THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 10 NUMBER 26

Washington, Tuesday, February 6, 1945

The President

PROCLAMATION 2637

RED CROSS MONTH, 1945

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, under the provisions of its Congressional charter, the American National Red Cross, in this fourth year of the war, is fulfilling its obligations to comfort our wounded, to cheer and help our servicemen on every fighting front, and to provide an essential link between these men and their families at home, thereby relieving anxiety and restoring hope to all those who are suffering and in need of aid; and

WHEREAS this organization is helping the people at home to stand firmly behind our fighting men through its collection of blood for our wounded, its shipment of food parcels, medical supplies, and comfort items to our prisoners of war in enemy hands, its production of surgical dressings, and its recruitment of nurses for our Army and Navy; and

WHEREAS the American National Red Cross is also carrying on its peacetime activities by assisting the civilian victims of tornado, flood, and other disaster, and by training the people of our Nation to combat sickness and accident and thus to prevent suffering and death; and

WHEREAS, by the very nature of its services and the principles for which it stands, the American National Red Cross is helping to build a world of unity and peace and brotherhood, recognizing no barriers of creed or race; and

WHEREAS this organization, which represents a tangible expression of the desire of the people to reach out to the Nation's fighting men, now far removed from them, and which is entirely dependent on voluntary contributions to carry out its purposes, is issuing to every citizen of this country its 1945 appeal for a minimum War Fund of $200,000,000:

NOW THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, and President of the American National Red Cross, do hereby designate the month of March 1945 as Red Cross Month, confident in the readiness of the people to respond to the utmost of their ability in support of this organization built by their generous contributions in the past and dedicated to their services in this hour of increasing need.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 19th day of January in the year of our Lord nineteen hundred and forty-five, and of the Independence of the United States of America the one hundred and sixth-ninth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

JOSEPH C. GREW,
Acting Secretary of State.

[F. R. Doc. 45-2122; Filed, Feb. 5, 1945; 11:01 a. m.]

Regulations

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

PART 130—BOARD OF SPECIAL INQUIRY

BOARDS OF SPECIAL INQUIRY; QUALIFICATION OF MEMBERS; ORGANIZATION

The following section is added to Part 60, Title 8, Chapter I, Code of Federal Regulations:

§ 60.29 *Persons qualified as members of boards of special inquiry; oath.* In accordance with the provisions of section 17 of the Immigration Act of 1917 (39 Stat. 887; 8 U. S. C. 153), the following persons are hereby designated as qualified and determined to be eligible to serve on boards of special inquiry:

(a) Immigrant inspectors, including persons designated immigrant inspectors by § 60.27;

(b) All other employees of the Immigration and Naturalization Service

(Continued on p. 1471)

CONTENTS

THE PRESIDENT

	Page
PROCLAMATION:	
Red Cross Month, 1945	1469

REGULATIONS AND NOTICES

CIVIL AERONAUTICS BOARD:	
Air carrier airplane rear position lights, noncompliance with requirements	1472
COAST GUARD:	
Approval and withdrawal of approval of equipment	1532
FARM SECURITY ADMINISTRATION:	
Loans, designation of localities	1532
FEDERAL POWER COMMISSION:	
Bonneville Project, Columbia River, Oreg.-Wash., approval of rates and charges for sale of power	1549
Panhandle Eastern Pipe Line Co., hearing	1549
FEDERAL RESERVE SYSTEM:	
Bank loans for purchasing or carrying stocks registered on National Securities Exchange, loans	1472
Banking corporations authorized to do foreign banking business; limitations and restrictions, aggregate liabilities	1471
Brokers, dealers, and members of National Securities Exchanges; extension and maintenance of credit	1471
FEDERAL TRADE COMMISSION:	
Brach, E. J., & Sons, cease and desist order	1472
Waddill, C. C., Co., Inc., complaint	1550
IMMIGRATION AND NATURALIZATION SERVICE:	
Boards of special inquiry; qualification of members and organization	1469
INDIAN AFFAIRS OFFICE:	
Indian allotted and tribal lands for farming, grazing and business, leasing	1473
INTERIOR DEPARTMENT. *See also* Indian Affairs Office and Reclamation Bureau.	
Consolidation Coal Co., possession of coal mine terminated	1549

(Continued on p. 1470)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

NOTICE

Book 1 of the 1943 Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per copy. This book contains the material in Titles 1-31, including Presidential documents, issued during the period from June 2, 1943, through December 31, 1943.

CONTENTS—Continued

INTERNAL REVENUE BUREAU: Page
Estate and gift taxes; release of powers of appointment (2 documents) 1474, 1475
Income tax after December, 1941, extension of time with respect to employees' trusts 1473
Salary stabilization; effect of unlawful payments amount disregarded 1475
INTERSTATE COMMERCE COMMISSION:
Syrup and tobacco, unloading at South Philadelphia, Pa. 1551
MINES BUREAU:
Explosives and blasting devices; tests for permissibility and suitability 1476
NATIONAL WAR LABOR BOARD:
Employees of Selective Service System, delegation of authority to approve adjustments in wages and salaries 1475

CONTENTS—Continued

OFFICE OF DEFENSE TRANSPORTATION: Page
Common carriers, coordinated operations:
Fort Smith, Dardanelle and Russellville, Ark. 1552
Hastings and Maywood, Nebr. 1556
Kansas City, Mo., and Salina, Kans. 1551
La Crosse and Prairie du Chien, Wis. 1555
Mississippi 1557
Mobile and Brewton, Ala. 1554
Nashville, Tenn., and Indianapolis, Ind. 1552
Newton and points in North Carolina 1558
North Carolina 1555
Sioux City, Iowa, and Pipestone, Minn. 1554
Tennessee (2 documents) 1553, 1557
OFFICE OF ECONOMIC STABILIZATION:
Dairy products, manufactured; price stabilization 1549
OFFICE OF PRICE ADMINISTRATION:
Adjustments and pricing orders:
Alvarez, R., Cigar Co. 1568
Arcadia Co., et al. 1571
Atlas Engineering Co., et al. 1571
Bernard Mfg. Co. 1562
Blackwell Burner Co. 1565
Blum's, Harry, Natural Bloom, Inc. 1567
Boone Coal Corp., et al. 1570
Bucoda Coal Mining Co., et al. 1569
Cedarberg Mfg. Co. 1575
Conway Welding Shop 1564
Copeland Hardwood Co. 1564
Corky Mfg. Co. 1574
Cytell Exhibits & Crafts 1562
Dart Metal Products Co. 1565
Democratic Cigar Factory 1566
Dobson and Weaver Coal Co., et al. 1560
Fold-A-Way Table Co. 1561
Frost, G. W., and Sons 1572
Gannett, Louis 1575
Garcia Cigar Factory 1566
Hammett Electric Mfg. Co. 1577
Jacobo Cigar Factory 1568
Kraft Textiles, Inc. 1561
Martelle, John L. 1562
Micromatic Products 1564
Nemrow, Henry, Inc. 1569
North & South Cigar Factory 1568
Pacific Stove & Foundry Co. 1561
Quinn Brothers Co. 1559
Re-Bo Equipment Co. 1563
Roque, S., Cigar Factory 1567
Salmanson & Co., Inc. 1572
Smith, Gabriel H. 1574
Stormes Co., Inc. 1563
Valdes, John A. 1566
Welch Lumber Co. 1561
Young Mfg. Co., Inc. 1560
Bananas, imported fresh (RMPR 285) 1493
Beef and veal carcasses and wholesale cuts (RMPR 169, Am. 52) 1547
Briarwood:
Distributors (MIPR, Rev. of Order 61) 1577
Imported Spanish (MIPR, Order 69) 1576

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued. Page
Building materials and consumers' goods (MPR 188, Am. 8 to 2d Rev. Order A-3) 1573
Building materials (MPR 188, Order B-1) 1573
China and pottery (MPR 116, Am. 8) 1547
Coal, bituminous (MPR 120, Am. 129) 1542
Cotton:
Products (MPR 118, Am. 30) 1492
Textiles (Supp. Order 92, Rev.) 1492
Tire cord and tire cord fabric (Order 48 under 19a) 1577
Foods, ceiling prices:
Retail:
Group 1 and 2 stores (MPR 423, incl. Am. 1-38) 1523
Group 3 and 4 stores (MPR 422, incl. Am. 1-39) 1505
Wholesale (MPR 421, incl. Am. 1-20) 1496
Foods, processed (Rev. RO 13, Am. 73) 1538
Fruits and vegetables, fresh (MPR 426, Am. 81, 82) (2 documents) 1540
Fuel oil (Rev. RO 11, Am. 6 to Supp. 1) 1541
Goatskins and sheepskins, India, Iraq and Iran, tanned (RMPR 357) 1543
Institutional users, food rationing (Gen. RO 5, Am. 92) 1495
Lamb and mutton carcasses and wholesale cuts (RMPR 239, Am. 16) 1547
Limes, producers of (MPR 188, Am. 23 to Order A-2) 1559
Linseed replacement oil (SR 14F Am. 1) 1540
Lumber, Western red cedar (MPR 402, Am. 2) 1548
Meat, fats, fish and cheeses (Rev RO 16, Am. 39) 1539
Outsoles, midsoles and insoles, men's military and civilian; tanners, processors, and cutters sales (MPR 61, Order 2) 1576
Paperboard sold East of Rocky Mountains (RPS 32, Am. 20) 1546
Regional and district office orders:
Coal, bituminous, Seattle, Wash., area 1580
Community ceiling prices, list of orders filed (2 documents) 1580, 1581
Fish and seafood, fresh, San Francisco region (2 documents) 1579, 1580
Fluid milk, Oregon and Washington 1580
Malt and cereal beverages:
Florida 1579
Savannah, Ga., district 1579
Solid fuels:
Knoxville, Tenn., area 1579
Rochester and Monroe County, N. Y. (3 documents) 1578

(Continued on next page)

CONTENTS—Continued

	Page
OFFICE OF PRICE ADMINISTRATION—Continued.	
Seed potatoes (RMPR 492, Am. 2)	1492
Seeds, vegetable (MPR 496, Am. 7)	1548
Shearlings for Armed Forces, raw and tanned (MPR 141, Am. 3)	1541
Solid fuels sold and delivered by dealers (RMPR 122, Am. 28)	1542
Sugar (2d Rev. RO 3, Am. 6)	1537
Tool cabinets (Supp. Order 94, Order 23)	1559
Upper leather, chrome retan military (MPR 61, Order 1)	1576
Wastepaper procurement practices, prohibition (Supp. Order 103)	1541
RECLAMATION BUREAU:	
Klamath Project, Oreg.-Calif., first form withdrawal	1549
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc..	
Central New York Power Corp	1581
United Corp	1581
SURPLUS PROPERTY BOARD:	
Refunds to purchasers, special accounts	1581
WAR COMMUNICATIONS BOARD:	
French Telegraph Cable Co., reopening of facilities within U. S	1548
WAR FOOD ADMINISTRATION:	
Packers and Stockyards Act, regulations, miscellaneous amendments	1471
WAR MANPOWER COMMISSION:	
Minimum wartime workweek:	
Denver, Colo., area	1582
Pueblo, Colo., area	1582
WAR PRODUCTION BOARD:	
Antimony (M-112)	1485
Books and booklets (L-245)	1488
Carbon black (M-300, Sch. 32)	1491
Housing construction (P-55-c)	1483
Magazines and periodicals (L-244)	1486
Printing and publishing (L-244, Rev. of Dir. 1)	1488
Suspension orders, etc..	
Pep Boys, Manny, Moe & Jack of California	1483
Standard Truck and Suitcase Co	1483
Upper leather, heavy military (M-310, Gen. Dir. 11)	1491
WAR SHIPPING ADMINISTRATION:	
"West Wind" vessel ownership determination	1583

whose supervisory officers assign to them the duty of acting as secretaries of such boards for the purpose of keeping the complete permanent record of the proceedings and of all such testimony as may be produced; and

(c) Persons, other than employees of the Immigration and Naturalization Service but preferably Government employees, who are selected by an Immigration and Naturalization Service official in charge of a port where no permanent board of special inquiry is maintained and to which it is impracticable to detail a board from some other station. Such persons shall, before serving on a board of special inquiry, subscribe to an oath of office on Form I-266 before an immigrant inspector.

