1.67	2.50
R-7028B	1.00	1.50
R-7026D	.47	.70
R-7025F	22.20	33.30
R-7025G	21.77	32.65
R-7029A	6.03	7.55
R-7029C	3.17	4.75
R-7029D	3.17	4.75
R-7029E	3.37	5.05
R-7029F	3.37	5.05
R-7029B	4.00	6.00
R-7027A	.93	1.40
R-7027F	.93	1.40
R-7027J	.93	1.40
R-7027K	.93	1.40

Model No.	Maximum Price for Sales to Dealers	Maximum Price for Sales to Consumers
R-7027B	\$1.10	\$1.65
R-7027E	1.10	1.65
R-7027C	1.27	1.90
R-7027H	1.27	1.90
R-7027L	1.43	2.15
R-7030A	20.67	40.00
R-7028G	4.00	6.00
R-7028F	3.33	5.00
R-7028E	.10	.15
R-7028D	.10	.15
R-7028A	.83	1.25
R-7023C	1.33	2.00
R-7023A	.37	.55
R-7026B	.37	.55
R-7026C	.37	.55
R-7026D	.47	.70
R-7026E	.53	.80
R-7026F	.60	.90
R-7026G (Femoral Pin)	.60	.90
R-7026G (Os-Calceis Pin)	.60	.90
R-7026L	.33	.60

(b) Within four months after the effective date of this revised order, Read Machinery Company shall submit to the Office of Price Administration, Washington, D. C., a profit and loss statement with respect to its sales of the items covered by this order during the three month period following the effective date of this revised order.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order is effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15833; Filed, Oct. 12, 1944; 4:36 p. m.]

[MPR 188, Order 2532]

AUBURN BRICK CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, filed with the Division of the Federal Register, and pursuant to § 1499.161 (a) (2) of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) Specific authority is hereby granted to the Auburn Brick Company, Auburn, Pennsylvania, to increase its presently established maximum prices, f. o. b. plant or on a delivered basis, for radial chimney brick and building brick (common and unglazed face) by adding an amount per thousand brick not in excess of each of the amounts set forth below:

Radial chimney brick:	Adjustment per M bricks
Ends	\$2.05
"A"	3.70
"B"	3.45
"C"	4.10
Tier	3.40
Building brick (common and unglazed face)	1.50

(b) Any reseller purchasing radial chimney brick or building brick (common or unglazed face), of the types described in paragraph (a) above, manufactured by the Auburn Brick Company, Auburn, Pennsylvania, for resale may

increase his present maximum prices by the dollars-and-cents amount equal to his actual dollars-and-cents increase in cost resulting from the increase permitted in paragraph (a) above.

(c) The maximum prices specified above are subject to discounts, allowances, and price differentials at least as favorable as those in effect during March 1942 to purchasers of the same class.

(d) All requests of the application not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time. Specifically, the issuance of any order resulting from a pending study now being made by this Office will revoke the present price adjustment.

(f) To the extent that this order permits a price adjustment for persons other than manufacturers, the provisions of the General Maximum Price Regulation are superseded.

This Order No. 2532 shall become effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15831; Filed, Oct. 12, 1944; 4:35 p. m.]

[MPR 188, Order 2533]

JENKINS & FREY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328: *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of five items of tables, two dining chairs and five items of upholstered furniture manufactured by Jenkins & Frey, 1233 N. E. First Avenue, Miami, Florida.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
End table.....	A101	Each \$3.10	Each \$3.65
Cocktail table.....	A102	4.09	4.81
Lamp table.....	A103	3.37	3.99
Bridge table.....	A104	6.90	8.12
Dining table.....	A105	9.29	10.93
Dining chair.....	B401	11.26	13.25
	B402	12.54	14.75
	B403	23.38	27.50
Lounge chair.....	B404	29.78	31.50
	B405	30.01	35.31
Love seat.....	B406	32.65	38.41
Reclining chair.....	B407	32.46	38.19

These prices are f. o. b. factory, are subject to a cash discount of two percent

for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 15, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
End table.....	A101	Each \$3.65
Cocktail table.....	A102	4.81
Lamp table.....	A103	3.99
Bridge table.....	A104	8.12
Dining table.....	A105	10.93
Dining chair.....	B401	13.25
	B402	14.75
	B403	27.50
Lounge chair.....	B404	31.50
	B405	35.31
Love seat.....	B406	38.41
Reclining chair.....	B407	38.19

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated June 15, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, maximum prices shall be determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 13th day of October 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15832; Filed, Oct. 12, 1944; 4:36 p. m.]

[MPR 260, Order 5]

FERGUS JOBBING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered, That:*

(a) Fergus Jobbing Company, 116 Union Avenue South, Fergus Falls, Minnesota (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
La Flor de Lis...	Conchas...	50	\$14.00	3 for 50¢

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.102a of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15827; Filed, Oct. 12, 1944;
4:36 p. m.]

[MPR 260, Order 6]

Q CANDY AND NOVELTY CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) Q Candy & Novelty Company, 10-12 North River Street, Aurora, Illinois (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
La Flor de Lis.	Media Coronas.	25	\$105.75	\$0.23
La Flor de Lis.	Predilectos.	50	120.00	.15
La Flor de Lis.	Londres.	25	145.00	3 for .55

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the

discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.102a of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15828; Filed, Oct. 12, 1944;
4:38 p. m.]

[Order 696 Under 3(b)]

HOBBS INDUSTRIES, INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.3(b) of the General Maximum Price Regulation; *It is ordered*:

(a) The maximum price for sales to any person, including a consumer, of knocked-down greenhouses, 8' x 10', manufactured by the Hobbs Industries, Inc., of Seattle, Washington, shall be \$150.00 each, f. o. b. point of shipment.

(b) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective October 13, 1944.

Issued this 12th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15834; Filed, Oct. 12, 1944;
4:37 p. m.]

[MPR 136, Order 318]

J. A. FAY AND EGAN CO.

APPROVAL OF MAXIMUM PRICES

Order No. 318 under Maximum Price Regulation 136, as amended. Machines

and parts, and machinery services. J. A. Fay and Egan Company; Docket No. 3136-482.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and pursuant to § 1390.25a of Maximum Price Regulation 136, as amended, *It is ordered*:

(a) The maximum price for sales of the following woodworking machines by the J. A. Fay and Egan Company, Cincinnati, Ohio, shall be determined as follows: The manufacturer shall deduct from the following list prices all discounts, allowances, and other deductions that he had in effect to a purchaser of the same class on October 1, 1941.

Machine:	List price
#480 Band saw	\$4,830.00
#950-36" Band saw	1,355.00
#511 Variety saw	1,208.00
#316-16" Jointer	1,101.00
#316-12" Jointer	917.00
#545 Borer	887.00
#500 Variety saw	785.00
#501 Swing saw	410.00

(b) Resellers of the woodworking machines listed in (a) above shall determine their maximum price as follows: The reseller shall add to his maximum price in effect to a purchaser of the same class on October 1, 1941, his increase in costs due to the adjustment granted the J. A. Fay and Egan Company by this order.

(c) The J. A. Fay and Egan Company shall notify those customers who buy for resale the woodworking machines listed in (a) above of the amount by which this order permits resellers to increase their maximum prices.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 14, 1944.

Issued this 13th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15854; Filed, Oct. 13, 1944;
11:18 a. m.]

[MPR 120, Order 1063]

DENKERT MINE, ET AL.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued herewith and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120, the following maximum prices are established for the sizes, uses and methods of shipment of bituminous coal from the mines, indicated by index number and name, all of which are in District No. 10, as follows:

the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of an upholstered chair manufactured by Sherrill & Kaylor Upholstering Company, P. O. Box 337, Hickory, North Carolina.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Upholstered chair.....	130	Each \$19.13	Each \$22.50

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within 10 days, net thirty days, and are for the article described in the manufacturer's application dated August 12, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, §1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Upholstered chair.....	130	Each \$22.50

This price is f. o. b. factory, is subject to a cash discount of two percent for payment within 10 days, net thirty days, and is for the article described in the manufacturer's application dated August 12, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or

on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 14th day of October 1944.

Issued this 13th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15850; Filed, Oct. 13, 1944; 11:16 a. m.]

[MPR 260, Order 9]

E. POPPER AND CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended, *It is ordered*, That:

(a) E. Popper & Company, Inc., 315 East 91st Street, New York, 28, New York (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Partagas, H. B.	Belvederes..	25	\$203.50	\$0.28
Partagas, H. B.	Fancy Tales of Smoke	25	368.50	.50
Partagas, H. B.	Perfectos.....	25	246.25	.33
Partagas, H. B.	Londres.....	25	190.00	.25
Partagas, H. B.	Club Corona.	25	250.00	3 for \$1

(b) The importer and wholesalers shall grant, with respect to their sales of each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars

of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.102a of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 14, 1944.

Issued this 13th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15851; Filed, Oct. 13, 1944; 11:17 a. m.]

[MPR 260, Order 10]

J. B. M. IMPORT AND EXPORT CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102a of Maximum Price Regulation No. 260, as amended; *It is ordered*, That:

(a) J. B. M. Import & Export Company, 7655 Hollywood Boulevard, Hollywood 46, California (hereinafter called "importer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand, frontmark and packing of the following imported cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Frontmark	Packing	Maximum list price	Maximum retail price
Wernado.....	American...	25	\$212.25	\$0.23

(b) The importer and wholesalers shall grant, with respect to their sales of

each brand and frontmark of imported cigars for which maximum prices are established by this order, the discounts they customarily granted during March 1942 on their sales of imported cigars of the same price class to purchasers of the same class, unless a change therein results in a lower price. Packing differentials charged by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the importer or a wholesaler during March 1942 on sales of imported cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and frontmark of cigars priced by this order and shall not be reduced. If a brand or frontmark of imported cigars for which maximum prices are established by this order is of a price class not sold by the importer or the particular wholesaler during March 1942, he shall, with respect to his sales thereof, grant the discounts and may charge and shall allow the packing differentials customarily granted, charged or allowed (as the case may be) during March 1942 by his most closely competitive seller of the same class on sales of imported cigars of the same price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and frontmark of imported cigars for which maximum prices are established by this order, the importer and every other seller (except a retailer) shall notify the purchaser of the maximum list price and the maximum retail price established by this order for such brand and frontmark of imported cigars. The notice shall conform to and be given in the manner prescribed by § 1358.102a of Maximum Price Regulation No. 260, as amended.

(d) Unless the context otherwise requires, the provisions of Maximum Price Regulation No. 260, as amended, shall apply to sales for which maximum prices are established by this order.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 14, 1944.

Issued this 13th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15852; Filed, Oct. 13, 1944;
11:16 a. m.]

[Rev. SR 14, Order 1]

PENN TOBACCO CO., INC.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 6.56 (a) (2) (ii) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation; *It is ordered, That:*

(a) Penn Tobacco Company, Inc., Wilkes-Barre, Pennsylvania, therein-

after called "manufacturer") and wholesalers and retailers may sell, offer to sell or deliver and any person may buy, offer to buy or receive each brand and quantity of the following items of scrap chewing tobacco at the appropriate maximum list price and maximum retail price set forth below:

Brand	Variety	Quantity of package contents	Maximum list price per dozen packages	Maximum retail price per package
Iron Horse	Sweetened	2½ oz.	\$1.10	11
Old Style	Sweetened	1½ oz.	1.10	11
30-50	Sweetened	2 oz.	1.10	11
Old Reliable Butts.	Plain	1½ oz.	1.25	12

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and quantity of scrap chewing tobacco for which maximum prices are established by this order, the discounts and allowances they customarily granted during March 1942 on their sales of such brands and quantities to purchasers of the same class, unless a change therein results in a lower price.