Section 130.1, Title 8, Chapter I, Code of Federal Regulations is hereby amended to read as follows:

§ 130.1 *Organization.* Each of the three members of a board of special inquiry prescribed by section 17 of the Immigration Act of 1917 (39 Stat. 887; 8 U.S.C. 153) shall be a person qualified for such membership as provided by § 60.29 of this chapter. The officer in charge shall designate one of the members as chairman. One of the members may act as secretary for the purpose of keeping the complete permanent record of the proceedings before the board and of all such testimony as may be produced before it.

(Sec. 23, 39 Stat. 892; sec 24, 43 Stat. 166; sec 37 (a), 54 Stat. 675; 8 U.S.C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 5 F.R. 2223; 8 CFR 90.1, 8 F.R. 8735)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 45-2050; Filed, Feb. 3, 1945; 3:32 p. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—War Food Administration (Packers and Stockyards)

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

REVISION OF DEFINITIONS

By virtue of the authority vested in the War Food Administrator under the Packers and Stockyards Act, 1921 (42 Stat. 159, as amended; 7 U.S.C. and Supp. III, 181 et seq.) and Executive Orders 9280, 9322, 9334, and 9392 (7 F.R. 10179; 8 F.R. 3807, 5423, and 14783) Part 201 of Chapter II of Title 9 is amended:

1. By striking § 201.2 (b) (c) (h) and (m) and substituting in lieu thereof the following:

§ 201.2 *Terms defined.* * * *

(b) "Administration" means the Office of Marketing Services, War Food Administration.

(c) "Director" means the Director of Marketing Services, War Food Administration, or any officer of employee of that Administration to whom the Director has heretofore lawfully delegated or to whom the Director may hereafter lawfully delegate the authority to act in his stead.

* * * * *

(h) "Livestock Branch" means the Livestock and Meats Branch, Office of Marketing Services, War Food Administration.

* * * * *

(m) "Secretary" means the Secretary of Agriculture, the War Food Administrator or any person to whom authority has heretofore lawfully been delegated or to whom authority may hereafter lawfully be delegated to act in their stead.

2. By striking the words "Food Distribution Administration" wherever they appear in the regulations and substituting in lieu thereof the words "Office of Marketing Services, War Food Administration."

The foregoing amendments shall become effective at 12:01 a. m., e. w. t., February 6, 1945.

Done at Washington, D. C., this 3d day of February 1945.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 45-2127; Filed, Feb. 5, 1945; 11:03 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 211—BANKING CORPORATIONS AUTHORIZED TO DO FOREIGN BANKING BUSINESS UNDER SECTION 25 (a), FEDERAL RESERVE ACT

LIMITATIONS AND RESTRICTIONS; AGGREGATE LIABILITIES

Effective February 2, 1945, § 211.15 (b) is amended to read as follows:

§ 211.15 *General limitations and restrictions.* * * *

(b) *Aggregate liabilities of the Corporation.* Except with the permission of the Board of Governors of the Federal Reserve System, the aggregate of the Corporation's liabilities outstanding on account of acceptances, monthly average domestic and foreign deposits, debentures, bonds, notes, guaranties, indorsements, and other such obligations shall not exceed ten times the amount of the Corporation's subscribed capital and surplus. In determining the amount of the liabilities within the meaning of this paragraph, indorsements of bills of exchange having not more than six months to run, drawn and accepted by others than the Corporation, shall not be included.

(Sec. 11 (i) 38 Stat. 262, 41 Stat. 378, 41 Stat. 1145, 42 Stat. 28, sec. 329, 49 Stat. 717; 12 U.S.C. 248 (i) 12 U.S.C. 611-631 and Supp.)

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 45-2119; Filed, Feb. 5, 1945; 10:56 a. m.]

PART 220—EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

SUPPLEMENT TO REGULATION T

Effective February 5, 1945, § 220.8 (Supplement to Regulation T) is hereby

amended by changing the maximum loan value figure "60 per cent" in the first paragraph to "50 per cent" and by changing the maximum loan value figure "75 per cent" in the second paragraph to "65 per cent" so that as thus amended § 220.8 will read as follows:

§ 220.8 *Supplement*—(a) *Maximum loan value for general accounts.* The maximum loan value of a registered security (other than an exempted security) in a general account, subject to § 220.3 shall be 50 per cent of its current market value.

(b) *Maximum loan value for special omnibus accounts.* The maximum loan value of a registered security (other than an exempted security) in a special omnibus account, subject to § 220.4, shall be 65 per cent of its current market value.

(c) *Margin required for short sales.* The amount to be included in the adjusted debit balance of a general account pursuant to § 220.3 (d) (3) as margin required for short sales of securities (other than exempted securities) shall be 50 per cent of the current market value of each such security, and in the case of a special omnibus account with another member, broker or dealer, such amount shall be 35 per cent of such current market value.

(Sec. 3 (a) and (b) sec-7 (a) (b) (c) and (d) sec. 8 (a) sec. 17 (b) and sec. 23 (a) 48 Stat. 881, 886, 888, 897, and 901, sec. 8, 49 Stat. 1379; 15 U.S.C. 78c-(a) and (b) 78g-(a) (b) (c) and (d), 78h-(a) 78q-(b), 78w-(a))

Board of Governors of The Federal Reserve System.

[SEAL] S. R. CARPENTER, *Assistant Secretary.*

[F. R. Doc. 45-2120; Filed, Feb. 5, 1945; 10:56 a. m.]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING STOCKS REGISTERED ON A NATIONAL SECURITIES EXCHANGE

SUPPLEMENT TO REGULATION U

Effective February 5, 1945, § 221.4 (Supplement to Regulation U) is hereby amended by changing the maximum loan value figure "60 per cent" in the first paragraph to "50 per cent" and by changing the maximum loan value figure "75 per cent" in the second paragraph to "65 per cent" so that as thus amended § 221.4 will read as follows:

§ 221.4 *Supplement*—(a) *Maximum loan value of stock.* For the purpose of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 50 per cent of its current market value, as determined by any reasonable method.

(b) *Loans to brokers and dealers.* Notwithstanding the foregoing, a stock, if registered on a national securities exchange, shall have a special maximum loan value of 65 per cent of its current market value, as determined by any reasonable method, in the case of a loan to a broker or dealer from whom the bank (1) accepts in good faith a signed statement to the effect that he is subject to the provisions of Part 220 of this chapter (or that he does not extend or maintain credit to or for customers except in accordance therewith as if he were subject thereto) and (2) receives written notice, pursuant to a rule of the Securities and Exchange Commission concerning the hypothecation of customers' securities by brokers or dealers (Rule X-8C-1 or Rule X-1502-1) to the effect that the stock is a security carried for the account of a customer.

(Secs. 3 (a) and (b) 7, 17 (b) 48 Stat., 882, 886, 897, sec. 23 (a) as amended by sec. 8, 49 Stat. 1379; 15 U.S.C. 78c, 78g, 78q (b) 15 U.S.C., Supp. 78w (a))

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER, *Assistant Secretary.*

[F. R. Doc. 45-2121; Filed, Feb. 5, 1945; 10:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. 331]

AIR CARRIER AIRPLANE REAR POSITION LIGHTS

NONCOMPLIANCE WITH REQUIREMENTS

Noncompliance with the requirements of § 15.2015 of the Civil Air Regulations with respect to air carrier airplane rear position lights.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 2d day of February 1945.

The following Special Civil Air Regulation is made and promulgated to become effective February 2, 1945:

Rear position lights emitting an alternate aviation red and aviation white flash not complying with § 15.2015 of the Civil Air Regulations may be used on air carrier airplanes operated in scheduled air transportation when such use has been approved by the Administrator.

This regulation shall terminate July 31, 1945.

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

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 45-2125; Filed, Feb. 5, 1945; 11:04 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4548]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

E. J. BRACH & SONS

§ 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices.* In or in connection with the purchase of glucose or corn sirup unmixed in commerce, (1) knowingly purchasing from any seller at prices lower than the prices concurrently charged by such seller to the trade generally, including competitors of respondent, when the discriminations thus received are substantially similar to those described in the findings as to the facts herein; (i. e., as there in detail set forth, discriminations under which, as illustrative, respondent received, for some five months, a price of $2.29 per hundredweight, on 93 tank car loads of glucose, amounting to about 95,000 pounds each, sold and delivered to it by a certain manufacturer, while concurrently charging the trade generally, including respondent's competitors, prices ranging from $2.39 to $2.64) (2) making deductions from the invoice price of any seller in remitting payment for the purpose of reducing such price on the basis of a discriminatory price actually being received or falsely represented as being received from another seller, when the invoice price from which deduction is made is known to be that concurrently charged by the seller to the trade generally, including competitors of respondent, and the discriminations obtained through such deductions are substantially similar to those described in the findings as to the facts herein; (i. e., as there in detail set forth, discriminations obtained as illustrative, through deductions made by respondent, over a period of some twelve months and on about 235 tank carloads of glucose sold and delivered to it by the two manufacturers concerned, of from 10¢ to 20¢ per hundredweight, from the prices which said manufacturers were concurrently charging the trade generally, including respondent's competitors) (3) inducing the sale by or purchasing from any seller at prices known to be less than the prices concurrently charged by such seller to the trade generally, including competitors of respondent, through excess "bookings" or other manipulation of the "booking" privilege, when the discriminations thus obtained are substantially similar to those described in the findings as to the facts herein; (i. e., as there in detail set forth, discrimination under which respondent received an advantage over its competitors of from 15¢ to 90¢ per hundredweight on 93 tank car loads of glucose, and 90¢ on a substantial number of said carloads, after expiration of the "booking" delivery period.) or (4) knowingly inducing or receiving any discriminations in price prohibited by subsection (a) of section 2 of the Clayton Act as amended; prohibited. (Sec. 2 (f), 49 Stat. 1527; 15 U.S.C., sec. 13 (f))

[Cease and desist order, E. J. Brach & Sons, Docket 4548, December 21, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of December, A. D. 1944.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, admissions made on the record of certain allegations of the complaint, testimony and other evidence in support of and in opposition

to certain other allegations of the complaint taken before an examiner theretofore duly designated by it (report of the trial examiner and the filing of briefs having been waived and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that respondent E. J. Brach & Sons has violated the provisions of subsection (f) of section 2 of an act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (Clayton Act) as amended by act approved June 19, 1936 (Robinson-Patman Act)

It is ordered, That respondent E. J. Brach & Sons, a corporation, its officers, representatives, agents, and employees, directly or indirectly, in or in connection with the purchase of glucose or corn sirup unmixed in commerce, as "commerce" is defined in the aforesaid Clayton Act as amended, do forthwith cease and desist from:

1. Knowingly purchasing from any seller at prices lower than the prices concurrently charged by such seller to the trade generally, including competitors of respondent, when the discriminations thus received are substantially similar to those described in the findings as to the facts herein.

2. Making deductions from the invoice price of any seller in remitting payment for the purpose of reducing such price on the basis of a discriminatory price actually being received or falsely represented as being received from another seller, when the invoice price from which deduction is made is known to be that concurrently charged by the seller to the trade generally, including competitors of respondent, and the discriminations obtained through such deductions are substantially similar to those described in the findings as to the facts herein.

3. Inducing the sale by or purchasing from any seller at prices known to be less than the prices concurrently charged by such seller to the trade generally, including competitors of respondent, through excess "bookings" or other manipulation of the "booking" privilege, when the discriminations thus obtained are substantially similar to those described in the findings as to the facts herein.

4. Knowingly inducing or receiving any discriminations in price prohibited by subsection (a) of section 2 of the aforesaid Clayton Act as amended.

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

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 45-2040; Filed, Feb. 3, 1945; 9:47 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter Q—Leases and Permits on Restricted Indian Lands

PART 171—LEASING OF INDIAN ALLOTTED AND TRIBAL LANDS FOR FARMING, GRAZING AND BUSINESS

BUSINESS LEASES, ALLOTTED LAND

Section 171.10 is amended to read as follows:

§ 171.10 *Business leases, allotted land.* The letting of allotted lands for business purposes shall be accomplished through leases, or through permits revocable in the discretion of the Commissioner of Indian Affairs. No lease or permit shall be for a period in excess of five years, as provided for in § 171.1 of this part. Where the annual rental of any lease or permit does not exceed $1,000, approval thereof shall be by the Superintendent and need not be submitted to the Commissioner of Indian Affairs. Where the annual rental is in excess of $1,000 the lease or permit shall be submitted to the said Commissioner for his consideration. (26 Stat. 795, sec. 1, 28 Stat. 305, sec. 1, 31 Stat. 229, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 123, sec. 1, 41 Stat. 1232; 25 U.S.C. 397, 402, 395, 403, 394, 393)

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JANUARY 31, 1945.

[F. R. Doc. 45-2105; Filed, Feb. 3, 1945; 4:37 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D 5436]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

EXTENSION OF TIME WITH RESPECT TO EMPLOYEES' TRUSTS

In order to conform Regulations 111 (26 CFR, Cum. Supp., Part 29) and Regulations 103 (26 CFR, Cum. Supp., Part 19) to sections 2 and 3 of Public Law 511 (78th Congress) approved December 20, 1944, relating to extension of time for satisfying requirements of section 165 (a) (3) (4) (5) and (6) of the Internal Revenue Code, with respect to trusts forming part of a stock bonus, pension, or profit-sharing plan of an employer, and for filing claims for credit or refund with respect to war losses under section 127 of such Code for a taxable year beginning in 1941, such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately preceding § 29.23 (p)-1 the following:

PUBLIC LAW 511 (78TH CONGRESS, 2ND SESSION), APPROVED DECEMBER 20, 1944.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 2. (a) Section 162 (d) (1) (B) of the Revenue Act of 1942 (relating to employees' trusts) is amended to read as follows:

(B) such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending June 30, 1945, if the provisions thereof satisfy such requirements by June 30, 1945, and if by that time all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943.

(b) Section 162 (d) (2) of the Revenue Act of 1942 (relating to employees' trusts) is amended to read as follows:

(2) A stock bonus, pension, profit-sharing, or annuity plan—

(A) put into effect after September 1, 1942, and prior to January 1, 1945, shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with June 30, 1945, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943;

(B) put into effect after December 31, 1944, shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put in effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period.

PAR. 2. Section 29.23 (p)-9, as amended by Treasury Decision 5342, approved March 14, 1944, is further amended by changing the parenthetical matter immediately after the fifth sentence to read as follows: "(See section 162 (d) of the Revenue Act of 1942, as amended by Public Law 511 (78th Congress) approved December 20, 1944.)"

PAR. 3. There is inserted immediately preceding § 29.165-1 the following:

PUBLIC LAW 511 (78TH CONGRESS, 2ND SESSION), APPROVED DECEMBER 20, 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 2. (a) Section 162 (d) (1) (B) of the Revenue Act of 1942 (relating to employees' trusts) is amended to read as follows:

(B) such a plan shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending June 30, 1945, if the provisions thereof satisfy such requirements by June 30, 1945, and if by that time all provisions of such plan which are necessary to satisfy such requirements are in effect and have

been made effective for all purposes with respect to the portion of such period after December 31, 1943.

(b) Section 162 (d) (2) of the Revenue Act of 1942 (relating to employees' trusts) is amended to read as folows:

(2) A stock bonus, pension, profit-sharing, or annuity plan—

(A) put into effect after September 1, 1942, and prior to January 1, 1945, shall be considered as satisfying the requirements of section 165 (a) (3), (4) (5), and (6) for the period beginning with the date on which it was put into effect and ending with June 30, 1945, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943;

(B) put into effect after December 31, 1944, shall be considered as satisfying the requirements of section 165 (a) (3), (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put in effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period.

PAR. 4. Section 29.165–5, as amended by Treasury Decision 5342, approved March 14, 1944, is further amended by striking out the second and third paragraphs and substituting the following:

In the case of a plan in effect on or before September 1, 1942, the plan will be considered as satisfying the requirements of section 165 (a) (3) (4) (5) and (6) for the period beginning with the beginning of the first taxable year following December 31, 1942, and ending June 30, 1945, if the provisions of the plan satisfy such requirements by June 30, 1945, and if by that time all provisions of such plan which are necessary to satisfy such requirements are in effect and have been made effective for all purposes with respect to the portion of such period after December 31, 1943. Thus, if an employer having such a plan in effect makes a return on the basis of the calendar year, he will have until June 30, 1945, to amend his plan so as to make it satisfy the requirements of section 165 (a) (3) (4) (5) and (6) for the calendar years 1943 and 1944 provided that by June 30, 1945, all provisions of such plan necessary to satisfy such requirements are in effect and have been made retroactive for all purposes to January 1, 1944. If the employer is on a fiscal year basis, for example February 1 to January 31, he will have until June 30, 1945, to amend his plan so as to make it satisfy the requirements of section 165 (a) (3) (4) (5) and (6) for the fiscal years beginning February 1, 1943, and ending January 31, 1944, and beginning February 1, 1944, and ending January 31, 1945, provided that by June 30, 1945, all provisions of such plan necessary to satisfy such requirements are in effect and have been made retroactive for all purposes to January 1, 1944.

In the case of a plan put into effect after September 1, 1942, and prior to January 1, 1945, the plan will be considered as satisfying the requirements of section 165 (a) (3) (4), (5), and (6) for the period beginning with the date on which it was put into effect and ending with June 30, 1945, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the portion of such period after December 31, 1943. Thus, if an employer in 1943 adopts such a plan effective as of January 1, 1943, and makes a return on the basis of the calendar year he will have until June 30, 1945, to amend his plan so as to make it satisfy the requirements of section 165 (a) (3) (4) (5) and (6) for the calendar years 1943 and 1944, provided that by June 30, 1945, all provisions of such plan necessary to satisfy such requirements are in effect and have been made retroactive for all purposes to January 1, 1944. If the employer is on a fiscal year basis, for example, July 1 to June 30, and in 1943 adopts such a plan effective as of July 1, 1943, he will have until June 30, 1945, to amend his plan so as to make it satisfy the requirements of section 165 (a) (3) (4) (5) and (6) for the fiscal years beginning July 1, 1943, and ending June 30, 1944, and beginning July 1, 1944, and ending June 30, 1945; *Provided,* That by June 30, 1945, all provisions of such plan necessary to satisfy such requirements are in effect and have been made retroactive for all purposes to January 1, 1944.

In the case of a plan put into effect after December 31, 1944, the plan will be considered as satisfying the requirements of section 165 (a) (3) (4) (5) and (6) for the period beginning with the date on which it was put into effect and ending with the 15th day of the third month following the close of the taxable year of the employer in which the plan was put in effect, if all provisions of the plan which are necessary to satisfy such requirements are in effect by the end of such period and have been made effective for all purposes with respect to the whole of such period. Thus if an employer in 1945 adopts such a plan effective as of January 1, 1945, and makes a return on the basis of the calendar year, he will have until March 15, 1946, to amend his plan so as to make it satisfy the requirements of section 165 (a) (3), (4) (5) and (6) for the calendar year 1945: *Provided,* That by March 15, 1945, all provisions of such plan necessary to satisfy such requirements are in effect and have been made retroactive for all purposes to January 1, 1945, the effective date of the plan. If an employer is on a fiscal year basis, for example April 1 to March 31, and in 1945 adopts such a plan effective as of April 1, 1945, he will have until June 15, 1946, to amend his plan so as to make it satisfy the requirements of section 165 (a) (3), (4) (5) and (6) for the fiscal year beginning April 1, 1945, and ending March 31, 1946: *Provided,* That by June 15, 1946, all provisions of such plan necessary to satisfy such requirements are in effect and have been made retroactive for all purposes to April 1, 1945, the effective date of the plan.

PAR. 5. There is inserted immediately preceding § 19.322–1 the following:

PUBLIC LAW 511 (78TH CONGRESS, 2ND SESSION), APPROVED DECEMBER 20, 1944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

Sec. 3. If a claim for credit or refund under the internal revenue laws relates to an overpayment on account of the deductibility by the taxpayer of a loss in respect of property considered destroyed or seized under section 127 (a) of the Internal Revenue Code (relating to war losses) for a taxable year beginning in 1941, the three-year period of limitation prescribed in section 322 (b) (1) of the Internal Revenue Code shall in no event expire prior to December 31, 1945. In the case of such a claim filed on or before December 31, 1945, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 322 (b) (2) or (3) of such code, whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of the loss described in this section.

PAR. 6. Section 19.322–7 as amended by Treasury Decision 5395, approved August 11, 1944, is further amended by changing the last sentence of paragraph (a) to read as follows:

The provisions of this paragraph are subject to the exceptions provided in paragraphs (b) (c) and (d) of this section and in section 3 of Public Law 511 (78th Congress) approved December 20, 1944, extending to December 31, 1945, the time for filing a claim for credit or refund based upon an overpayment of the tax as a result of the failure to take a war-loss deduction in respect of property considered destroyed or seized under section 127 (a) of the Code for a taxable year beginning in 1941.

(Sec. 62, Internal Revenue Code (53 Stat. 32; 26 U.S.C., 62) and secs. 2 and 3, Pub. Law 511 (78th Cong.) approved December 20, 1944.)

[SEAL] GEO. J. SCHOENEMAN,
Acting Commissioner of Internal Revenue.