(c) Every retailer shall maintain, with respect to his sales of each brand and quantity of scrap chewing tobacco for which maximum prices are established by this order, the customary price differentials below the manufacturer's stated retail price allowed by him during March 1942 with respect to such brand and quantity.

(d) The manufacturer and every other seller (except a retailer) of a brand and quantity of scrap chewing tobacco for which maximum prices are established by this order, shall notify the purchaser of such maximum prices. The notice shall conform to and be given in the manner prescribed by § 6.56 (d) of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation.

(e) Unless the context otherwise requires, the provisions of § 6.56 of Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation shall apply to sales for which maximum prices are established by this order.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 14, 1944.

Issued this 13th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15853; Filed, Oct. 13, 1944;
11:17 a. m.]

Regional and District Office Orders.

[Region II Rev. Order G-4 Under MPR 426]

CERTAIN FRESH FRUITS AND VEGETABLES IN
NEW YORK REGION

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabili-

zation Act of 1942, as amended, and Maximum Price Regulation No. 426, and for the reasons stated in the accompanying opinion, Order No. G-4 under Maximum Price Regulation No. 426 is revised to read as follows:

SECTION 1. *What this order does.* This order establishes adjusted markups for less than carlot or less than trucklot sales of certain fresh fruits and vegetables by primary receivers or carlot or trucklot receivers from the Pittsburgh Produce Terminal Building of the Pennsylvania Railroad in Pittsburgh, Pennsylvania. These markups are to be used in determining maximum prices instead of the markups named in the applicable appendix of Maximum Price Regulation No. 426 (MPR 426) for such sales by primary receivers or carlot receivers. They may only be used for "sales ex-Pittsburgh Produce Terminal Building" as defined in this order.

SEC. 2. *Definitions.* (a) When used in this order the term:

(1) "Carlot receiver" or "trucklot receiver" means a person who for his own account and profit buys the fresh fruit or vegetable being priced in unbroken carlots or unbroken trucklots for resale in less than carlots or less than trucklots to persons other than ultimate consumers.

(2) "Primary receiver" means:

(i) As to certain deciduous tree fruits, a person who for his own account and profit buys the deciduous tree fruit being priced (1) in unbroken carlots or trucklots from any person or (2) in any quantity from a primary seller selling either direct or through auction or through any agent (except a commission merchant in less than carlots or less than trucklots), for resale in less than carlots or less than trucklots to persons other than ultimate consumers;

(ii) As to certain other fruits, a person other than a service wholesaler who for his own account and profit buys the fruit being priced (1) in unbroken carlots or unbroken trucklots from any person or (2) in any quantity from a grower, grower-packer or shipping point distributor selling either direct or through any agent (except a commission merchant in less-than-carlots or less-than-trucklots), or (3) at auction, for resale in less-than-carlots or less-than-trucklots to persons other than ultimate consumers.

(3) "Sale ex-Pittsburgh Produce Terminal Building" means a sale of a fresh fruit or vegetable which has been unloaded into the Pittsburgh Produce Terminal Building of the Pennsylvania Railroad at Pittsburgh, Pennsylvania, placed in the space assigned to the seller, and from that space delivered to the buyer either at his premises or at the loading platform of the terminal building. Such sales may be made either directly or through auction, but in no event shall a sale by a person who does not maintain a business establishment in the city of Pittsburgh qualify for the markups established by this order.

SEC. 3. *Applicability.* This order applies only to "sales ex-Pittsburgh Produce Terminal Building" by carlot or

trucklot receivers or primary receivers who maintain a business establishment in the city of Pittsburgh. It does not apply to any other sales. In order to qualify for the markups established by this order the seller must satisfy the definition of "carlot or trucklot receiver" or "primary receiver," as the case may be, and the sale of the commodity being priced must satisfy the definition of "sale ex-Pittsburgh Produce Terminal Building" in every respect.

Sec. 4. Maximum markups for sales ex-Pittsburgh Produce Terminal Building, Pittsburgh, Pennsylvania—(a) Markups for certain citrus fruits. The markups for sales of the citrus fruits named in the following table by carlot receivers contained in Column 9 of the table in paragraph (d) of Appendix I of MPR 426 shall not apply to sales ex-Pittsburgh Produce Terminal Building in Pittsburgh, Pennsylvania. The maximum markups which may be added to the maximum delivered prices as provided in Column 6 of the tables in paragraph (c) of Appendix I for sales by carlot receivers in less than carlots or less than trucklots ex-Pittsburgh Produce Terminal Building shall be as follows:

Produce Terminal Building in Pittsburgh, Pennsylvania. The maximum markups which may be added to the maximum delivered prices as provided in Column 6 of the tables in paragraph (d) of Appendix J for sales by "primary receivers" in less-than-carlots or less-than-trucklots ex-Pittsburgh Produce Terminal Building shall be as follows:

Item No.	Commodity	Unit	Mark-up for sales by carlot receivers or by ex-Pittsburgh Produce Terminal Building either directly or through auction ¹
(1)	Fresh Italian prunes...	All ½ bushel basket 28-32 lbs. Standard prune box 15-17 lbs. Above containers with net weight of less or more than that specified for each container and fresh Italian prunes packed in all other containers and those sold loose and ungraded in any container, or in bulk (per pound)	\$0.33. \$0.22. \$0.14 per container for all containers over 20 lbs. plus 0.7c per pound. For all others 1.2c per pound.
(2)	Pears.....	All states Standard western pear box, one-way lug, and two standard ½ pear boxes: 46-50 lbs..... 44-48 lbs..... Washington pear lug 19-21 lbs. Above containers with net weight of less or more than that specified for each container, and pears packed in all other containers and those sold loose and ungraded in any container or in bulk (loose without container or in containers furnished by the buyer)—per pound.	\$0.55. \$0.55. \$0.25. 1.2c.

¹ No additions for unloading or otherwise may be made to the markups named in this table, whether the sale is direct or through auction.

(c) Markups for certain other fruits. Markups for sales of the fruits named in the following table by primary receivers which are contained in Column 5 of Table B of paragraph (g) of Appendix K of MPR 426 shall not apply to sales ex-Pittsburgh Produce Terminal Building in Pittsburgh, Pennsylvania. The maximum markups which may be added to the maximum delivered prices as provided in Column 6 of the tables in paragraph (f) of Appendix K for sales by primary receivers in less than carlots or less than trucklots ex-Pittsburgh Produce Terminal Building shall be as follows:

Item No.	Commodity	Unit	Markups for sales by carlot receivers or by ex-Pittsburgh Produce Terminal Building either directly or through auction ¹
(1)	Oranges: California and Arizona. Florida, marked "Indian River."	Standard container.	\$0.45.
	All other California and Arizona.		\$0.44.
(2)	Grapefruit, white: California and Arizona. Florida, marked "Indian River."	Standard container	\$0.42.
	All other California and Arizona.		½ cent.
(3)	Grapefruit, pink: All.	Per pound.....	½ cent.
	California and Arizona.		½ cent.
(4)	Lemons: All.	Standard container.	\$0.40.
	All other California and Arizona.		\$0.40.
(5)	Tangerines: All, except California and Arizona.	Per pound.....	\$0.37.
	All, except California and Arizona.		½ cent.

Item No.	Commodity	Unit	Mark-up for sales by carlot receivers or by ex-Pittsburgh Produce Terminal Building either directly or through auction ¹
(1)	Apples.....	Standard boxes, bushels..... Standard barrels..... Above containers, the contents of which do not meet the requirements of packs specified for standard container; apples packed in all other containers; and those sold loose and ungraded in any container or in bulk per pound.	\$0.44. \$1.32. 1 cent.
(2)	Grapes, table: Riverside, Imperial Counties of California and Arizona.	Lug box net weight 24 pounds or more.....	\$0.40.
(3)	All other areas.....	Lug box with a net weight of less than 24 pounds and grapes packed in all other containers or in bulk, per pound.	1½ cents.
		Lug box, net weight 23 pounds or more..... Lug box with a net weight of less than 23 pounds and grapes packed in all other containers or in bulk, per pound.	\$0.35. 1½ cents.

¹ No additions for unloading or otherwise may be made to the mark-ups named in this table, whether the sale is direct or through auction.

Sec. 5. Effective date. This order shall become effective at 12:01 a. m. on October 9, 1944; it may be revoked or amended at any time. Issued October 6, 1944.

DANIEL P. WOOLLEY,
Regional Administrator.

Approved:
F. D. CRONIN,
Regional Director of Food Distribution.

[F. R. Doc. 44-15797; Filed, Oct. 12, 1944; 12:37 p. m.]

[Region III Rev. Order G-1 Under RMPR 271]

POTATOES AND ONIONS IN CLEVELAND REGION

Correction

The words "can be a" should be inserted between the words "seller" and "second" in the eighth line of paragraph (d) (2) of F. R. Doc. 44-12790, appearing at page 10381 of the issue for Friday, August 25, 1944.

(b) Markups for certain deciduous tree fruits. The markups for sales of the fruits named in the following table by primary receivers which are contained in Column 5 of Table B of paragraph (e) of Appendix J of MPR 426 shall not apply to sales ex-Pittsburgh

¹ No additions for unloading or otherwise may be made to the markups named in this table, whether the sale is direct or through auction.

[Region IV Order G-1 Under 3 (e)]

SOLE FOOTWEAR IN ATLANTA REGION

For the reasons set forth in the accompanying opinion and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.3 (e) of the General Maximum Price Regulation, *It is hereby ordered:*

(a) On and after the effective date of this order the maximum prices for the sale of substitute sole footwear at retail in Region IV shall be the prices set forth in Appendix A, which is incorporated herein. This order shall apply only to substitute sole footwear and shall apply only to that footwear in the cost price lines listed in Appendix A. Lower prices than those listed in Appendix A may be charged.

(b) *Definitions.* (1) "Substitute sole" means any sole other than a sole composed entirely of leather, rubber (including synthetic rubber) or wood, meeting the minimum specifications of paragraph (d) (4) of Conservation Order M-217, issued by the War Production Board, and used as an outer sole on footwear. "Substitute sole" includes, but is not restricted to, soles made of such material as plastic, pressed leather dust, wool, cotton or rope.

(2) "Sale at retail" means a sale by a person to an ultimate consumer, other than an industrial, commercial or governmental user.

(3) Region IV means that territory lying within the geographical boundaries of the following states: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

(4) "Cost to retailer" (as used in Appendix A) means the invoice cost to the retailer on a sale that advances the commodity to the next stage of distribution, less all discounts available to the retailer (except a discount for prompt payment), but not including transportation costs paid by retailer.

(c) Unless the context requires otherwise, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(d) Any substitute sole footwear not covered by this order shall continue to be priced under § 1499.3 (a) or (c) of the General Maximum Price Regulation.

(e) Except as otherwise provided herein in all transactions subject to this order remain subject to all of the provisions of the General Maximum Price Regulation, together with all amendments, supplementary regulations and orders that have been heretofore or may be hereafter issued.

(f) This order shall not apply to retail sellers in Region IV who have been granted authority by the National Office to price uniformly. It shall include those retail sellers in Region IV whose authority for uniform pricing issued from the Regional Office or any District Office within Region IV.

(g) All retail sellers of substitute sole footwear in Region IV shall preserve for examination by any representative of

the Office of Price Administration at any time the invoices showing the cost of all substitute sole footwear covered by this order and offered for sale, and shall note thereon for each shoe the maximum retail price established and the retail lot number or other identification.

This order may be revoked, amended or corrected at any time.

This order shall become effective on the first day of October, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued September 28, 1944.

ALEXANDER HARRIS,
Regional Administrator.