Approved: February 3, 1945.
JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45–2134; Filed, Feb. 5, 1945; 11:37 a. m.]

Subchapter B—Estate and Gift Taxes

[T. D. 5434]

PART 81—REGULATIONS RELATING TO ESTATE TAX

RELEASE OF POWERS OF APPOINTMENT

In order to conform Regulations 105 (26 CFR, Cum. Supp., Part 81) to Public Law 511, approved December 20, 1944 (78th Congress, 2d Session), such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after section 505 of the Revenue Act of 1943, which was inserted by Treasury Decision 5351, approved March 27, 1944, and preceding section 302 (f) of the Revenue Act of 1926 (as originally en-

acted) as set forth preceding § 81.24, the following:

PUBLIC LAW 511 (78TH CONGRESS, 2D SESSION), APPROVED DECEMBER 20, 1944.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 403 (d) (3) of the Revenue Act of 1942 (relating to the release of certain powers of appointment) is amended by striking out "January 1, 1945" wherever it appears and inserting in lieu thereof "July 1, 1945" * * *

PAR. 2. Section 81.24 (b) added by Treasury Decision 5239, approved March 10, 1943, and as amended by Treasury Decision 5283, approved July 12, 1943, and Treasury Decision 5351, approved March 27, 1944, is further amended as follows:

(A) By striking out "December 31, 1944" wherever it appears and by inserting in lieu thereof "June 30, 1945"

(B) By striking from the first sentence of subparagraph (3) "(as amended by section 505 of the Revenue Act of 1943)" and by inserting in lieu thereof "(as amended by Public Law 511 (78th Congress) approved December 20, 1944)"

(C) By striking out "January 1, 1945" wherever it appears and by inserting in lieu thereof "July 1, 1945"

(Sec. 3791, I.R.C. (53 Stat. 467, 26 U.S.C., 3791) and Pub. Law 511 (78th Cong.), approved Dec. 20, 1944)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: February 2, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-2045; Filed, Feb. 3, 1945; 12:42 p. m.]

[T. D. 5437]

PART 86—GIFT TAX UNDER CHAPTER 4 OF INTERNAL REVENUE CODE, AS AMENDED

RELEASE OF POWERS OF APPOINTMENT

In order to conform Regulations 108 (26 CFR, Cum. Supp., Part 86) to Public Law 511, approved December 20, 1944 (78th Congress, 2nd Session) such regulations are amended as follows:

PARAGRAPH 1. There is inserted immediately after section 505 of the Revenue Act of 1943, which was inserted by Treasury Decision 5366, approved May 5, 1944, and preceding § 86.1, the following:

PUBLIC LAW 511 (78TH CONGRESS, 2ND SESSION), APPROVED DECEMBER 20, 1944.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That * * * section 452 (c) of the Revenue Act of 1942 is amended to read as follows:

(c) *Release Before July 1, 1945.* (1) A release of a power to appoint before July 1, 1945, shall not be deemed a transfer of property by the individual possessing such power.

(2) This subsection shall apply to all calendar years prior to 1945 and to that part of the calendar year 1945 prior to July 1, 1945.

PAR. 2. Section 86.2 (*b*) as amended by Treasury Decision 5366, approved May 5, 1944, is further amended as follows:

(A) By striking out "January 1, 1945" wherever it appears and by inserting in lieu thereof "July 1, 1945"

(B) By striking out "as amended by section 505 of the Revenue Act of 1943" wherever it appears and by inserting in lieu thereof "as amended by Public Law 511 (78th Congress) approved December 20, 1944."

(Secs. 1000 (c), 1029, and 3791, Internal Revenue Code (56 Stat. 952; 53 Stat. 157, 467; 26 U. S. C., 1000 (c), 1029, 3791), and Pub. Law 511 (78th Cong.), approved December 20, 1944)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: February 3, 1945.

JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 45-2135; Filed, Feb. 5, 1945; 11:37 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 803—GENERAL ORDERS

WAGE ADJUSTMENTS FOR EMPLOYEES OF SELECTIVE SERVICE SYSTEM

The National War Labor Board has adopted the following new general orders:

§ 803.39 *General Order No. 39.* (a) The National War Labor Board hereby delegates to the Director of Selective Service the authority to approve adjustments in the wages and salaries of the employees of the Selective Service System not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, in accordance with the further provisions of this order.

(b) In the exercise of the authority delegated hereunder, the Director of Selective Service shall comply with the terms of Executive Order 9250, dated October 3, 1942; Executive Order 9328, dated April 8, 1943; the supplement thereto issued by the Director of Economic Stabilization, dated May 12, 1943; and all pertinent principles and policies of the National War Labor Board, or of the Director of Economic Stabilization heretofore or hereafter announced.

(c) The Director of Selective Service, without making a ruling thereon, may refer to the National War Labor Board for decision any case which, in his opinion, presents a doubtful or disputed question of sufficient seriousness or import to warrant action by the National War Labor Board.

(d) Any ruling by the Director of Selective Service hereunder shall be deemed to be the act of the National War Labor Board and shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative, and to reverse or modify the same. However, any such reversal or modification shall not be retroactive.

(e) The Director of Selective Service shall transmit to the Wage Stabilization Division of the National War Labor Board copies of his rulings and rules of procedure, if any, as they are issued, and such additional data and reports as said division, or the Board, may, from time to time deem necessary.

Adopted: January 30, 1945.

(E.O. 9250, Oct. 2, 1942, 7 F.R. 7871; as amended by E.O. 9381; Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, Apr. 8, 1943; 8 F.R. 4681, Act of Oct. 2, 1942, C 578, 56 Stat. 765, Pub. Law 729, 77th Cong.)

FRED E. DEMOND,
Acting Executive Director.

[F. R. Doc. 45-2042; Filed, Feb. 3, 1945; 11:23 a. m.]

Chapter VIII—Commissioner of Internal Revenue

[T. D. 5435]

PART 1002—STABILIZATION OF SALARIES

EFFECT OF UNLAWFUL PAYMENTS; AMOUNT DISREGARDED

Treasury Decision 5295 (29 CFR, 1943 Supp., Part 1002) relating to the stabilization of salaries under the act of October 2, 1942, is amended as follows:

Section 1002.28 is amended to read as follows:

§ 1002.28 *Amounts disregarded.* (a) Section 5 (a) of the act provides in effect that the President shall prescribe the extent to which any salary payment made in contravention of regulations promulgated under the act shall be disregarded by executive departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any other law or regulation. Paragraph (a) of § 4001.15 of Chapter XVIII of Title 32 (9 F.R. 14547), as amended, provides in effect that if any salary payment is determined by the Commissioner to have been made by an employer in contravention of the act or the regulations, rulings, or orders promulgated thereunder, the entire amount of such payment shall be certified to and disregarded by the executive departments and all other agencies of the Government (except as provided in paragraph (b) and paragraph (c) of such section) for the purposes of:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereof.

(2) Calculating deductions under the revenue laws of the United States.

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

Paragraph (b) of § 4001.15 of Chapter XVIII of Title 32 (9 F.R. 14547) as amended, provides in effect that the Commissioner is authorized, in any case in which it has been found that an employer has made wage or salary payments in contravention of the act, to determine, in the light of such extenuating circumstances as are found to be present in

each case and all other pertinent considerations: (1) An amount, less than the full amount prescribed above, which shall be disregarded by the executive departments and other agencies of the government, and (2) the particular departments or other agencies of the government by which the amount shall be disregarded, and to certify such amounts to such agencies. Paragraph (c) of § 4001.15 of Chapter XVIII of Title 32 (9 F.R. 14547) as amended, provides in effect that any such determination by the Commissioner shall be conclusive and the executive departments and the other agencies of the government which receive such certifications shall disregard the amount thus certified in determining the employer's costs or expenses for the purpose of any law or regulation including the Emergency Price Control Act of 1942 or any maximum price regulation thereunder; or for the purpose of calculating deductions under the revenue laws of the United States; or for the purpose of determining costs or expenses of any contract made by or on behalf of the United States.

(b) In the case of salaries decreased in contravention of the act, the amount to be disregarded may, under paragraph (a) of this section, be the entire amount of the salary actually paid or accrued by the employer at the reduced rate. Thus, if, for example, on November 1, 1942, a weekly salary rate of $100 has been unjustifiably reduced to $50 for the remainder of the calendar year 1942, the amount to be disregarded under paragraph (a) of this section may be the total amount of salary paid at the weekly rate of $50.

(c) In the case of salaries increased in contravention of the act, the amount to be disregarded may, under paragraph (a) of this section, be the entire amount of the salary actually paid or accrued by the employer at the increased rate and not merely an amount representing an increase in such salary. Thus, if, for example, on November 1, 1942 a weekly salary rate of $100 is unjustifiably increased to $150 for the remainder of 1942, then the amount of salary to be disregarded for purposes of paragraph (a) of this section may be the total amount paid at the weekly rate of $150. Also, if, for example, on February 1, 1943 a weekly salary rate of $100 is increased to $150 without prior required approval, but is restored to $100 on June 1, 1943, after formal disapproval by the Commissioner or regional officer, then the amount of salary to be disregarded for purposes of paragraph (a) of this section may be the total amount at the weekly rate of $150. Neither in the cases described in this paragraph nor in the case described in paragraph (b) of this section are the total amounts paid at the weekly rate of $100 to be disregarded for purposes of paragraph (a) of this section. (See § 1002.30 relating to salary allowances under section 23 (a) of the Code.)

[SEAL] JOSEPH D. NUNAN, Jr.,
Commissioner of Internal Revenue.

Approved: FEBRUARY 2, 1945.

JOSEPH J. O'CONNELL,
Acting Secretary of the Treasury.

[F. R. Doc. 45-2046; Filed, Feb. 3, 1945; 12:42 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter C—Explosives (Including Sheathed Explosives) and Blasting Devices; Tests for Permissibility and Suitability; Fees

[Schedule 1F]

PART 15—EXPLOSIVES (INCLUDING SHEATHED EXPLOSIVES) AND BLASTING DEVICES

Subchapter C is hereby amended to read as follows: [1]

Preliminary statement: The Bureau of Mines is prepared to test explosives (including sheathed explosives) and blasting devices for the purpose of determining their permissibility for use in coal mines. It is also prepared to test explosives (including sheathed explosives) for the purpose of determining their characteristics with respect to suitability for use in metal mines, tunnels, quarries, and other engineering operations. Moreover, it is prepared to test explosives (including sheathed explosives) and blasting devices under any one of the individual tests listed in this Part 15, which is Schedule 1F

The authority for conducting scientific and technical tests or investigations concerning explosives is contained in the act of February 25, 1913 (37 Stat. 681) as amended June 30, 1932 (47 Stat. 410) and in Executive Order 6611, February 22, 1934 (30 U.S.C. secs. 3, 5, 7)

The act as amended and as modified by the Executive order contains the following provisions relating to the testing of explosives and to fees charged therefor:

It shall be the province and duty of the Bureau of Mines, subject to the approval of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions, and increasing safety efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; to investigate explosives and peat; and on behalf of the Government to investigate the mineral fuels and unfinished mineral products belonging to, or for use of, the United States, with a view to their most efficient mining, preparation, treatment, and use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

The Director of the Bureau of Mines shall prepare and publish, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mines fires; and other subjects included under the provisions of this act.

For tests or investigations authorized by the Secretary of the Interior under the provisions of this act, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

This document, consisting of §§ 15.1 to 15.15, inclusive, is Schedule 1F and supersedes all schedules heretofore issued by the Bureau of Mines relating to the testing of explosives (including sheathed explosives) or blasting devices for permissibility, or suitability, regardless of whether such schedules have been published in the FEDERAL REGISTER.

Sec.
15.1 Definitions.
15.2 Nature of tests.
15.3 Application requesting tests.
15.4 Fees for making tests.
15.5 Instructions for submitting explosives (including sheathed explosives) and equipment for blasting devices.
15.6 Conditions and requirements under which tests on explosives (including sheathed explosives) and blasting devices will be made.
15.7 Methods of testing.
15.8 Requirements for approval of explosives (including sheathed explosives) and blasting devices.
15.9 Conditions under which approval of explosives (including sheathed explosives) and blasting devices is granted.
15.10 Approval plate or label.
15.11 Changes in design of blasting devices subsequent to approval.
15.12 Active and inactive lists.
15.13 Field sampling.
15.14 Tolerances as applied to field or manufacturer's samples.
15.15 Notification regarding field samples of explosives (including sheathed explosives) and blasting devices.

AUTHORITY: §§ 15.1 to 15.15, inclusive, issued under 37 Stat. 681, as amended by sec. 311, 47 Stat. 410, 30 U.S.C. 3, 5, 7; E.O. 6611, Feb. 22, 1934.

§ 15.1 *Definitions.* For the sake of brevity and clearness certain terms which will be used throughout this part are defined as follows:

(a) *Explosive.* The word "explosive" when used as a noun herein shall mean gunpowders, powders used for blasting, all forms of high explosives, blasting agents, fuses, detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixtures that contain any oxidizing and combustible units, or other ingredients in such proportions that ignition by fire, by friction, by percussion, or by detonation of, or any part of the compound, may generate suddenly highly heated gases that the resultant gaseous pressures are capable of producing destruc-

[1] Part 18 of this Chapter I, entitled "Junction boxes and electric motor-driven equipment" the text of which was correctly set out in 30 CFR as a part of Subchapter D, was erroneously referred to in 30 CFR, Cum. Supp. as a part of Subchapter C. The present revision of Subchapter C does not affect Part 18 which is properly a part of Subchapter D.

tive effects on contiguous objects or of destroying life or limb.

For the purpose of this schedule, a blasting device in which the blasting agent is carbon dioxide is considered not an explosive. Sheathed explosives are a subclass under explosives, and may be included under that term.

(b) *Sheathed explosives.* A sheathed explosive is a blasting explosive surrounded on all the sides, but not the ends, by a chemical compound or mechanical mixture, which upon explosion acts to reduce the temperature of the highly heated gases produced by the explosive.

(c) *Approval.* An approval is an official certification, in the form of a report on a special class of coal-mining explosives and coal-mining blasting devices, issued only by the Director of the Bureau of Mines to a responsible organization stating that an investigation of its explosive or device has shown that this meets satisfactorily all the conditions and requirements for permissibility hereinafter set forth. Reports of tests other than the complete series required for the determination of permissibility are not approvals and should not be construed as such.

(d) *Basic sample.* The term "basic sample" is used only in connection with permissible explosives. It is applied to the original sample that was tested to determine the permissibility of the explosive. Chemical and physical characteristics of future samples bearing the same brand name are checked against the basic sample.

(e) *Equivalent.* An ingredient that will not materially alter the properties of the explosive and that will produce the same result as the original substance shall be considered an equivalent. In matters affecting its approval, the Bureau will deem itself sole judge of the question of equivalence.

(f) *Ingredients.* Those substances reported as found by the Bureau of Mines in the original sample of explosive submitted as the basic sample shall be considered the ingredients of that permissible explosive.

(g) *Lot of permissible explosives.* The term "lot of permissible explosives," as used in applying the tolerances, is defined as all that explosive in the magazine from which a field sample or manufacturer's sample is procured, bearing identical case markings.

(h) *Permissible.* An adjective used to designate complete assemblies having formal approval of the Bureau of Mines for use in mines having atmosphere that may become inflammable by reason of the presence of gas and coal dust or gas or dust alone.

(i) *Permissible explosive.* A permissible explosive must be similar in all respects to the "basic sample" that has passed certain tests prescribed by the Bureau to determine its safety for use in coal mines. It is permissible only when used in accordance with the conditions prescribed by the Bureau.

(j) *Sheathed permissible explosive.* A sheathed permissible explosive shall be similar in all respects to the "basic sample" of the assembly, consisting of both explosive and sheath, that has passed certain tests prescribed by the Bureau to determine its safety for use in coal mines. It is permissible only when used as an assembly of explosive and corresponding sheath in accordance with conditions prescribed by the Bureau.

(k) *Permissible blasting device.* The term "blasting device" for the purposes of this part is defined as a device in which the blasting agent is carbon dioxide. As the only blasting devices for which a complete system for testing for permissibility has been established are devices in which the blasting agent is liquid carbon dioxide, only this class of blasting devices may be tested under this schedule. A permissible blasting device must be similar in all respects to the model that has passed certain tests prescribed by the Bureau to determine its safety for use in coal mines. It is permissible only when used in accordance with the conditions prescribed by the Bureau.

(l) *Tolerances.* The tolerances promulgated by the Bureau of Mines provide for reasonable limits of variation in the results of analyses and tests of field samples of permissible explosives or check tests of permissible blasting devices in comparing these samples with the basic samples or the devices originally approved.

(m) *Suitability.* The suitability of an explosive not sheathed or sheathed is determined in the manner set out in § 15.2 (c) Such a determination, however, does not carry with it any pronouncement or inference that the Bureau of Mines is satisfied that the explosive not sheathed or sheathed is suitable for any particular purpose. It means only that the tests referred to have been performed and that the results have been furnished to the person who submitted the explosive not sheathed or sheathed for testing.

§ 15.2 *Nature of tests*—(a) *Permissibility of an explosive.* The determination of the permissibility of an explosive for use in coal mines requires the following tests:

(1) Pendulum friction.
(2) Physical examination.
(3) Chemical analysis.
(4) Explosion by influence.
(5) Strength (ballistic pendulum).
(6) Gallery.
(i) 8-percent gas-air mixture (gallery test 1)
(ii) 4-percent gas-air mixture plus coal dust (gallery test 4)
(iii) 8-percent gas-air mixture, charge suspended in gallery (for sheathed explosives only)
(iv) 4-percent gas-air mixture plus coal dust, charge suspended in gallery (for sheathed explosives only).
(7) Rate of detonation (includes propagation)
(8) Gaseous products of explosion.
(9) Rough usage (for sheathed explosives only)
(10) Other tests if, in the opinion of the engineers of the Bureau, they are required to establish the safety of the explosive. Such additional tests may be necessary when the cartridge is of exceptional construction or contains ingredients of an unusual or unique nature, or when any other questionable features are present.

(b) *Permissibility of a blasting device.* The determination of the permissibility of a blasting device for use in coal mines requires all of the tests enumerated in paragraph (a) of this section except in subparagraphs (1), (4), (6) (iii) (6) (iv) (7) and (9).

(c) *Suitability of an explosive sheathed or not sheathed.* The determination of the suitability of an explosive for use in metal mines, tunnels, quarries, and other engineering operations (not including coal mines) requires a determination of its characteristics by any or all of the tests enumerated in paragraph (a) of this section except in subparagraphs (6) and (9) which are usually required only for sheathed explosives.

§ 15.3 *Application requesting tests.* Before the Bureau of Mines will make any tests on an explosive or a blasting device, the manufacturer or user must file an application in the form of a letter (there are no application blanks to be filled out) requesting the tests desired, with a statement as to the nature of the explosive or blasting device to be tested. This application must be addressed to the Director, Bureau of Mines, Washington 25, D. C., and be accompanied by a certified check or bank draft payable to the Treasurer of the United States to cover all fees for the tests. A copy of the application shall be sent by the applicant to the Explosives Division, Bureau of Mines, 4800 Forbes Street, Pittsburg 13, Pa. If an applicant is a manufacturer of explosives, he must furnish with the application the formula for the explosive. The Bureau's engineers will review the application and make recommendations to the Director as to whether or not the tests should be undertaken.

§ 15.4 *Fees for making tests.* The following fees will be charged for making tests.

(a) *Explosives (including sheathed explosives)*—(1) *Determination of permissibility of an explosive (not sheathed).* Complete official test of each explosive to determine its permissibility for use in coal mines, $250. This fee covers charges for tests enumerated in § 15.2 (a) (1) to (a) (8) inclusive. For any further tests that may be carried out on an explosive, additional fees will be charged on the basis set out in subparagraph (3) of this paragraph, and for special tests not herein enumerated, that are authorized by the Director, fees will be charged to cover the cost of the work actually performed. In case an explosive is withdrawn or fails to pass any of the official tests, fees on the basis set out in subparagraph (3) of this paragraph, will be charged for all the tests and analyses made up to the time of withdrawal or failure, plus a handling charge of $5. The balance of the fees submitted will be returned to the applicant.

(2) *Determination of permissibility of a sheathed explosive.* Complete official

test of each sheathed explosive assembly, $250. Only explosives that have passed successfully the tests enumerated in § 15.2 (a) (1) to (a) (8) inclusive, will be accepted as a portion of the sheathed assembly. In testing sheathed explosives there will be no extra charge for the testing of cartridges to a total of three different diameters provided all the samples are made from the same lot of ingredients to the same formula and are submitted at the same time. Additional diameters submitted at the same time from the same lot of ingredients to the same formula will be tested for an additional fee of $65 for each diameter. Samples submitted at another time, or failing to meet the conditions as to identity of ingredients, formula, and weight ratio shall be deemed new assemblies and subject to $250 fee.

(3) *Individual tests*[1] *of explosives.* These tests relate to explosives (including sheathed explosives) particularly those used in metal mines, tunnels, quarries, and other engineering operations, and to all special tests on coal mine and other explosives:

(i) Pendulum-friction test to determine sensitiveness to frictional impact, $10.

(ii) Physical examination (for each size cartridge) $5.

(iii) Chemical analysis of explosives, $25. Chemical analyses are made of all samples tested under paragraph (a) (1) or (a) (2) of this section.

(iv) Explosion by influence (halved-cartridge method) $5.

(v) Strength tests:

(*a*) For three experimental shots in ballistic pendulum, $20.

(*b*) For three experimental shots in ballistic mortar, $10.

(vi) For each experimental shot in gallery:

(*a*) 8-percent gas-air mixture (gallery test 1) $5.

(*b*) 4-percent gas-air mixture plus coal dust (gallery test 4) $18.

(*c*) 8-percent gas-air mixture, charge suspended in gallery (for sheathed explosives only), $3.

(*d*) 4-percent gas-air mixture plus coal-dust charge suspended in gallery (for sheathed explosives only) $5.

(vii) For three rate-of-detonation tests, $10.

(viii) For one gage test to determine the gaseous products of explosion (this test does not include the determination of the oxides of nitrogen) $15.

(ix) Rough-usage test (for sheathed explosives only) $10.

(x) Other tests:

(*a*) For three experimental small lead-block tests, $10.