APPENDIX A

Cost to retailer (inclusive):	Maximum retail price
0.75-0.84	01.30
0.85-0.90	1.40
0.91-0.98	1.50
0.99-1.05	1.65
1.06-1.15	1.75
1.16-1.32	2.00
1.33-1.45	2.25
1.46-1.58	2.50
1.59-1.73	2.75
1.74-1.93	3.00
1.94-2.19	3.50
2.20-2.49	4.00
2.50-2.79	4.50
2.80-3.03	5.00
3.04-3.27	5.50
3.28-3.56	6.00
3.57-3.84	6.50
3.85-4.13	7.00
4.14-4.42	7.50
4.43-4.70	8.00
4.71-4.99	8.50
5.00-5.27	9.00
5.28-5.56	9.50
5.57-5.90	10.00
5.91-6.38	11.00
6.39-6.93	12.00
6.94-7.49	13.00
7.50-8.04	14.00
8.05-8.60	15.00
8.61-9.15	16.00
9.16-9.71	17.00
9.72-10.28	18.00

[F. R. Doc. 44-15798; Filed, Oct. 12, 1944; 12:36 p. m.]

[Newark Order G-1 Under MPR 420]

FRESH FRUITS AND VEGETABLES IN CERTAIN COUNTRIES IN N. J.

Correction

In Appendix B of F. R. Doc. 44-12890, appearing at page 10520 of the issue for Tuesday, August 29, 1944, standard container and minimum contents for "Grapefruit, pink: All other States." should be "1½ bushel."

[Savannah Order G-1 Under Gen. Order 50, Amdt. 2]

MALT AND CEREAL BEVERAGES IN SAVANNAH, GA., DISTRICT AREA

For the reasons set forth in an opinion issued simultaneously herewith and un-

der the authority vested in the District Director of the Savannah, Georgia, District Office of Region IV, of the Office of Price Administration, by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region IV Delegation Order No. 17 issued May 5, 1944:

It is hereby ordered, That Appendix A to Order No. G-1, and Amendments thereto, under General Order No. 50, be amended to read as set forth in Appendix A, attached hereto and hereby made a part hereof.

The prices for all malt and cereal beverages, including beer, ale and near-beer, as set forth in Appendix A of Order G-1, and amendments thereto, are hereby revoked, and the prices as set forth in Appendix A attached hereto are the applicable prices for the brands of beer, ale or near-beer therein listed. All other provisions of said order remain unchanged and in full force and effect as issued.

This amendment shall become effective August 24, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 24th day of August, 1944.

R. E. THORPE,
District Director.

APPENDIX A

GROUP 1-B

Trade name of beer	Maximum prices	
	12-ounce bottle	32-ounce bottle
	<i>Cents</i>	<i>Cents</i>
Atlas All-American Beer	25	60
Arford Aft Beer	30	65
Baltimore Ale	25	60
Barbarosa Beer	25	60
Barkbeer Beer	25	60
Bayer Beer	25	60
Canadian Ale	25	60
Carlson's Red Cap Ale	25	60
Casta Blanca Beer (imported)	35	65
Fell's Extra Beer	25	60
Hi-Brain Beer	25	60
Holland Beer	25	60
Man Beer	25	60
Loewer's Beer	25	60
Miller's High Life Beer	25	60
National Premium Beer	25	60
Robert Blue Ribbon Beer	25	60
Red Top Ale	25	60
Schlitz Beer	25	60
Silver Fox Beer	25	60
Spearman's English Type Ale	25	60
Tri-Blu Ale	25	60
Tri-Blu Old Fashioned Beer	25	60
Van Wyck Beer	20	65
All other brands not listed above, including unlabeled beer and ale.	20	50

Draft beer:	<i>Cents</i>
6-ounce glass	10
8-ounce glass	13
10-ounce glass	16
12-ounce glass	19
Other size glasses (per ounce)	1.8

No tax except cabaret tax, which is collected separately, may be added to these prices.

GROUP 2-B

Trade name of beer	Maximum prices	
	12-ounce bottle	32-ounce bottle
	Cents	Cents
Atlas All American Beer.....	20	50
Arf and Arf Beer.....	25	55
Ballentine Ale.....	20	50
Barbarossa Beer.....	20	50
Budweiser Beer.....	20	50
Burger Brau Beer.....	20	50
Canadian Ace Ale.....	20	50
Carling's Red Cap Ale.....	20	50
Carta Blanca Beer (imported).....	30	60
Fell's Extra Beer.....	20	50
Hi-Brau Beer.....	20	50
Holland Beer.....	20	50
Lion Beer.....	20	50
Loewer's Beer.....	20	50
Miller's High Life Beer.....	20	50
National Premium Beer.....	20	50
Pabst Blue Ribbon Beer.....	20	50
Red Top Ale.....	20	50
Schlitz Beer.....	20	50
Silver Fox Beer.....	20	50
Spearman's English Type Ale.....	20	50
Tru-Blu Ale.....	20	50
Tru-Blu Old Fashioned Beer.....	20	50
Van Wyck Beer.....	25	55
All other brands not listed above, including unlabeled beer and ale.	15	40

Draft beer:

	Cents
6-ounce glass.....	8
8-ounce glass.....	10
10-ounce glass.....	12
12-ounce glass.....	14
Other size glasses (per ounce).....	1.3

No tax except cabaret tax, which is collected separately, may be added to these prices.

GROUP 3-B

Trade name of beer	Maximum prices	
	12-ounce bottle	32-ounce bottle
	Cents	Cents
Atlas All American Beer.....	18	48
Arf and Arf Beer.....	22	50
Ballentine Ale.....	18	48
Barbarossa Beer.....	18	48
Budweiser Beer.....	18	48
Burger Brau Beer.....	18	48
Canadian Ace Ale.....	18	48
Carling's Red Cap Ale.....	18	48
Carta Blanca Beer (imported).....	28	55
Fell's Extra Beer.....	18	48
Hi-Brau Beer.....	18	48
Holland Beer.....	18	48
Lion Beer.....	18	48
Loewer's Beer.....	18	48
Miller's High Life Beer.....	18	48
National Premium Beer.....	18	48
Pabst Blue Ribbon Beer.....	18	48
Red Top Ale.....	18	48
Schlitz Beer.....	18	48
Silver Fox Beer.....	18	48
Spearman's English Type Ale.....	18	48
Tru-Blu Ale.....	18	48
Tru-Blu Old Fashioned Beer.....	18	48
Van Wyck Beer.....	25	55
All other brands not listed above, including unlabeled beer and ale.	13	38

Draft beer:

	Cents
6 ounce glass.....	6
8 ounce glass.....	8
10 ounce glass.....	10
12 ounce glass.....	12
Other size glasses (per ounce).....	1

No tax except cabaret tax, which is collected separately, may be added to these prices.

[F. R. Doc. 44-15800; Filed, Oct. 12, 1944; 12:34 p. m.]

[Birmingham Order G-1 Under Gen. Order 50, Amdt. 2]

MALT AND CEREAL BEVERAGES IN JEFFERSON COUNTY, ALA.

Appendix A to Order No. G-1 under General Order No. 50 is amended by add-

ing to the list of beverages under Group 1B under the following respective captions, the following:

Brand or trade name	Manufacturer	Maximum price per bottle	
		12-ounce	32-ounce
Edelbrew.....	Edelbrew Brewery, Brooklyn, N. Y.	Cents 25	Cents 50
Gem Pilsener.....	Walter Bros. Brewing Co., Menasha, Wis.	25	50
Ruby Premium.....	Fortune Bros. Brewing Co., Chicago, Ill.	25	50
Premo.....	Old Port Brewing Co., Port Washington, Wis.	25	50

And to the list of beverages under Group 2B, under the following respective captions, the following:

Brand or trade name	Manufacturer	Maximum price per bottle	
		12-ounce	32-ounce
Edelbrew.....	Edelbrew Brewery, Brooklyn, N. Y.	Cents 20	Cents 45
Gem Pilsener.....	Walter Bros. Brewing Co., Menasha, Wis.	20	45
Ruby Premium.....	Fortune Bros. Brewing Co., Chicago, Ill.	20	45
Premo.....	Old Port Brewing Co., Port Washington, Wis.	20	45

And to the list of beverages under Group 3B, under the following respective captions, the following:

Brand or trade name	Manufacturer	Maximum price per bottle	
		12-ounce	32-ounce
Edelbrew.....	Edelbrew Brewery, Brooklyn, N. Y.	Cents 18	Cents 40
Gem Pilsener.....	Walter Bros. Brewing Co., Menasha, Wis.	18	40
Ruby Premium.....	Fortune Bros. Brewing Co., Chicago, Ill.	18	40
Premo.....	Old Port Brewing Co., Port Washington, Wis.	18	40

Beverages delivered without a manufacturer's label sufficient to identify, at the time of delivery, the brand thereof, may not be sold at prices higher than the prices listed in Appendix A for "all other brands not listed above", for the respective classes of sellers. In other words, beverages sold and delivered without a sufficient identifying label, regardless of actual brand, may not be sold for more than the respective prices of the popular priced beverages for each group.

This amendment shall become effective August 22, 1944.

Issued at Birmingham, Alabama, this August 22, 1944.

JOSEPH A. SHORT,
District Director.

[F. R. Doc. 44-15801; Filed, Oct. 12, 1944; 12:34 p. m.]

[Region IV Order G-4 Under MPR 329, Amdt. 3]

FLUID MILK IN ATLANTA REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region IV, Office of Price Administration, by § 1351.408 (b) and (c) of Maximum Price Regulation 329 as amended, *It is hereby ordered*, That a new section (d-1) be added to read as follows:

(d-1) The phrase, "established retail home delivered maximum price" or its equivalent, wherever used in this order, shall mean the retail home delivered maximum price in quart glass containers established on or before August 31, 1944, under the General Maximum Price Regulation, any supplementary regulation thereto, including Supplementary Regulation 14A and Supplementary Regulation 15, or any adjustment order thereunder.

This amendment shall become effective September 30, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued September 30, 1944.

ALEXANDER HARRIS,
Regional Administrator.

Approved:
JAMES H. PALMER,
Regional Director,
Office of Distribution,
War Food Administration.

[F. R. Doc. 44-15799; Filed, Oct. 12, 1944; 12:32 p. m.]

[Oklahoma City Order 1 Under Restaurant MPR 2]

REQUIREMENTS IN OKLAHOMA CITY, OKLA., POSTING

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Oklahoma City District Office of the Office of Price Administration by section 16 of Restaurant Maximum Price Regulation No. 2, it is hereby ordered:

SECTION 1. *Posting requirements.* If you own or operate an eating or drinking establishment, you must, on or before August 16, 1944, show on a poster to be supplied by the Office of Price Administration, your lawful ceiling prices for 40 food items, and meals, as set forth in this order.

(a) First list on the poster as many of the food items and meals listed in appendix A of this order, as you offer for sale and your ceiling prices for each. If you find in Appendix A several tables of food items and meals, choose the table most applicable to your establishment.

(b) If you do not offer all the 40 items listed in the applicable table in Appendix A, list first those which you do offer, placing them on the poster in the order in which they appear in Appendix A. Then add as many other items which you usually offer to bring the total number to 40, with your ceiling price for each item.

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

(d) List a la carte items first. In listing meals, list the entree and then indicate the type of meal, for example, steak dinner, leg of lamb dinner, filet of sole lunch, vegetable plate luncheon.

(e) The list of individual items may be printed or hand lettered in ink on the poster in letters large enough so that it can be easily read by your customers.

(f) You must place the poster near the main entrance of your establishment, or in a conspicuous place so that it will be plainly visible to your customers.

Sec. 2. Filing of lists of posted prices. When you have made up the list of food items and meals to be posted and your lawful ceiling price for each, you must make three copies of this list, and send or deliver it to your local War Price and Rationing Board on or before August 21, 1944. Each copy must be clear and legible, dated and signed by the owner or manager of your establishment following the signature.