(*b*) For three experimental shots in Trauzl lead blocks, $10.

(*c*) For three experimental shots to determine the calories developed, $15.

(*d*) For small-impact test to determine sensitiveness to direct impact, $5.

(*e*) For large-impact test to determine sensitiveness to direct impact, $22.

(*f*) For maximum pressure by Bichel pressure-gage test, $25.

(*g*) Changing of brand name or the listing of the same explosive under more than one brand name, per additional name, $5.

(*h*) For other tests, estimated costs.

(b) *Blasting devices in which the blasting agent is liquid carbon dioxide*—(1) *For the determination of permissibility.* Official test of each device to determine its permissibility for use in coal mines, but under one condition only as to weight of carbon dioxide, weight of heater ingredient, and thickness of disk, $115. This fee covers charges for tests required under § 15.2 (b)

(2) *For individual tests:*

(i) For each additional condition (this includes cost of making gallery tests 1 and 4) $60.

(ii) For chemical analysis of each additional heater, $25.

(iii) Physical examination, $15.

(iv) For each experimental shot in gallery:

(*a*) 8-percent gas-air mixture (gallery test 1) $4.

(*b*) 4-percent gas-air mixture plus coal dust (gallery test 4) $5.

(v) For three experimental shots in ballistic pendulum, $13.

(vi) For one gage test to determine the gaseous products of explosion, $21.

§ 15.5 *Instructions for submitting explosives (including sheathed explosives) and equipment for blasting devices*—(a) *In general.* The manufacturer or applicant desiring tests to be made on an explosive or blasting device should not ship any samples until advised to do so. After such advice has been received, the manufacturer or applicant may ship, prepaid, to the Explosives Division, Explosives Testing Station, Bureau of Mines, Bruceton, Pa., the samples to be tested. These shipments shall be properly labeled and otherwise shall comply with Interstate Commerce Commission regulations. Section 217 of the Criminal Code (18 U. S. C. 340) contains the following provision:

> * * * and explosives of all kinds, and inflammable materials * * * and mechanical, chemical, or other devices or compositions which may ignite or explode * * * and all other natural or artificial articles, compositions, or material, of whatever kind, which may kill or in anywise hurt, harm or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any letter carrier; but the Postmaster General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property * * *

(b) *Explosives (not sheathed) and sheathed explosives, submitted for complete official tests for permissibility.* The quantities and sizes required for complete official tests for permissibility are as follows:

(1) Seventy-five pounds of each explosive (not sheathed) in 1¼- by 8-inch cartridges, but if the cartridge count per 50-pound case is less than 150 cartridges, then 225 cartridges is the minimum quantity required.

(2) Fifty cartridges of each explosive (not sheathed) in the smallest diameter in which it is desired the explosive shall become permissible, except when this smallest diameter is 1¼ inches.

(3) Ten cartridges of each explosive (not sheathed) in any diameter other than those covered by subparagraphs (1) and (2) of this paragraph in which it is desired the explosive shall become permissible.

(4) Should the manufacturer later desire to market other diameters, the Bureau will establish the basic data for grams of wrapper and apparent specific gravity for those diameters. A fee (§ 15.4 (a) (3) (ii)) will be charged for each diameter. If the diameter is smaller than the smallest permissible diameter approved on the basic sample or any subsequently submitted sample, a propagation test (rate of detonation) will be required and charged for (§ 15.4 (a) (3) (vii)) No retest for propagation can be made on a given diameter which fails in any one trial or for any diameter less than that on which failure occurred.

(5) For sheathed explosives, such a weight of the assembly as shall correspond to 75 pounds of the unsheathed explosive in the size in which it is to be marketed. If it is to be marketed in more than one size, the 75-pound quantity shall apply to the assembly size made up from the unsheathed size that most closely approximates the 1¼- by 8-inch cartridge, and 50 cartridges of each of the other diameters in which it is proposed to market the assembly.

(c) *Explosives (not sheathed) and sheathed explosives submitted for other tests.* The quantities and sizes of cartridges required for tests other than the permissibility tests outlined above will be specified by the Bureau's Explosives Division.

(d) *Blasting devices submitted for complete official tests for permissibility.* One complete device, with two complete sets of assembly and detail drawings that show the construction of the device and the materials of which it is made, should be forwarded to the Explosives Division, Explosives Testing Station, Bruceton, Pa. All materials shall be shipped prepaid. When the device has been inspected by the Bureau's engineers, the applicant will be notified of the amount of fees to be deposited and the number of additional devices and other materials that will be required for the tests. The applicant shall at his own expense ship to and install at the Explosives Testing Station, Bruceton, Pa., such equipment and materials as may be necessary for carrying out the tests.

(e) *Blasting devices submitted for other tests.* The materials required for tests other than the permissibility tests outlined above will be specified by the Bureau.

§ 15.6 *Conditions and requirements under which tests on explosives (including sheathed explosives) and blasting*

[1] The methods of making chemical analyses and physical tests are briefly described in § 15.7.

devices will be made—(a) *General conditions.* (1) Tests on explosives (including sheathed explosives) and blasting devices will be made at the Explosives Testing Station of the Bureau of Mines at Bruceton, Pa., and will be made in the order of receipt.

(2) No one is to be present at or participate in the tests except the Bureau of Mines employees, representatives of the applicant desiring tests to be made, and such other persons as may be mutually agreed upon by the applicant and the Bureau. The applicant will be notified of the date of starting the tests in ample time to have a representative present to witness them. Witnesses shall be present in the capacity of observers only. The conduct of the tests shall be entirely in the hands of the Bureau.

(3) Tests for a manufacturer are limited to samples of explosives (including sheathed explosives) or blasting devices that are his own product.

(4) The results of chemical analyses of materials submitted for test will be furnished only to the manufacturer, and then only when covered by a fee. Users will not be furnished with the results of chemical analyses except in the case of a dispute involving the manufacturer where the Bureau consents to act as an umpire at the request of both parties.

(5) The chemical analyses of the gaseous products of permissible explosives (including sheathed permissible explosives) will be furnished only to the manufacturer. For explosives other than permissible, this analysis may be furnished to either the user of manufacturer.

(6) All reports on the results of tests made by the Bureau of Mines must be considered confidential and retained as such within the applicant's organization.

(b) *Preliminary tests on explosives (including sheathed explosives)* As soon as possible after its receipt, an explosive will be analyzed chemically, an explosion-by-influence test will be made, and either a pendulum-friction or large-impact test, or both, will be made.

(c) *Conditions for nonacceptance of explosive or suspension of tests.* Explosives (including sheathed explosives) containing incompatibles (that is, substances that will react when mixed) or those containing chlorates, chlorites, and perchlorates will not be accepted for tests (except detonators or heaters for blasting devices, which may contain chlorates or perchlorates) because previous investigations made by the Bureau of Mines and general experience in handling explosives of this type have demonstrated their hazardous nature. In the public interest, the Bureau cannot approve such explosives (or sheathed explosives) for use in the mineral industries. Tests will not be continued upon those explosives (including sheathed explosives) that fail to pass a test with the Bureau's pendulum-friction device when the fiber-faced shoe is used or which fail to pass the large-impact test. Furthermore, tests will be discontinued on any sample of explosive (including sheathed explosive) that (1) is found to be chemically unstable; or (2) shows leakage of liquid explosive ingredient; or (3) is in such condition that exudation of liquid explosive ingredient would occur in handling or transportation; or (4) fails to detonate or explode completely for two or more charges while any of the permissibility tests are being made in 1¼-inch diameter cartridges or larger under a confinement equal to or greater than 1 atmosphere with a No. 6 electric detonator; or (5) if in the rate-of-detonation test it does not detonate in any one trial through the 42-inch length of cartridges 1¼ inches in diameter or larger (an explosive is not permissible in any diameter less than the minimum in which it propagates for the 42-inch length), or (6) if in the explosion-by-influence test, which is to be made as soon as possible after the receipt of the explosive, the sensitivity is not satisfactory; or (7) if a 680-gram (1½-pound) charge of explosive and original wrapper or corresponding sheath evolves 158 liters (5.58 cubic feet) or more of poisonous gases in the Bichel-gage tests; or (8) if the unit deflective charge exceeds 454 grams of explosive; or (9) if it fails to pass any trial shot in gallery test 1.

(d) *Storage requirements.* The cases in which the explosives (including sheathed explosives) or heater elements of blasting devices are delivered by the manufacturer will be opened, and the explosives or assemblies of sheaths and explosives or heater elements will be placed in slide-lid boxes, which will be stored in one of the Bureau's magazines for at least 30 days before tests are commenced (except in certain instances involving such tests as the chemical analysis, explosion by influence, pendulum friction, or impact) This storage requirement will not be waived for explosives (including sheathed explosives) or blasting devices submitted for tests on permissibility but may be waived for explosives (including sheathed explosives) or heater elements of blasting devices submitted for other tests if in the judgment of the explosives engineers of the Bureau this is desirable.

§ 15.7 *Method of testing*—(a) *Chemical testing.* The Bureau of Mines methods for the analysis of explosives are described in its Bulletins 51, 96, and 219; its Technical Papers 78, 160, 162 and 282; and its Report of Investigations 3337.[1]

(b) *Physical testing.* The routine physical tests that are made by the Bureau of Mines on explosives, particularly for determination of permissibility for use in coal mines, are described in Bulletin 346[2] and may be briefly stated as follows:

(1) *Physical examination.* The physical examination of an explosive is made on four cartridges taken at random from the shipment of explosive or heater element (for blasting device) The apparent specific gravity is determined from the weight and volume of each cartridge, the volume being determined by the sand displacement. The average of the four determinations made is taken as the apparent specific gravity; also the average weight of the cartridges is taken as the weight of cartridge. From the weights for ingredients and wrapper for each cartridge the weight of wrapper per 100 grams of explosive is derived. The color and consistency of the explosive and the color of its wrapper are observed and recorded.

(2) *Unit deflective charge.* The "unit deflective charge" for an explosive is the weight of explosive that has been found to deflect the ballistic pendulum of the Bureau of Mines to the same extent as one-half pound of Pittsburgh Testing Station standard 40-percent straight nitroglycerin dynamite.

(3) *Gallery tests*—(i) *Test 1 (for explosives not sheathed)* Ten trials, each with a charge of the explosive equal to the unit deflective charge, are made. Each charge is fired into a mixture of natural gas and air containing 8.0±0.3 percent of methane and ethane at a temperature of 20°±5° C. Preliminary to charging the explosive into the borehole of the steel cannon, a primer is made from one of the cartridges. This cartridge is punched centrally on one end for the detonator and then slit lengthwise with two or three cuts. A No. 6 electric detonator is inserted in the hole, and the primer thus made is pushed gently and firmly to the back of the borehole with the detonator facing outward. The primer thus fills entirely the back of the borehole with no air spaces. The remaining cartridges of the charge are then slit lengthwise two or three times, loaded into the borehole, and tamped in front of the primer. One pound of dry-milled plastic fire clay is then tamped firmly into the borehole, and the charge is fired into the gallery containing the gas-air mixture.

(ii) *Test 4 (for explosives not sheathed)* Five trials, each using a 1½-pound charge of explosive, are fired without stemming into a mixture of nat-

[1] Snelling, W. O., and Storm, C. G., The Analysis of Black Powder and Dynamite: Bureau of Mines Bull. 51, 1913, 89 pp., 10 figs.

Storm, C. G., The Analysis of Permissible Explosives: Bureau of Mines Bull. 96, 1916, 83 pp., 10 figs.

Taylor, C. A., and Rinkenbach, W. H., Explosives: Their Materials, Constitution, and Analysis: Bureau of Mines Bull. 219, 1923, 188 pp.

Storm, C. G., and Hyde, A. L., Specific-Gravity Separation Applied to Analysis of Mining Explosives: Bureau of Mines Tech. Paper 78, 1914, 14 pp.

Cope, W. C., and Taylor, G. B., The Determination of Nitrogen in Substances Used in Explosives: Bureau of Mines Tech. Paper 160, 1917, 46 pp., 5 figs.

Taylor, G. B., and Cope, W. C., Initial Priming Substances for High Explosives: Bureau of Mines Tech. Paper 162, 1917, 32 pp.

Taylor, C. A., and Rinkenbach, W. H., Analysis of Detonating and Priming Mixtures: Bureau of Mines Tech. Paper 232, 1922, 33 pp., 3 figs.

Huff, Wilbert J., Annual Report of the Explosives Division for the Fiscal Year 1936: Bureau of Mines Dept. of Investigations 3337, 1937, 34 pp., 9 figs (A method for the determination of moisture in explosives containing explosive oils of high volatility is described on pages 15 and 16, and the apparatus used is illustrated in fig 7.)

[2] Munroe, C. E., and Tiffany, J. E., Physical Testing of Explosives at the Bureau of Mines Experiment Station, Bruceton, Pa.. Bureau of Mines Bull. 346, 1932, 148 pp., 48 figs.

ural gas and air containing 4.0±0.2 percent of methane and ethane and 20 pounds of bituminous-coal dust, part of which is brought into suspension in the air. Preliminary to charging the explosive into the borehole, a 2-inch length is cut from one of the cartridges, and a No. 6 electric blasting cap is inserted centrally in the cut portion to form a primer. The remaining cartridges of the charge are then slit and are tamped firmly into the borehole. The primer is then placed against the main charge with the charge end of cap pointing toward the charge of explosive, and the charge is then fired without stemming into the gallery containing the gas-air-coal dust mixture.

(iii) *Test 6 (for sheathed explosives)* A limit charge will be determined on the unsheathed explosive by 10 trials of no explosion when suspended in an 8-percent gas-air mixture. In making this determination 25-gram increments will be used. Ten trials in an 8-percent gas-air mixture will then be made with each diameter of the sheathed explosive. In these tests the charge is suspended centrally in the gas chamber of the gallery, and the charge is also placed parallel to the axis of the gallery. The charge is arranged in a single file and may be held in alinement by two lengths of thin glass rod which are held in place by pieces of thin copper wire. A No. 6 electric detonator, 80–20, is embedded in one end of the file.

(iv) *Test 1 and test 4 (for blasting devices)* All conditions in test 1 and test 4 for blasting devices are as outlined in subdivisions (i) and (ii) of this subparagraph, except that in testing these devices the complete assembly is held in a cannon with the discharge end of the shell in the gallery. The conditions of charging the shell, such as the weight of the carbon dioxide charge weight of ingredients of heater, and thickness of disk are at least as stringent as the most severe conditions under which the device might be used in blasting coal.

(4) *Gaseous products of explosion.* To determine these products a charge consisting of 200 grams of explosive from 1¼-inch-diameter cartridges weighed free of the wrapper, together with the proportionate quantity of original wrapper and sheath when testing sheathed explosive, is fired in a 15-liter Bichel gage, from which the air has been evacuated. The charge is fired by means of a No. 6 electric blasting cap. Five minutes after the shot is fired, the pressure is observed and recorded. A sample of gases is drawn from the gage for a chemical analysis, and the average percentage by volume of each gas present is computed from two shots. Blasting devices are tested in the Crawshaw-Jones apparatus under conditions of charging the shell as outlined in subparagraph (3) of this paragraph.

(5) *Rate of detonation.* The rate of detonation is determined with the Mettegang recorder. The explosive to be tested is placed in a thin (28-gage) sheet-iron tube 50 inches in length and ¼ inch larger in exterior diameter than the cartridge being tested. The tube is perforated transversely at three places by holes ⅜ inch in diameter. The first hole is 10 inches from the cap end of the tube, and the centers of the three holes are exactly 50 cm. apart. These holes are covered with friction tape wrapped around the tube. The ends of the cartridges are cut off; but the explosive is otherwise maintained in its original wrapper, and the tube is charged as a continuous file. Through the explosive at the center of each hole there is passed a 4-inch piece of double cotton-covered copper wire (B. & S. gage No. 26) In testing sheathed explosives, the sheathed cartridges will be arranged in the tube by butting the ends of the cartridges together as received, and no transverse cutting of the cartridges will be done. The assembled tube is suspended in the bombproof, and three pieces of wire are then attached to complete three separate electric circuits from the Mettegang recorder. A No. 6 electric blasting cap, which has been connected to the firing line, is embedded centrally in one end of the file of explosive so that the charged end of the cap is 8 inches or more from the first wire through the explosive. After the charge is fired the readings on the sooted drum of the Mettegang recorder are made. From these readings and the known speed of rotation of the drum the rate of detonation of the explosive is computed.

(6) *Pendulum-friction test.* This test is made with the pendulum-friction device, which consists of a steel anvil (on which a 7-gram charge of explosive is placed) and a swinging shoe, which is attached to the lower end of a rigid steel pendulum rod. In testing an explosive for permissibility, a steel shoe or a hard-fiber-faced shoe is used. This shoe, which can be dropped from different heights above the anvil, passes over the anvil a number of times. The device is adjusted so that the pendulum swings across the face of the anvil 18 ± 1 times before coming to rest when there is no explosive on the anvil. To prevent condensation and the consequent moistening of the explosive, the temperature of the anvil is kept at least 3° C. higher than the room throughout the test. Ten separate trials are made with the steel shoe and if necessary with the hard-fiber-faced shoe dropped from a height of 1.5 meters.

(7) *Explosion-by-influence test.* The halved-cartridge method is employed. In this method a hole for embedding a No. 6 electric blasting cap is made in the center of one end of a 1¼- by 8-inch cartridge. Before the cap is inserted, the cartridge is cut in the middle at right angles to its axis: The two cut ends, after being covered with thin tissue paper, are placed facing each other with their axes in line. The two halves are spaced the required distance apart by rolling them in paper. The tube thus formed is held in place by tacks. Just before firing, the detonator is inserted in the outer end of one of the half cartridges. The greatest distance between the halves of the cartridge at which both halves detonate in four shots without any failures is termed the "sensitiveness" of the explosive. The minimum distance at which no explosion occurs in four shots is also determined.

(8) *Large-impact test.* This test is made on a 1-inch length of a 1¼-inch-diameter cartridge cut from the central part of the cartridge. This 1-inch length of explosive in its original wrapper is placed on the anvil of the large-impact device with the cylindrical axis of the cartridge vertical and the weight of 25 kilograms dropped 10 times from a height of 15 centimeters, fresh charges being used each time. Attached centrally to the lower end of the falling weight is a steel pin 2 inches in length and 1⅜ inches in diameter. This steel pin falls directly on the sample under examination. This test is made at the option of the Bureau of Mines when, as a result of a review of the chemical analysis of the explosive or from other cause, any question concerning the sensitiveness to impact of the explosive arises. Failure of the explosive on any trial shall constitute a failure to pass the test.

(9) *Rough-usage test (for sheathed explosives)* For making the rough-usage test a specially designed box is used. Within the box there are a number of baffles sloping 30° to the horizontal, from which a cartridge falls as it descends through the box, until it reaches the lowest one and then passes out of the box into a receptacle. Ten sheathed cartridges are sampled and weighed separately. Each of the 10 cartridges is then inserted into the open top of the rough-usage box, each cartridge being subjected to 30 trials. After 10, 20, and 30 trials, respectively, each cartridge will be reweighed. The trial on which any noteworthy damage occurs is noted. From the recorded weights the ratio of the combined weight of the sheath and the outside wrapper to that of the explosive ingredient and its wrapper is computed. Experience has indicated that the loss in weight of a sheathed cartridge while being subjected to this test is due almost entirely to a loss in the sheathing material.

§ 15.8 *Requirements for approval of explosives (including sheathed explosives) and blasting devices*—(a) *Permissible explosives, not sheathed*—(1) *Gallery tests.* A permissible explosive must pass without a single ignition, test 1 and test 4 in the gallery.

(2) *Gaseous products of explosion.* The volume of the poisonous gases produced by a permissible explosive must not exceed 158 liters per 1½ pounds of explosive.[1]

(3) *Propagation.* If in the determination of rate of detonation the first 42 inches of the file of explosive does not detonate completely in any trial then the explosive in cartridges having a diameter equal to or smaller than that tested shall be deemed nonpermissible

[1] Permissible explosives (including sheathed explosives) will be classified on the basis of the volume of poisonous gases produced by 680 grams (1½ pounds) of explosive as follows: Class A, not more than 53 liters; class B, more than 53 but not more than 106 liters; and class C, more than 106 but not more than 158 liters.

(4) *Pendulum-friction test.* A permissible explosive must not show in any trial with the hard-fiber-faced shoe on the pendulum-friction device a result more unfavorable than an almost indistinguishable local crackling.

(b) *Sheathed explosive*—(1) *In general.* An approval for a sheathed explosive shall cover the entire assembly of explosive and sheath. A sheath will be approved only for use with a particular brand of permissible explosive, and no test of a sheathed explosive shall be made for the determination of the permissibility of the assembly until the unsheathed explosive has been approved as permissible alone. A number of different sheaths may be approved for any one particular permissible explosive. The Bureau of Mines may make such tests upon the sample without the sheath as it may deem necessary to determine the similarity of this sample with the basic sample. Thus, for example, it may require the sample to pass five shots in gallery test 1, using a weight corresponding to 90 percent of the basic unit deflective charge, and two shots in gallery test 4, using 612 grams (1.35 pounds), without causing an ignition of the gallery contents. No sheathed assembly incorporating an explosive having a diameter less than 1¼ inches will be approved.

(2) *Gallery tests.* A permissible sheathed explosive must have a limit charge equal to at least 200 grams greater than the limit charge of the explosive with the sheath removed as determined in test 6 in the gallery.

(3) *Gaseous products of explosion.* The volume of the poisonous gases produced by a permissible-sheathed explosive must not exceed 158 liters per 1½ pounds of unsheathed explosive.[1] The volume of oxides of nitrogen produced by a permissible sheathed explosive shall not exceed 5 liters per 1½ pounds of unsheathed explosive.

(4) *Propagation.* In the determination of the rate of detonation, the first 42 inches of the file of a sheathed explosive must always detonate completely.

(5) *Pendulum-friction test.* Samples of the explosive ingredient of all sheathed explosives submitted are tested on the pendulum-friction device. The requirements for approval are the same as those listed under requirements for permissible explosives.