The War Price and Rationing Board shall check this list with your filed ceiling prices. If the prices check, the Board shall make a notation to this effect on one copy of the list and return it to you. You shall keep this copy in your establishment, and make it available for examination by any person during business hours.

If the prices on your list do not completely check with your filed ceiling prices, the Board will call you in for a conference, so that corrections can be made.

Sec. 3. Replacement of posters. If a poster is mutilated or becomes badly soiled or otherwise damaged, it must be replaced by a new one which may be obtained from your War Price and Rationing Board upon presentation of the damaged poster. Erasures or changes of prices listed on the poster are prohibited. The new poster must be filled out exactly like the old one. Large establishments may receive extra posters.

Sec. 4. Geographical applicability. The provisions of this order extend to all eating and drinking establishments located within the Oklahoma City District of the Office of Price Administration.

Sec. 5. Exemptions. All establishments which are exempted from the provisions of Restaurant Maximum Price Regulation No. 2 are exempted from this order.

This order shall become effective August 9, 1944.

NOTE: The reporting and record-keeping provisions of this order have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of August, 1944.

JOSEPH M. GRIFFIN,
Acting District Director.

APPENDIX A

TABLE I—RESTAURANTS, HOTEL COFFEE SHOPS AND DINING ROOMS

- Fruit and vegetable juices:
 1. Orange juice.
 2. Grapefruit juice.
 3. Tomato juice.
- Pie, Donuts, etc.:
 4. Buttered toast.
 5. Donuts.
 6. Sweet roll.
 7. Pie.
- Breakfast items:
 8. Dry cereal with milk.
 9. Cooked cereal with milk.
 10. Two eggs, toast and coffee.
 11. Ham, bacon or sausage, one egg, toast and coffee.
 12. Ham, bacon or sausage, two eggs, toast and coffee.
 13. Hot cakes (three).
 14. Waffle.
- Soup, etc.:
 15. Soup (homemade).
 16. Soup (canned).
 17. Chili.
- Luncheon and dinner items a la Carte (indicate items included):
 18. Roast beef.
 19. Hamburger steak.
 20. Liver and onions or bacon.
 21. Creamed chicken.
 22. Fried chicken.
 23. Tenderloin of trout.
 24. Salmon croquettes.
 25. Fried oysters (½ dozen).
- Noon luncheon—Described below—Two most popular luncheons:
- | 26. | ----- | | |
|-----|-------------------|-------|---------|
| | Soup or appetizer | Salad | Entree |
| | No. of Veg. | Drink | Dessert |
| 27. | ----- | ----- | ----- |
- Evening dinner—Described below—Two most popular:
- | 28. | ----- | | |
|-----|-------------------|-------|---------|
| | Soup or appetizer | Salad | Entree |
| | No. of Veg. | Drink | Dessert |
| 29. | ----- | ----- | ----- |
- Sandwiches:
 30. Ham.
 31. American cheese.
 32. Hamburger.
 33. Chicken salad.
 34. Bacon and tomato.
 35. Hot beef with potatoes and gravy.
- Drinks:
 36. Coffee.
 37. Tea (iced).
- Steaks (indicate items included):
 38. T-Bone
 39. Sirloin steaks.
 40. Pork chops.

TABLE II—CAFETERIA ITEMS

- Salads:
 1. Potato salad.
 2. Combination.
 3. Fruit salad.
- Entrees:
 1. Baked halibut.
 2. Croquettes.
 3. Post roast of beef.
 4. Roast pork.
 5. Meat loaf.
 6. Meat balls with spaghetti.
 7. Small T-bone.
 8. Liver and onions or bacon.
 9. Creamed chicken.
 10. Beef or lamb stew.
- Vegetables:
 1. Mashed potatoes.
 2. Buttered carrots.
 3. Boiled cabbage.
 4. Spinach.

Vegetables—Continued.

5. Buttered beets.
 6. Peas.
 7. Baked beans.
 8. Corn.
 9. Baked potato.
 10. Green beans.
 11. Lima beans.
- Desserts:
 1. Apple pie.
 2. Cake.
 3. Ice cream (dish).
 4. Jello.
 5. Puddings.
- Drinks:
 1. Tea—hot.
 2. Iced coffee.
 3. Coffee.
 4. Iced tea.
 5. Milk (half-pint).
 6. Buttermilk.
- Bread:
 1. White or whole wheat (per slice).
 2. Corn sticks.
- Soup:
 1. Home-made vegetable.
 2. Chili.
- TABLE III—NIGHT CLUBS AND SANDWICH PLACES
1. Orange juice.
 2. Grapefruit juice.
 3. Tomato juice appetizers.
 4. Shrimp cocktail.
 5. Oyster cocktail.
 6. Fruit cocktail.
 7. Pie.
 8. Soup (homemade).
 9. Soup (canned).
 10. Chili.
- Ala carte luncheon and dinner items:
 (Fill in what served with these items in ala carte)
- | 11. | ----- | | |
|-----|-------------------|-------|---------|
| | Soup or appetizer | Salad | Entree |
| | No. of Veg. | Drink | Dessert |
| 12. | ----- | ----- | ----- |
| 13. | ----- | ----- | ----- |
| 14. | ----- | ----- | ----- |
| 15. | ----- | ----- | ----- |
| 16. | ----- | ----- | ----- |
- Noon luncheon—Described below—Two most popular luncheons:
- | 17. | ----- | | |
|-----|-------------------|-------|---------|
| | Soup or appetizer | Salad | Entree |
| | No. of Veg. | Drink | Dessert |
| 18. | ----- | ----- | ----- |
- Evening dinner—Described below—Two most popular:
- | 19. | ----- | | |
|-----|-------------------|-------|---------|
| | Soup or appetizer | Salad | Entree |
| | No. of Veg. | Drink | Dessert |
| 20. | ----- | ----- | ----- |
- Sandwiches:
 21. Ham.
 22. American cheese.
 23. Barbecue beef.
 24. Barbecue ham.
 25. Chicken salad.
 26. Ham and cheese.
 27. Sliced chicken.
 28. Bacon and Tomato.
 29. Hot beef with potatoes.
 30. Hot pork.
 31. Hamburger.
- Steaks and Chops and Fish:
 32. T-Bone.
 33. Sirloin.
 34. Club steak.
 35. Pork chops.
 36. Barbecue ribs.
 37. Fried shrimp.
- Drinks:
 38. Coffee.
 39. Tea.
 40. Milk.

TABLE IV—DRUG AND DEPARTMENT STORE SODA FOUNTAINS AND SIMILAR ESTABLISHMENTS

1. Orange juice.
 2. Grapefruit juice.
 3. Tomato juice appetizers (except alcoholic).
 4. Fruit cocktail.
 5. Pie.
 6. Soup (homemade).
 7. Soup (canned).
 8. Chili—straight.
- Plate lunch (1st meat, vegetables, salad and drink):
9. Roast beef.
 10. Hamburger steak.
 11. Liver and onions.
 12. Creamed chicken.
 13. Fried chicken.
 14. Tenderloin of trout.
 15. Fried oysters (½ dozen).
 16. Malted milk.
 17. Milk shake.
 18. Sundae—crushed fruits.
 19. Ice cream soda—crushed fruits.
 20. Ice cream (dish).
 21. Milk chocolate (large).
 22. Limeade (large).
 23. Banana split.
- Sandwiches:
24. Chicken salad.
 25. Ham and cheese.
 26. Sliced chicken.
 27. Bacon and tomato.
 28. Hot beef with potatoes.
 29. Hot pork.
 30. Hot steak.
- Steaks and chops and fish:
31. T-Bone.
 32. Sirloin.
 33. Club steak.
 34. Pork chops.
 35. Halibut.
 36. Tenderloin of trout.
- Drinks:
37. Coffee.
 38. Tea (iced).
 39. Milk.
 40. Buttermilk.

[F. R. Doc. 44-15802; Filed, Oct. 12, 1944; 12:35 p. m.]

[Region VI Rev. Order G-41 Under MPR 329]

FLUID MILK IN MOMENCE, ILL.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration under § 1351.408 (b) of Maximum Price Regulation No. 329, it is ordered: That Regional Order No. G-41 be redesignated as Revised Regional Order No. G-41 under Maximum Price Regulation No. 329, and that it be revised to read as follows:

(a) *Maximum producer prices.* The maximum prices which distributors may pay to producers for 3.5% milk sold for human consumption in fluid form shall be whichever of the following is higher.

(1) The maximum prices established under Maximum Price Regulation No. 329, or

(2) \$2.75 per cwt. for 3.5% milk, plus not more than 5¢ for each 1/10 of a pound of butterfat in excess of 3.5% and minus not less than 5¢ for each 1/10 of a pound of butterfat below 3.5%.

(b) *Applicability of producer prices.* Maximum Prices established by paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling

plants are located within the corporate limits of Momence, Illinois, or who sell within that city 50% or more of the milk sold by them.

(c) *Definitions.* Unless the context otherwise requires the definitions set forth in § 1351.404 of Maximum Price Regulation No. 329, and section 304 of the Emergency Price Control Act of 1942, as amended, shall be applicable to the terms used herein.

(d) *Relation of this order to Office of Price Administration regulations.* No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk than he paid on deliveries during January, 1943. Except as modified by this order, the provisions of the Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during that month.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order has been approved by the Regional Director of the War Food Administration.

This order shall become effective August 28, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 12th day of September 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-15803; Filed, Oct. 12, 1944; 12:32 p. m.]

[Region VI Order G-97 Under SR 15]

FLUID MILK IN TILDEN, NEBR.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, it is ordered:

(a) *Maximum distributor price for sales to civilian purchasers.* The maximum price for the sale and delivery of standard butterfat content fluid milk at wholesale and retail in Tilden, Nebraska, shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be the higher:

Container size	Wholesale	Retail
Gallon.....	\$0.39	\$0.45
½ gallon.....	.20	.23
Quart.....	.10	.12
Pint.....	.05½	.07
½ pint.....	.03	.04

All sales at wholesale shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(b) *Maximum distributor prices for sales to the Army and Navy.* The maximum price for the sale and delivery of

fluid milk to the Army and Navy shall be the price at wholesale computed under paragraph (a) of this order for the particular size and type of container, plus whichever of the following provisions is the higher:

(1) One-half cent per quart of a proportionate amount for a part of a quart.

(2) The actual transportation costs from the seller's plant to the point of delivery at the lowest common carrier rate.

(c) *Applicability of distributor prices.*

For the purpose of paragraph (a) of this order, sales and deliveries within Tilden, Nebraska, area shall mean:

(1) All sales made within the city limits of Tilden, Nebraska, and all sales delivered from an establishment located in Tilden, Nebraska.

(2) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Tilden, Nebraska.

(d) *Definitions.* (1) Standard butterfat content milk shall mean cow's milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance and distributed and sold for consumption in fluid form as whole milk.

(2) Sales at wholesale shall include all delivered sales to retail stores, restaurants, schools, hospitals, prisons and other institutions.

(3) Army or Navy means the War Department or the Department of the Navy of the United States, including such departments' sales stores, commissaries, ships' stores, officers' messes, and stores operated as Army canteens or post exchanges.

(e) *Relation of this order to Office of Price Administration regulations.* Except as modified by this order, the provisions of the General Maximum Price Regulation shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during the applicable base period of such regulations.

(f) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective October 8, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of October 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-15804; Filed, Oct. 12, 1944; 12:32 p. m.]

[Region VI Order G-95 Under SR 15]

FLUID MILK IN FERRYVILLE, WIS.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, it is ordered:

(a) *Maximum distributor price for sales to civilian purchasers.* The maximum price for the sale and delivery of standard butterfat content fluid milk at wholesale and retail in Ferryville, Wisconsin, shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be the higher:

Container size	Wholesale	Retail
Gallon.....	\$0.37	\$0.41
½ gallon.....	.19	.21
Quart.....	.10	.11
Pint.....	.05½	.06
½ pint.....	.03	.03½

Where the maximum price set forth is expressed in terms of ½ cent, the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(b) *Maximum distributor prices for sales to the Army and Navy.* The maximum price for the sale and delivery of fluid milk to the Army and Navy shall be the price at wholesale computed under paragraph (a) of this order for the particular size and type of container, plus whichever of the following provisions is the higher:

- (1) One-half cent per quart or a proportionate amount for a part of a quart.
- (2) The actual transportation costs from the seller's plant to the point of delivery at the lowest common carrier rate.

(c) *Applicability of distributor prices.* For the purpose of paragraph (a) of this order, sales and deliveries within Ferryville, Wisconsin area shall mean:

(1) All sales made within the city limits of Ferryville, Wisconsin, and all sales delivered from an establishment located in Ferryville, Wisconsin.

(2) All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Ferryville, Wisconsin.

(d) *Definitions.* (1) Standard butterfat content milk shall mean cow's milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance and distributed and sold for consumption in fluid form as whole milk.

(2) Sales at wholesale shall include all delivered sales to retail stores, restaurants, schools, hospitals, prisons and other institutions.

(3) Army or Navy Means the War Department or the Department of the Navy of the United States, including such departments' sales stores, commissaries, ships' stores, officers' messes, and stores operated as Army canteens or post exchanges.

(e) *Relation of this order to Office of Price Administration regulations.* No purchaser shall pay a larger proportion of transportation costs incurred in the delivery or supply of milk from producers

than he paid on deliveries during January 1943. Except as modified by this order, the provisions of Maximum Price Regulation No. 329, and of the General Maximum Price Regulation, shall remain in full force and effect and shall not be evaded by any change in business or trade practices in effect during the applicable base period of such regulations:

(f) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective September 18th, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 13th day of September 1944.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 44-15805; Filed, Oct. 12, 1944; 12:32 p. m.]

[Portland Order G-1 Under MPR 426]

LETTUCE IN PORTLAND, ORE., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Portland District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

(a) With respect to iceberg lettuce, for the season April 1 to November 30, that the cheapest method of transportation which is customary and generally available from the basing point, Salinas, California, to Portland, Oregon, a wholesale receiving point within the Portland District, is rail carlot and that the freight including transportation tax which may be added to the price at the basing point in determining the maximum price at Portland, Oregon is \$.62½ per cwt.

Example: The maximum price per crate at Portland, Oregon, of iceberg lettuce in L. A. or Salinas crate containing not less than 48 heads with a net weight of 60 pounds or more (June 1-Oct. 15) shall be determined as follows:

Basing point price.....	\$3.25
Carlot freight from basing point (Salinas, California to Portland, Oregon) (76# gross weight).....	.47
Protective service allowances (June 1-Oct. 15).....	.25

Maximum Price at Portland, Oregon (June 1-Oct. 15)..... 3.97

This order shall become effective September 8th, 1944, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of September, 1944.

McDANIELL BROWN,
District Director.

[F. R. Doc. 44-15812; Filed, Oct. 12, 1944; 12:36 p. m.]

[Portland Order G-2 Under MPR 426]

TABLE GRAPES IN PORTLAND, ORE., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Portland District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

(a) With respect to table grapes, produced in all areas except in Riverside and Imperial Counties, California and in the State of Arizona, that the cheapest means of transportation which is customary and generally available from the basing point, Bakersfield, California, to Portland, Oregon, a wholesale receiving point within the Portland District is rail carlot and that the freight including transportation tax which may be added to the price at the basing point in determining the maximum price at Portland, Oregon, is \$0.75 per cwt.

Example: The maximum price per lug (WFBL 232 No. 46) with a net weight of 23 pounds or more (Aug. 16-Oct. 31) shall be determined as follows:

Basing point price.....	\$1.85
Carlot freight from basing point (Bakersfield, California, to Portland, Oregon). (32# gross weight).....	.24
Protective Service Allowances.....	.04

Maximum price at Portland, Oregon (Aug. 16-Oct. 31)..... 2.13

This order shall become effective September 8th, 1944, and may be revoked, amended or corrected at any time.

(56 Stat. 23, 765, 57 Stat. 566, Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 8th day of September 1944.

McDANIELL BROWN,
District Director.

[F. R. Doc. 44-15313; Filed, Oct. 12, 1944; 12:35 p. m.]

[Seattle Order G-16 Under 18 (c), Amdt. 7]

FIREWOOD IN SEATTLE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Seattle District Office of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation as amended and Order of Delegation No. 34 under General Order No. 32 and section (f) of Order G-16 under § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered,* That Order No. G-16 be amended in the following particulars:

(a) Section (c) (3) shall be amended to read as follows:

(3) "Qualified dealer" means a retail fuel dealer whose place of business is located in one of the following cities in Washington: Auburn, Centralia, Chehalis, Ellensburg, Kent, Olympia, Seattle, Stellacoom, Tacoma, Vancouver, and

Yakima: *Provided*, That any place of business located within a distance of three miles from the limits of any such city shall be deemed to be located within such city. A person who sells fuel at more than one place of business shall be deemed to be a different dealer with respect to each such place of business.

(b) Section (1) shall be amended to read as follows:

(1) *Appendix B: Maximum prices for sales by qualified dealers.* The maximum prices for sales by a qualified dealer of State Firewood delivered to the premises of the buyer are those set forth below opposite the name of the city in which such qualified dealer has his place of business.

City	Maximum prices		
	4 foot lengths 1 cord unit	12-16' lengths	
		1 cord unit	½ cord unit
Auburn.....	\$11.50	\$13.00	\$7.00
Centralia.....	10.50	12.00	6.50
Chehalis.....	9.50	11.00	6.00
Ellensburg.....	11.75	13.75	7.40
Kent.....	11.50	13.00	7.00
Olympia.....	11.00	12.50	6.75
Seattle.....	12.00	13.50	7.25
Stellacoom.....	11.50	13.00	7.00
Tacoma.....	11.50	13.00	7.00
Vancouver.....	11.50	13.00	7.00
Yakima.....	12.25	14.25	7.65

(c) In all other respects said Order G-16 (formerly Order No. 375) shall remain in full force and effect.

(d) This Amendment No. 7 and Order No. G-16 (formerly Order No. 375) as amended thereby, may be further amended or revoked by the Office of Price Administration at any time.

(e) This Amendment No. 7 shall become effective September 28, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 28th day of September 1944.

ARTHUR J. KRAUSS,
District Director.

[F. R. Doc. 44-15814; Filed, Oct. 12, 1944; 12:31 p. m.]

[Spokane Rev. Order 1-B Under MPR 426]

LETTUCE IN SPOKANE, WASH., DISTRICT

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of "Table X", there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of

transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said "Table X", there is also set forth in said table in line (f), the freight charge by said method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Lettuce.
- (b) Basing point: Salinas, Calif.
- (c) Wholesale receiving point: Spokane.
- (d) Method of transportation: Carlot.
- (e) Freight rate by Method (d) from basing point to wholesale receiving point: \$0.90 c. w. t.

Per unit of sale
Per crate
of 60 lbs. Per lb.

- (f) Freight charge by Method (d)----- \$0.70 -----
- (g) Basing point cost----- 3.25 -----
- (h) Protective services----- .20 -----
- (i) Maximum price in wholesale receiving point (sum of (f), (g) and (h))----- 4.15 \$0.069

This order shall become effective October 16, 1944, and may be revoked, amended or corrected at any time.

(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 10th day of October 1944.

DAVE S. COHN,
District Director.

[F. R. Doc. 44-15806; Filed, Oct. 12, 1944; 12:29 p. m.]

[Spokane Order 21-B under MPR 426]

LETTUCE IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of "Table X", there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said "Table X", there

is also set forth in said table in line (f), the freight charge by said method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Lettuce.
- (b) Basing Point: Salinas, Calif.
- (c) Wholesale receiving point: Pullman.
- (d) Method of transportation: Carlot Spokane—l. c. l. Pullman.
- (e) Freight rate by Method (d) from basing point to wholesale receiving point: \$0.90 plus .41=\$1.31

Per unit of sale
Per crate
of 60 lbs. Per lb.

- (f) Freight charge by Method (d)----- \$1.02 -----
- (g) Basing point cost----- 3.25 -----
- (h) Protective services----- .20 -----
- (i) Maximum price in wholesale receiving point (sum of (f), (g) and (h))----- 4.47 \$0.0746

This order shall become effective October 16, 1944, and may be revoked, amended or corrected at any time.

(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 10th day of October 1944.

DAVE S. COHN,
District Director.

[F. R. Doc. 44-15807; Filed, Oct. 12, 1944; 12:29 p. m.]

[Spokane Order 22-B Under MPR 426]

LETTUCE IN SPOKANE, WASH. •

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of "Table X", there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said "Table X", there is also set forth in said table in line (f), the freight charge by said method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation;

and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Lettuce.
- (b) Basing point: Salinas, California.
- (c) Wholesale receiving point: Walla Walla.
- (d) Method of transportation: Carlot.
- (e) Freight rate by Method (d) from basing point to wholesale receiving point: \$0.90.

Per unit of sale
Per crate
of 60 lbs. Per lb.

(f) Freight charge by Method (d)-----	\$0.70	-----
(g) Basing point cost-----	3.25	-----
(h) Protective services-----	.20	-----
(i) Maximum price in wholesale receiving point (sum of (f), (g) and (h))-----	4.15	\$0.069

This order shall become effective October 16, 1944, and may be revoked, amended or corrected at any time.

(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 10th day of October 1944.

DAVE S. COHEN,
District Director.

[F. R. Doc. 44-15808; Filed, Oct. 12, 1944; 12:29 p. m.]

[Spokane Order 23-B Under MPR 426]

LETTUCE IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of "Table X," there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said "Table X," there is also set forth in said table in line (f), the freight charge by said method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Lettuce.
- (b) Basing point: Salinas, Calif.
- (c) Wholesale receiving point: Lewiston, Idaho.

- (d) Method of transportation: Carlot.
- (e) Freight rate by method (d) from basing point to wholesale receiving point: \$0.90 cwt.

Per unit of sale
Per crate
of 60 lbs. Per lb.

(f) Freight charge by method (d)-----	\$0.70	-----
(g) Basing point cost-----	3.25	-----
(h) Protective services-----	.20	-----
(i) Maximum price in wholesale receiving point (sum of (f), (g) and (h))-----	4.15	\$0.069

This order shall become effective October 16, 1944, and may be revoked, amended or corrected at any time.

(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 10th day of October 1944.

DAVE S. COHEN,
District Director.

[F. R. Doc. 44-15809; Filed, Oct. 12, 1944; 12:30 p. m.]

[Spokane Order 24-B Under MPR 426]

LETTUCE IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by Order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of "Table X," there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said "Table X," there is also set forth in said table in line (f), the freight charge by said method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Lettuce.
- (b) Basing Point: Salinas, Calif.
- (c) Wholesale receiving point: Wallace.
- (d) Method of transportation: Carlot to Spokane—l. c. l. to Wallace.
- (e) Freight rate by method (d) from basing point to wholesale receiving point: \$0.90 plus .51=\$1.41.

(f) Freight charge by method (d)-----	\$1.10	-----
(g) Basing point cost-----	3.25	-----
(h) Protective services-----	.20	-----
(i) Maximum price in wholesale receiving point (sum of (f), (g) and (h))-----	4.55	\$0.076

This order shall become effective October 16, 1944, and may be revoked, amended or corrected at any time.

(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 10th day of October 1944.

DAVE S. COHEN,
District Director.

[F. R. Doc. 44-15810; Filed, Oct. 12, 1944; 12:31 p. m.]

[Spokane Order 25-B Under MPR 426]

LETTUCE IN SPOKANE, WASH.

For the reasons set forth in an opinion issued simultaneously herewith, and under authority vested in the District Director of the Spokane District Office by section 8 (a) (7) of Maximum Price Regulation No. 426, as amended, and by order of Delegation No. 35 issued under said section by the San Francisco Regional Office, Region VIII, of the Office of Price Administration, *It is hereby ordered:*

With respect to the commodity described in line (a) of "Table X," there is set forth in said table in line (b), the basing point; in line (c), the wholesale receiving point; in line (d), the method of transportation which is hereby determined to be the cheapest method of transportation which is customary and generally available from said basing point to said wholesale receiving point; and in line (e), the freight rate per cwt. by said method (d) between points. With respect to the units of sale of said commodity set forth in the respective vertical columns of said "Table X," there is also set forth in said table in line (f), the freight charge by said method (d) from said basing point to said wholesale receiving point; in line (g), the basing point cost; in line (h), the charge, if any, allowable for protective services in connection with such transportation; and in line (i), the maximum price chargeable for said commodity in said wholesale receiving point.

TABLE X

- (a) Commodity: Lettuce.
- (b) Basing Point: Salinas, California.
- (c) Wholesale receiving point: Kennewick.
- (d) Method of transportation: Carlot to Walla Walla—l. c. l. to Kennewick.
- (e) Freight rate by Method (d) from basing point to wholesale receiving point: \$0.90 plus 0.632.

Per unit of sale
Per crate
of 60 lbs. Per lb.

(f) Freight charge by Method (d)-----	\$0.95	-----
(g) Basing point cost-----	3.25	-----
(h) Protective services-----	.20	-----
(i) Maximum price in wholesale receiving point (sum of (f), (g) and (h))-----	4.40	\$0.0733

This order shall become effective October 16, 1944, and may be revoked, amended or corrected at any time.

(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 10th day of October 1944.

DAVE S. COHN,
District Director.

[F. R. Doc. 44-15811; Filed, Oct. 12, 1944;
12:31 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-17]

PUBLIC INVESTING CO.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of October, A. D. 1944.

An application having been filed by Public Investing Company pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said act;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on October 23, 1944, at 10:00 a. m., eastern war time, in room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Allen McCullen, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-15842; Filed, Oct. 13, 1944;
11:14 a. m.]

[File No. 7Q-960]

PHILADELPHIA ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 12th day of October 1944.

Philadelphia Electric Company, a subsidiary company of The United Corporation, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company

Act of 1935 for exemption from the provisions of sections 6 (a) and 7 of the act with respect to the issuance and sale, in accordance with Rule U-50 promulgated under the act, of \$65,000,000 principal amount of First and Refunding Mortgage Bonds, 2¾% series, due 1967, and \$65,000,000 principal amount of First and Refunding Mortgage Bonds, 2¾% series, due 1974, the proceeds of the sale of these bonds to be applied, together with treasury cash or cash acquired by means of short-term bank loans, to redeem \$130,000,000 principal amount of the company's First and Refunding Mortgage Bonds, 3½% series, due 1967 at the redemption price of 106% of the principal amount thereof, together with accrued interest to the date of redemption; and

Philadelphia Electric Company having requested that the ten (10) day period for inviting bids, as provided by Rule U-50 (b), be shortened to five days in order to make possible the opening of bids on October 13, 1944; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered, That said application, as amended, be, and the same hereby is, granted, subject, however, to the terms and conditions contained in Rule U-24, and subject further to the following terms and conditions:

That the proposed issuance and sale of securities shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain further terms or conditions as may then be deemed appropriate, jurisdiction being reserved for this purpose and to pass upon the price or prices to be paid for said bonds, the redemption prices thereof, the underwriters' spread and its allocation, the legal fees to be paid to counsel for the company and counsel for the underwriters, and the fee to be paid to Drexel & Co. as financial advisers in connection with these transactions, jurisdiction being also reserved with respect to the accounting entries to be made by Philadelphia Electric Company in connection with the proposed financing.

It is further ordered, That the ten (10) day period for inviting bids as provided by Rule U-50 (b), be, and the same hereby is, shortened to a period of not less than five days.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-15843; Filed, Oct. 13, 1944;
11:14 a. m.]

[File No. 1-508]

I. MAGNIN & Co.

ORDER CONSOLIDATING APPLICATIONS AND SETTING HEARING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 12th day of October A. D. 1944.

In the matter of applications by the Los Angeles Stock Exchange and the San Francisco Stock Exchange to strike from listing and registration I. Magnin & Co., Common Stock, no par value; File No. 1-508.

The Los Angeles Stock Exchange and the San Francisco Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having each made application to strike from listing and registration on their respective Exchanges the Common Stock, No Par Value, of I. Magnin & Co.;

The Commission deeming it necessary for the protection of investors that a hearing be held in these matters at which all interested persons be given an opportunity to be heard;

It is ordered, That these matters be consolidated and set down for hearing at 10:00 a. m. on Monday October 30, 1944, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Allen McCullen, or any other officer or officers of the Commission named by it for that purpose, shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-15844; Filed, Oct. 13, 1944;
11:14 a. m.]

WAR FOOD ADMINISTRATION.

[Docket No. AO 177]

TRI-STATE MARKETING AREA

NOTICE OF HEARING ON HANDLING OF MILK

Proposed marketing agreement and order regulating the handling of milk in the Tri-State Marketing area, which includes the Territory lying within the corporate limits of the cities of Ashland, Kentucky; Huntington and Parkersburg, West Virginia; Marietta, Ironton, and Gallipolis, Ohio; and all incorporated and unincorporated territory lying geographically within the counties of Athens and Scioto, Ohio.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 et seq.), and in accordance with the applicable rules of practice and procedure (7 CFR, Cum. Supp., 900.1 et seq.), notice is hereby given of a hearing to be held in the Knights of Pythias Hall, Gallipolis, Ohio, beginning at 10 a. m., e. s. t., on

October 31, 1944, with respect to a proposed marketing agreement and order regulating the handling of milk in the Tri-State marketing area. The marketing area is defined in section 1 (c) herein.

This public hearing is for the purpose of receiving evidence with respect to a proposed marketing agreement and order, the provisions of which as herein-after set forth were submitted by Athens Milk Sales Company, Inc., Athens, Ohio; Dairymen's Cooperative Sales Association, Charleston, West Virginia; Marietta Cooperative Milk Producers, Inc., Marietta, Ohio; Huntington Interstate Milk Producers Association, Huntington, West Virginia; and Scioto County Milk Producers Association, Portsmouth, Ohio. The proposed marketing agreement and order have not received the approval of the War Food Administrator, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order. The provisions of the proposed marketing agreement and order are as follows:

SECTION 1. Definitions. The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "War Food Administrator" means the War Food Administrator of the United States or any officer or employee of the United States who is or who may hereafter be authorized to exercise the powers and to perform the duties, pursuant to the act, of the War Food Administrator of the United States.

(c) "Tri-State marketing area," hereinafter called the "marketing area," means the territory lying within the corporate limits of the cities of Ashland, Kentucky; Huntington and Parkersburg, West Virginia; Marietta, Ironton, and Gallipolis, Ohio; and all incorporated and unincorporated territory lying geographically within the counties of Athens and Scioto, Ohio.

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person, irrespective of whether such person is also a handler, who, under certification by the proper health authorities, produces milk which is received at a plant from which Class I milk is disposed of in the marketing area or which is caused to be diverted by a cooperative association from a plant from which Class I milk is disposed of in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

(f) "Handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all or a portion of which milk is disposed of as Class I milk in the marketing area. This definition shall include a cooperative association with respect to the milk of any producer which it causes to be diverted from a plant from which milk is disposed of as Class I

milk in the marketing area to a plant from which no milk is disposed of as Class I milk in the marketing area.

(g) "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided*, That (1) the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk are the personal enterprise of and at the personal risk of such person in his capacity as a producer, and (2) the processing, packaging, and distribution of the milk are the personal enterprise of and at the personal risk of such person in his capacity as a handler.

(h) "Delivery period" means the period from the effective date hereof to and including the last day of that month. Subsequent to that month "delivery period" means the period from the first to the last day of each month, both inclusive.

(i) "Market administrator" means the agency which is described in section 2 for the administration hereof.

(j) "Cooperative association" means any cooperative association of producers which the War Food Administrator determines (1) to have its entire activities under the control of its members, and (2) to have and to be exercising full authority in the sale of milk of its members.

(k) "Emergency milk" means milk received by a handler pursuant to section 6 from sources other than producers or other handlers.

Sec. 2. Market administrator—(a) Designation. The agency for the administration hereof shall be a market administrator who shall be a person selected by the War Food Administrator. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the War Food Administrator.

(b) **Powers.** The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Investigate and report to the War Food Administrator complaints of violations of the provisions hereof.

(3) Make rules and regulations to effectuate the terms and provisions hereof.

(c) **Duties.** The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the War Food Administrator a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the War Food Administrator.

(2) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the War Food Administrator may designate.

(3) Submit his books and records to examination by the War Food Administrator at any and all times.

(4) Furnish such information and such verified reports as the War Food Administrator may request.

(5) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator.

(6) Publicly disclose to handlers and producers, unless otherwise directed by the War Food Administrator, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to section 5 or (ii) made payments pursuant to section 8.

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof.

(8) Pay, out of the funds provided by section 9, (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses necessarily incurred in the maintenance and functioning of his office.

(9) Promptly verify the information contained in reports submitted by handlers.

Sec. 3. Classification of milk—(a) Basis of classification. All milk, skim milk, or cream purchased or received by a handler or caused to be delivered by a cooperative association to a plant from which no milk is disposed of as Class I milk in the marketing area shall be reported by the handler and shall be classified by the market administrator in the classes set forth in (b) of this section.

(b) **Classes of utilization.** Subject to the conditions set forth in (a) and (d) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk, skim milk, or cream disposed of in the form of milk, skim milk, buttermilk, flavored milk, and milk drinks, and cream, for consumption as cream (including any cream product in fluid form containing 6 percent or more butterfat), and all milk not specifically accounted for as Class II milk.

(2) Class II milk shall be all milk, skim milk, and cream used to produce a milk product other than those specified in Class I milk and all milk accounted for as actual plant shrinkage: *Provided*, That allowance for such plant shrinkage shall not exceed 2 percent of the total receipts of milk from producers.

(c) **Responsibility of handlers.** In establishing the classification of milk as required in (b) of this section, the burden rests upon the handler who receives milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(d) **Transfers of milk and cream.** (1) Milk, skim milk, and cream shall be classified as Class I milk when moved from the plant of a handler (i) to the plant of another handler who receives milk from producers: *Provided*, That if such milk, skim milk, or cream was utilized in Class II, it shall be classified accordingly subject to verification by the market administrator; (ii) to the plant of a handler who receives no milk from producers other than milk of his own production; and (iii) to the plant of a

nonhandler who distributes milk, skim milk, or cream in fluid form for consumption as such.

(2) Milk, skim milk, and cream received at the plant of a handler from sources other than producers or other handlers shall be Class II milk except for such milk in excess of the total Class II utilization of the receiving handler.

(3) Milk, skim milk, and cream, disposed of by a handler to the plant of a nonhandler who does not distribute milk, skim milk, or cream for consumption in fluid form shall be classified as Class II milk.

(e) *Computation of the milk in each class.* For each delivery period, the market administrator shall compute in the case of each handler the amount of milk in each class as defined in (b) of this section as follows:

(1) Determine the total pounds of milk, skim milk, and cream received as follows: add into one sum the total pounds of milk, skim milk, and cream received from (i) producers; (ii) the handler's own farm production; (iii) other handlers; and (iv) other sources.

(2) Determine the total pounds of butterfat received as follows: multiply by its average butterfat test the weight of the milk, skim milk, and cream received from (i) producers; (ii) the handler's own farm production; (iii) other handler's; and (iv) other sources. Add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (i) convert to pounds the total quantity of milk, skim milk, and cream, disposed of in each of the several products of Class I; (ii) add together the resulting amounts; and (iii) if the quantity of milk so computed when added to the pounds of milk in Class II computed pursuant to (5) (iv) of this paragraph is less than the total pounds of milk received in accordance with (1) of this paragraph an amount equal to the difference shall be added to the sum obtained in (ii) of this subparagraph.

(4) Determine the total pounds of butterfat in Class I as follows: (i) multiply the actual weight of each of the several products of Class I by its average butterfat test; (ii) add together the resulting amounts; and (iii) if the quantity of butterfat so computed, when added to the pounds of butterfat in Class II computed pursuant to (6) (iv) of this paragraph is less than the total pounds of butterfat received in accordance with (2) of this paragraph, an amount equal to the difference shall be added to the sum obtained in (ii) of this subparagraph.

(5) Determine the total pounds of milk in Class II as follows: (i) compute the total pounds of milk, skim milk, and cream which were used to produce each of the several products of Class II; (ii) add together the resulting amounts; (iii) subtract the total pounds of milk computed pursuant to (3) (ii) of this paragraph and the total pounds of milk computed pursuant to (ii) of this subparagraph and the total pounds of milk received computed pursuant to (1) of this paragraph, which resulting quantity, up to 2 percent of the total receipts of milk from producers, shall be allowed

as plant shrinkage, for the purpose of this paragraph; and (iv) add together the result obtained in (i) of this subparagraph and the amount of plant shrinkage allowed pursuant to (iii) of this subparagraph.

(6) Determine the total pounds of butterfat in Class II as follows: (i) multiply the actual weight of each of the several products of Class II by its average butterfat test; (ii) add together the resulting amounts; (iii) subtract the total pounds of butterfat computed pursuant to (4) (ii) of this paragraph and the total pounds of butterfat computed pursuant to (ii) of this subparagraph from the total pounds of butterfat computed pursuant to (2) of this paragraph, which resulting quantity, up to 2 percent of the total receipts of butterfat from producers, shall be allowed as plant shrinkage for the purpose of this paragraph; and (iv) add together the result obtained in (ii) of this subparagraph and the amount of plant shrinkage allowed pursuant to (iii) of this subparagraph.

(7) Determine the classification of milk of producers as follows: (i) subtract from the pounds of milk in each class the pounds of milk, skim milk, and cream received from other handlers and apportioned to each class in accordance with (d) of this section; (ii) subtract from the remaining pounds of milk in Class II the total pounds of milk, skim milk, and cream, except emergency milk, received from sources other than producers, own farm production, and other handlers: *Provided*, That if the quantity of such milk, skim milk, and cream so received is greater than the remaining quantity of Class II milk of such handler, an amount equal to the difference shall be subtracted from the remaining pounds of Class I milk; and (iii) subtract pro-rata from the remaining pounds of milk in each class, the total pounds of milk which were received from the handler's own farm production and emergency milk; (iv) if the remaining quantity of milk is greater than, or contains a greater quantity of butterfat than the handler reported having received from producers, an amount equal to the difference shall be subtracted pro-rata from the remaining pounds of milk or butterfat in each class; and (v) the result shall be known as the "net pooled milk" in each class.

Sec. 4. Minimum prices. (a) *Class prices.* Each handler shall, subject to the provisions of (b) of this section, pay at the time and in the manner set forth in section 8 not less than the prices set forth in this section per hundredweight of milk received during each delivery period at such handler's plant or caused by such handler to be delivered to a plant from which no milk is disposed of in the marketing area.

(1) For Class I milk—the price shall be \$3.78 per hundredweight for milk of 3.5 percent butterfat content.

(2) For Class II milk—the price shall be the result of the following computation by the market administrator: multiply by 3.5 the average wholesale price per pound of 92-score butter at Chicago as reported by the United States Department of Agriculture (or such other Fed-

eral agency as may be hereafter authorized to perform this price reporting function) during the delivery period in which such milk was received, add 20 percent thereof and add any plus amount resulting from the following calculation:

(i) Subtract 6 cents from the average price per pound of casein and multiply such result by 2.3. The price per pound of casein to be used shall be the average of the carlot prices for unground casein f. o. b. drying plants in the Chicago area as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) during the delivery period in which such milk was received; or

(ii) The market administrator shall determine by computation the average of the basic or field price per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the period beginning with the 16th day of the previous month and ending with the 15th day of the current month at the plants listed below, and the market administrator shall use whichever calculation is the higher.

M. & R. Dietetic Laboratories, Inc., Chillicothe, Ohio.

United Dairies, Waterford, Ohio.

Southern Ohio Dairies, Oak Hill, Ohio.

(b) *Butterfat differentials to handler.*

(1) If the average butterfat content of the milk of producers disposed of as Class I by any handler computed pursuant to section 3 (e) is more or less than 3.5 percent, such handler shall add to the Class I price per hundredweight computed pursuant to (a) (1) of this section for each one-tenth of 1 percent that the average butterfat content of such Class I milk is above 3.5 percent, or shall subtract from such Class I price for each one-tenth of 1 percent that the average butterfat content of such Class I milk is below 3.5 percent, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter at Chicago as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent, divide the result obtained by 10, and add 1.0 cent.

(2) If the average butterfat content of the milk of producers disposed of as Class II by any handler computed pursuant to section 3 (e) is more or less than 3.5 percent, such handler shall add to the Class II price per hundredweight computed pursuant to (a) (2) of this section for each one-tenth of 1 percent that the average butterfat content of such Class II milk is above 3.5 percent, or shall subtract from such Class II price for each one-tenth of 1 percent that the average butterfat content of such Class II milk is below 3.5 percent, an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter at Chicago as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for

the delivery period during which such milk was received, add 20 percent, and divide the result obtained by 10.

(c) *Emergency price provision.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk or product associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided*, That if the specified price is not reported or published and there is no applicable maximum uniform price or if the specified price is not reported or published and the War Food Administrator determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the War Food Administrator to be equivalent to or comparable with the prices specified.

SEC. 5. *Reports of handlers*—(a) *Periodic reports.* (1) On or before the 5th day after the end of each delivery period each handler, with respect to all milk or milk products which were, during such delivery period, (i) received from producers; (ii) received from other handlers; (iii) received from such handler's own farm production; (iv) received from any other sources; or (v) caused to be delivered to a plant from which no milk is disposed of in the marketing area, shall report to the market administrator, in the detail and on the forms prescribed by him, as follows:

- (a) The receipts at each plant from producers who are not handlers;
- (b) The receipts at each plant from any other handler, including any handler who is also a producer;
- (c) The receipts at each plant from such handler's own farm production;
- (d) The receipts at each plant from any other source;
- (e) The utilization of all milk and milk products disposed of;
- (f) The quantity of milk and milk products on hand; and
- (g) The respective butterfat content of each of the above.

(2) On or before the 5th day after the end of each delivery period, the receipts at each plant of emergency milk as follows: (i) the amount of such milk and the average butterfat content thereof; (ii) the date or dates upon which such milk was received during the delivery period; (iii) the plant from which such milk was shipped; (iv) the prices paid or to be paid for such milk; (v) the utilization of such milk; and (vi) such other information with respect thereto as the market administrator may request.

(b) *Reports as to producers.* Each handler shall report to the market ad-

ministrator within 10 days after the market administrator's request with respect to any producer and with respect to a period of time designated by the market administrator: (i) the name and address; (ii) the total pounds of milk received; (iii) the average butterfat test of milk received; and (iv) the number of days upon which milk was received.

(c) *Reports of producer-handlers and handlers whose sole sources of supply are receipts from other handlers.* Producer-handlers and handlers whose sole sources of supply are receipts from other handlers shall report to the market administrator at such time and in such manner as the market administrator may request.

(d) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audits of such handler's records and the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section and, in the case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends;

(3) Verify the payments to producers prescribed in section 8.

SEC. 6. *Application of provisions*—(a) *Handlers who receive no milk from producers.* Sections 4, 7, 8, 9, and 10 shall not apply to the handling of milk by handlers (1) whose sole sources of supply are receipts from other handlers or (2) who are producer-handlers pursuant to section 1 (g) as verified by the market administrator in the manner provided in (b) of this paragraph.

(b) *Producer-handlers.* Handlers shall furnish to the market administrator for his verification, subject to review by the War Food Administrator, evidence of their qualifications pursuant to 1 (g), as of the effective date hereof, and they shall furnish evidence of subsequent changes made in the manner of producing or distributing their milk that affect their qualification as producer-handlers; such verification by the market administrator shall be made within 15 days of the date of receipt of the evidence and shall be effective retroactively to the effective date of the provisions hereof in cases verified within 45 days of such effective date and shall be effective retroactively to the first day of the delivery period during which verification is made in subsequent cases.

(c) *Emergency milk.* During any delivery period when the market administrator shall, after consulting the cooperative marketing associations operating in the market and if such associations fail or refuse or are unable to get

any dealer milk needed by him, then the market administrator shall determine that the supply of milk available to any handler from producers and handlers is not sufficient to fulfill the Class I requirements of such handler, such handler, after giving notice to the market administrator of his intention to purchase milk from other than such sources, may secure milk from emergency sources on terms and conditions other than those provided in section 4 hereof. Emergency milk shall be reported to the market administrator by the receiving handler separately from milk received from producers and handlers in accordance with section 5 (a) (2). The person from whom the handler received such milk shall not be considered a handler with respect to milk disposed of in the marketing area under the circumstances described in this paragraph.

(d) *Payment for excess milk or butterfat.* If a handler, after subtracting receipts from his own farm production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator in computing the net pool obligation of such handler pursuant to section 7 (a) shall add an amount equal to the value of such milk or butterfat in accordance with its utilization by the handler as determined pursuant to section 3 (e) (7) (iv).

(e) *Milk received from other sources.* If a handler has disposed of milk, skim milk, or cream, except emergency milk, which was received from sources other than producers, his own farm production, or other handlers, as Class I milk within the marketing area, the market administrator, in determining the net pool obligation of the handler pursuant to section 7 (a), shall add an amount equal to the difference between the value of such milk at the Class I price and the value of such milk at the Class II price. This provision shall not apply if the handler can prove to the market administrator that such milk, skim milk, or cream was used only to the extent that milk of producers was not available.

SEC. 7. *Determination of uniform price to producers*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: multiply the pounds of milk in each class computed pursuant to section 3 (e) by the class prices computed pursuant to section 4 (a) subject to the butterfat differentials set forth in section 4 (b), add together the resulting amounts and add the value of any payments required to be made pursuant to paragraphs (d) and (e) of section 6.

(b) *Computation of the uniform price.* For each delivery period the market administrator shall compute the uniform

price per hundredweight of milk to be paid to each producer as follows:

(1) Combine into one total the net pool obligations of all handlers computed pursuant to (a) of this section who made the reports prescribed by section 5 and who made the payments prescribed by section 8 for the previous delivery period.

(2) Add an amount equal to one-half of the cash balance in the producer-settlement fund less the amount due handlers pursuant to section 8.

(3) Subtract if the average butterfat content of the net pooled milk is greater than 3.5 percent or add if such butterfat content is less than 3.5 percent an amount computed as follows: multiply the amount by which the average butterfat content of producers milk varies from 3.5 percent by the butterfat differential computed pursuant to 8 (e) and multiply the result by the total hundredweight of net pooled milk of all handlers whose reports are included in this computation.

(4) Divide the resulting sum by the total quantity of net pooled milk of all handlers whose reports are included in this computation.

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments or delinquencies in payment by handlers. The result shall be known as the "uniform price" per hundredweight for milk of producers containing 3.5 percent butterfat.

(c) *Announcement of prices.* On or before the 10th day after the end of each delivery period, the market administrator shall notify all handlers and make public announcement of the computations pursuant to (b) of this section, of the uniform price per hundredweight of milk, of the Class I and Class II prices computed pursuant to section 4 (a), of the butterfat differentials to handlers computed pursuant to section 4 (b), and of the butterfat differential to producers computed pursuant to section 8 (c), and the average hauling rate in the market.

(d) *Notification of handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler of the amount of his net pool obligation.

Sec. 8. Payment for milk—(a) Time and method of payment. Each handler shall make payment, subject to the butterfat differential set forth in (e) of this section, after deducting the amount of the payments made pursuant to (b) of this section, for milk purchased or received from producers by such handler during each delivery period as follows: to the market administrator the entire balance then found to be due producers for milk.

(b) *Half delivery period payments.* On or before the last day of each delivery period each handler shall make payment to the market administrator for the approximate value of the milk of all producers delivered to the handler during the first fifteen (15) days of the delivery period.

(c) *Calculation of payments for each producer.* For each delivery period, the market administrator shall calculate the payment due each producer from whom milk was received during such delivery period.

(d) *Payment to cooperative associations—(1) Eligibility.* Upon application to the War Food Administrator any cooperative association duly organized under the laws of any State, which cooperative association the War Food Administrator, after appropriate inquiry and investigation, determines to be conforming to the provisions of such laws and with the standards set forth in the "Capper-Volstead Act" and which the War Food Administrator determines to be eligible to receive payment for producers, then such association, after this determination has been made, may make application to the War Food Administrator to receive the entire amount of money due its producers from the market administrator for distribution to its members.

(2) The market administrator, upon such application being made by a qualified cooperative association, shall pay to such association the amount of money shown to be due such association for the milk delivered during the last delivery period and such payment by the market administrator shall be deemed to be payment to producers.

(3) The market administrator shall make payment to all individual producers in the market who are not members of an association on the same day that the association makes final payment to their producers, such day to be agreed upon between the association and the market administrator each month.

(e) *Butterfat differential to producers.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.5 percent, such handler, in making the payments prescribed in (a) of this section, shall add to the uniform price per hundredweight due such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price per hundredweight due such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent, not more than an amount computed by the market administrator as follows: to the average wholesale price per pound of 92-score butter at Chicago as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) add 20 percent, and divide the resulting sum by 10.

(f) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to (a) of this section.

(g) *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market ad-

ministrator for payment to producers through the producer-settlement fund the amount due for all milk received by such handler for the delivery period less any amount paid by such handler pursuant to (b) of this section.

(h) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to (a) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to (a) of this section, the market administrator shall, within 5 days, make such payment to such handler.

Sec. 9. Marketing service—(a) Deductions for marketing services. Except as set forth in paragraph (b) of this section the market administrator shall deduct an amount not exceeding 4 cents per hundredweight (the exact amount to be determined by the market administrator subject to review by the War Food Administrator) from the payments made to producers pursuant to section 8. Such moneys shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from producers during the delivery period and to provide such producers with market information, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) *Producers' cooperative association.* In the case of producers who are members of a cooperative association, which the War Food Administrator determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the War Food Administrator, the services set forth in paragraph (a) of this section, the market administrator, in lieu of the deductions specified in paragraph (a) of this section, shall make deductions from the payments to be made to such producers as may be authorized by such producers and, on or before the 15th day after the end of each delivery period, pay over such deductions to the cooperative association rendering such services of which such producers are members.

Sec. 10. Expense of administration—(a) Payments by handlers. As his prorate share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator a sum not exceeding 5 cents per hundredweight with respect to all milk received during such delivery period from producers or from a producers' cooperative association or produced by such handler, the exact sum to be determined by the market administrator subject to review by the War Food Administrator: *Provided*, That

such handler which is a cooperative association shall pay such pro-rata share of expense of administration on only that milk of producers received by such association or caused to be delivered by such association to a plant from which no milk is disposed of in the marketing area.

Sec. 11. Effective time, suspension, or termination—(a) Effective time. The provisions hereof, or any amendment hereto, shall become effective at such time as the War Food Administrator may declare and shall continue in force until suspended or terminated, pursuant to paragraph (b) of this section.

(b) Suspension or termination. The War Food Administrator may suspend or terminate this order or any provision hereof, whenever he finds that this order or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) Continuing power and duty of the market administrator. If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the War Food Administrator so directs, be performed by such other person, persons, or agency as the War Food Administrator may designate.

The market administrator, or such other person as the War Food Administrator may designate, shall (1) continue in such capacity until discharged by the War Food Administrator, (2) from time to time account for all receipts and disbursements, and, when so directed by the War Food Administrator, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person, as the War Food Administrator may direct, and (3) if so directed by the War Food Administrator, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant hereto.

(d) Liquidation after suspension or termination. Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the War Food Administrator may designate shall, if so directed by the War Food Administrator, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator

or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Sec. 12. Agents. The War Food Administrator may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Copies of this notice of hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 1331 South Building, Washington, D. C., or may be there inspected.

Dated: October 12, 1944.

THOMAS J. FLAVIN,
Assistant to the
War Food Administrator.

[F. R. Doc. 44-15853; Filed, Oct. 13, 1944;
11:32 a. m.]

WAR MANPOWER COMMISSION.

[Amdt. 5]

PORTLAND, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Portland, Maine, Area dated October 11, 1943 (9 F.R. 11455), is hereby amended as follows:

1. Section 2, paragraph (e), defining a critical occupation, is hereby deleted. Section 2, paragraph (f) is hereby amended by making the reference to Appendix C read Appendix B, and by renumbering the paragraph to become paragraph (e), and the remaining paragraphs renumbered in numerical chronological order.

2. Section 10, relating to workers who may be hired only upon referral by the United States Employment Service, is hereby amended by deleting paragraph (a) in its entirety, renumbering paragraph (b) as paragraph (a) and changing the reference to Appendix C to be identified as Appendix B, and further renumbering the remaining paragraphs in numerical chronological order.

3. Section 14, relating to statements of availability, is hereby amended by deleting the words "in a critical occupation, or", in the first paragraph, which follow the words "individual's last employment was".

4. Appendix B, listing critical occupations with notes of explanation thereon, is hereby deleted in its entirety.

5. Appendix C is hereby amended to be identified as Appendix B.

Dated: September 23, 1944.

WILLIAM R. CROWELL,
Area Director.

Approved: October 4, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15241; Filed, Oct. 13, 1944;
10:57 a. m.]

[Amdt. 5]

LEWISTON, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Lewiston, Maine, Area dated October 11, 1943 (9 F.R. 11451), is hereby amended as follows:

1. Section 2, paragraph (e), defining a critical occupation, is hereby deleted. Section 2, paragraph (f), is hereby amended by making the reference to Appendix C read Appendix B, and by redesignating this paragraph to become paragraph (e), and the remaining paragraphs renumbered in numerical chronological order.

2. Section 10, relating to workers who may be hired only upon referral by the United States Employment Service, is hereby amended by deleting paragraph (a) in its entirety, redesignating paragraph (b) as paragraph (a) and changing the reference to Appendix C to be identified as Appendix B, and further renumbering the remaining paragraphs in numerical chronological order.

3. Section 14, relating to statements of availability, is hereby amended by deleting the words "in a critical occupation, or", in the first paragraph, which follow the words "individual's last employment was".

4. Appendix B, listing critical occupations with notes of explanation thereon, is hereby deleted in its entirety.

5. Appendix C is hereby amended to be identified as Appendix B.

Dated: September 22, 1944.

J. B. EHRENFRIED,
Deputy Area Director.

Approved: October 4, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15340; Filed, Oct. 13, 1944;
10:57 a. m.]

[Amdt. 5]

BIDDEFORD, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Biddeford, Maine, Area dated October 11, 1943 (8 F.R. 11448), is hereby amended as follows:

1. Section 2, paragraph (e), defining a critical occupation, is hereby deleted. Section 2, paragraph (f) is hereby amended by making the reference to Appendix C read Appendix B, and by renumbering this paragraph to become paragraph (e), and the remaining paragraphs renumbered in numerical chronological order.

2. Section 10, relating to workers who may be hired only upon referral by the United States Employment Service, is hereby amended by deleting paragraph (a) in its entirety, renumbering paragraph (b) as paragraph (a) and changing the reference to Appendix C to be identified as Appendix B, and further renumbering the remaining paragraphs in numerical chronological order.

3. Section 14, relating to statements of availability, is hereby amended by deleting the words "in a critical occupation, or", in the first paragraph, which follows the words "individual's last employment was."

4. Appendix B, listing critical occupations with notes of explanation thereon, is hereby deleted in its entirety.

5. Appendix C is hereby amended to be identified as Appendix B.

Dated: September 25, 1944.

GLEN R. CHENEY,
Assistant Area Director.

Approved: October 4, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15839; Filed, Oct. 13, 1944;
10:57 a. m.]

WAR PRODUCTION BOARD.

[C-218]

HARRY E. EVANS
CONSENT ORDER

Harry E. Evans, of Glenmoore, Pennsylvania, is charged by the War Production Board with having begun and carried on construction on the two-story brick and cinder block combination store and dwelling on his property located on the east side of Pennsylvania Route No. 282, in the Village of Glenmoore, Pennsylvania, on or about July 1, 1944, without securing approval from the War Production Board, in wilful violation of Conservation Order L-41. As of this date approximately \$2,000 has been expended in the construction of this building, and it is about 30% complete.

Harry E. Evans admits the violation as charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Harry E. Evans, the Regional Compliance Chief and the Acting Regional Attorney, and upon approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Harry E. Evans, his successors and assigns, nor any other person, shall do any construction on the premises now belonging to Harry E. Evans, located on the east side of Pennsylvania Route No. 282, in the Village of Glenmoore, Pennsylvania, unless specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Harry E. Evans, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the date of issuance.

Issued this 12th day of October 1944.

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

[F. R. Doc. 44-15822; Filed, Oct. 12, 1944;
4:06 p. m.]

[C-219]

A & P CORRUGATED BOX CORP.
CONSENT ORDER

A & P Corrugated Box Corporation, 1857 Middlesex Street, Lowell, Massachusetts, engaged in the manufacture of corrugated boxes, is charged by the War Production Board with having received an allocation of 993 tons of containerboard for use in the second quarter of 1944 in excess of the amount to which it was entitled. This excess was ob-

tained as a result of an overstatement in the application of A & P Corrugated Box Corporation on Form WFB 2492 of the amount of its acceptance and use of containerboard in a previous quarter. This was in violation of Conservation Order M-290 and Priorities Regulation 1. A & P Corrugated Box Corporation admits the foregoing but denies that it was wilful and does not care to contest the issue of wilfulness and has consented to the issuance of this order.

Wherefore upon the agreement and consent of A & P Corrugated Box Corporation, the Regional Compliance Chief and the Regional Attorney and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) During the fourth quarter of 1944, A & P Corrugated Box Corporation, its successors or assigns, shall not accept delivery of more than its allocation of containerboard reduced by 497 tons.

(b) During the first quarter of 1945, A & P Corrugated Box Corporation, its successors or assigns, shall not accept delivery of more than its allocation of containerboard reduced by 498 tons.

(c) Nothing contained in this order shall be deemed to relieve A & P Corrugated Box Corporation, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on the date of issuance.

Issued this 12th day of October 1944.

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

[F. R. Doc. 44-15823; Filed, Oct. 12, 1944;
4:06 p. m.]