(6) *Rough-usage test.* Ten cartridges of a sheathed explosive after being subjected to the rough-usage test shall not show after the first 10 trials a decrease in the average ratio:

$$\frac{\text{Weight of sheath and its wrapper}}{\text{Weight of explosive cartridge exclusive of sheath}}$$

amounting to more than 20 percent of the initial value of the average ratio.

[1] The classification on the basis of the volume of poisonous gases produced will be in accordance with the rules governing permissible explosives. For example, if an explosive without sheath falls in class A, and when sheathed falls in class B, the assembly will be placed in the latter class.

(c) *Blasting devices*—(1) *Gallery tests.* A permissible blasting device must pass without a single ignition, test 1 and test 4 in the gallery.

(2) *Gaseous products of explosion.* The volume of the poisonous gases produced by a blasting device must not exceed 158 liters per shell.

§ 15.9 *Conditions under which approval of explosives (including sheathed explosives) and blasting devices is granted*—(a) *Rescission of approval.* The Bureau reserves the right to rescind for cause, at any time, any approval granted under this part. An explosive, sheathed explosive, or blasting device that has passed all tests necessary to place it on any of the Bureau's permissible lists may therefore be omitted from future lists.

(b) *Permissibility in use of an explosive.* A coal mining explosive (sheathed or not sheathed) is permissible in use only when it satisfies the following requirements:

(1) That the explosive is in all respects similar to the sample submitted by the manufacturer for test and that the diameters of the cartridges used must be those that have been approved.

(2) That electric detonators (not fuse and detonators) are used of not less efficiency than No. 6, the detonating charge of which shall consist of a 1-gram mixture of 80 parts of mercury fulminate and 20 parts of potassium chlorate (or their equivalents), and that the required electric firing must be done by means of a permissible-type blasting unit.

(3) That the explosive is stored in surface magazines under proper conditions so that it does not undergo change in character, and that after taking underground it is to be used in less than 36 hours.

(4) That the coal to be blasted be undercut or equivalently relieved; that, to prevent blow-throughs, all portions of the borehole must be at least 18 inches from relief in any direction; that, to prevent blow-outs, the charge be properly confined with not less than 2 feet of clay[1] or other incombustible stemming and not be on the solid; that, to prevent the hole being on the solid, it shall be at least 6 inches shorter than the depth of the undercut or equivalent relief, and, when placed adjacent to the roof, ribs, or floor, all but 12 inches at the rear of the hole must be at least 6 inches from the adjacent surface as projected into the coal to be blasted, and all parts of the hole shall be free from the adjacent surface as projected into the coal to be blasted; that the shot is not a dependent shot; and that the shot hole is cleaned before charging.

(5) That the quantity used for a shot (1) does not exceed 680 grams (1½ pounds) when fired in accordance with these requirements and (2) when used under certain additional requirements or restrictions does not exceed 1,361 grams (3 pounds).[1]

(6) That the region in which the blasting is done is kept well-protected by rock dust or otherwise in accordance with Bureau of Mines inspection standards.

(7) That the shot is not fired in the presence of a dangerous percentage of firedamp. Examination for firedamp is to be made at the blasting area before and after shooting in a gassy mine

(c) *Permissibility in use of blasting devices.* A blasting device is permissible in use only when it satisfies the following requirements:

(1) That the device is in all respects similar to the sample submitted for tests.

(2) That the permissible conditions of charging as to thickness of disk, weights of heater ingredient, and weight of carbon dioxide charge are met.

(3) That the wires of the firing line shall be connected to either type of shell top (end or side connection) only after the shell has been placed in the borehole; and, further, that the terminal plug, when the end connection shell top is used, shall not be inserted into the shell until these connections are being made.

(4) That the device shall not be fired in the presence of a dangerous percentage of firedamp. This firing must be done only by means of a permissible-type blasting unit.

(5) That the device shall not be fired until everyone is 100 feet or more from the shot and protected by adequate cover, having one and if possible two right angles between them and the blast.

(6) That the device shall not be charged with the heater ingredient and carbon dioxide in the mine.

(7) That the coal to be blasted be undercut or equivalently relieved; that the length of the shot hole is at least 6 inches less than the depth of the undercut or equivalent relief; and that the shot hole shall be at least 6 inches away from the side of the undercut or equivalent relief.

§ 15.10 *Approval plate or label*—(a) *Purpose.* The approval plate or label is an identifying mark which enables anyone to tell at a glance that the explosive or blasting device is of the permissible type. By the plate or label the manufacturer shows that his product complies with the Bureau's requirements and

[1] If the length of the hole will not permit the charge desired and 2 feet of stemming, at least one-half of the length of the hole shall be filled with stemming.

[1] The use of charges over 1½ pounds and not exceeding 3 pounds is approved tentatively pending further investigation. The approval, which may be withdrawn at any time, expires June 30, 1946, unless renewed. For charges over 1½ pounds, the following additional requirements must be observed:

(1) Shot holes must be 6 feet or greater in length.

(2) Explosive must be charged in a continuous train with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the end cartridges touching the rear of the hole and the stemming, respectively.

(3) Examinations for gas must be made in the blasting area before and after a shot is fired.

(4) The permissible explosive must be one showing toxic gas emission that will place it in either class A or class B.

that it has been approved for use in coal mines.

(b) *Use.* Permission to place the Bureau's approval plate or label on his product obligates the manufacturer: (1) To maintain the quality of his product so that it conforms with the specified tolerances of the samples submitted for permissibility tests; and (2) to instruct the user that the explosive or blasting device is permissible only when used as the Bureau prescribes.

(c) *Label on wrapper of permissible explosives.* On the outer wrapper of a permissible explosive, the following should be printed:

(Insert brand name of explosive) Permissible Explosive.

(d) *Label on the wrappers of sheathed permissible explosives.* On the outer wrapper of the sheath, the following should be printed:

Sheathed (insert brand name of explosive) Permissible Explosive. Bureau of Mines Approval (insert approval number). Sheath must be left on cartridge

(The printing of the Bureau seal shall be optional)

(e) *Approval plate for permissible blasting devices.* Manufacturers shall attach, stamp, or mold an approval plate on each permissible blasting device. The plate shall bear the seal of the Department of the Interior, Bureau of Mines, and be inscribed as follows:

Permissible Blasting Device Approval No. ------, issued to the --------- Company

When deemed necessary, appropriate cautions shall be added. The size and position of the approval plate shall be satisfactory to the Bureau.

Where the nature of the device is such that it is not feasible to attach a permanent metal approval plate, there shall be stamped, etched, or otherwise engraved on the device in letters at least ¼ inch high the following:

B. M. No. ------

This is an abbreviation to indicate Bureau of Mines Approval No. ------

§ 15.11 *Change in design of blasting devices subsequent to approval.* When the manufacturer desires to make any change in the design of an approved blasting device he must obtain the Bureau's approval before making the change.

§ 15.12 *Active and inactive lists.* The Bureau of Mines maintains active and inactive lists of permissible explosives (not sheathed) sheathed permissible explosives, and permissible blasting devices. The active lists are published annually, and the inactive lists include those permissible explosives (not sheathed) sheathed permissible explosives, or blasting devices that have not been manufactured during the preceding calendar year or those placed upon these lists at the request of manufacturers. The Bureau will transfer an explosive, sheathed explosive, or blasting device from the inactive list to the active list upon the request of the manufacturer, provided the explosive, sheathed explosive, or blasting device meets the regulations then in force.

§ 15.13 *Field sampling.* The Bureau of Mines will from time to time collect and reexamine permissible explosives (including sheathed permissible explosives) and permissible blasting devices found in commercial shipments and in the field in order to determine how closely they conform to the basic samples. To govern the interpretation of such tests the tolerances given in § 15.14 are applied. If the explosive or blasting device (including heater element) does not pass the retests or exceeds the tolerances for chemical analysis or physical test, such failure may be due to either (1) improper manufacture or (2) improper storage. The manufacturer is responsible for the first, but the consumer or owner is responsible for the second.

§ 15.14 *Tolerances as applied to field or manufacturer's samples*—(a) *Permissible explosives (not sheathed)* Tolerances which provide for reasonable limits of variation in the results of analyses and tests of field samples and manufacturers' samples of permissible explosives were established July 1, 1915, subsequently amended November 15, 1920, and February 26, 1921, and further modified in this section. The tolerances as enumerated below supersede all previous tolerances.

(1) *Chemical analysis of field samples*—(i) *Moisture.* The tolerances for moisture shall be in accordance with those shown in table 1 below:

TABLE 1—LIMIT OF VARIATION (PERCENTAGE OF TOTAL EXPLOSIVE) FOR VARIOUS QUANTITIES OF MOISTURE (PERCENTAGE), ARRANGED FOR "TOLERANCES," PROMULGATED JULY 1, 1915, BY THE BUREAU OF MINES

Quantity of moisture		Limit of variation of total explosive	Quantity of moisture		Limit of variation of total explosive
From—	To—		From—	To—	
Percent	*Percent*	*Percent* ±	*Percent*	*Percent*	*Percent* ±
0.0	0.1	1.5	5.0	5.3	2.8
.2	.5	1.6	5.4	5.7	2.9
.6	.9	1.7	5.8	6.1	3.0
1.0	1.3	1.8	6.2	6.5	3.1
1.4	1.7	1.9	6.6	6.9	3.2
1.8	2.1	2.0	7.0	7.3	3.3
2.2	2.5	2.1	7.4	7.7	3.4
2.6	2.9	2.2	7.8	8.1	3.5
3.0	3.3	2.3	8.2	8.5	3.6
3.4	3.7	2.4	8.6	8.9	3.7
3.8	4.1	2.5	9.0	9.3	3.8
4.2	4.5	2.6	9.4	9.7	3.9
4.6	4.9	2.7	9.8	10.0	4.0

(ii) *Carbonaceous combustible material.* The tolerance for the item is ±3 percent of the total explosive.

(iii) *Impurities in ammonium nitrate.* Impurities in ammonium nitrate may include ammonium chloride and ammonium sulfate. The tolerance for the sum of the last two items is 4 percent of the sum of all the items included as "commercial ammonium nitrate" (ammonium nitrate, chloride, and sulfate)

(iv) *Other ingredients or their equivalents.* For ingredients in quantities of 60 percent or more the tolerance shall be ±3 percent of the total explosive.

For ingredients in quantities not exceeding 60 percent the tolerances shall be in accordance with those shown in table 2 below:

TABLE 2—LIMIT OF VARIATION (PERCENTAGES OF TOTAL EXPLOSIVE) FOR VARIOUS QUANTITIES OF CONSTITUENTS

Quantity of constituents		Limit of variation of total explosive	Quantity of constituents		Limit of variation of total explosive
From—	To—		From—	To—	
Percent	*Percent*	*Percent* ±	*Percent*	*Percent*	*Percent* ±
0.0	1.4	1.0	20.5	30.4	2.1
1.5	2.4	1.1	30.5	33.4	2.2
2.5	5.4	1.2	33.5	37.4	2.3
5.5	6.4	1.3	37.5	40.4	2.4
6.5	9.4	1.4	40.5	44.4	2.5
9.5	11.4	1.5	44.5	47.4	2.6
11.5	14.4	1.6	47.5	51.4	2.7
14.5	17.4	1.7	51.5	54.4	2.8
17.5	20.4	1.8	54.5	57.4	2.9
20.5	23.4	1.9	57.5	60.0	3.0
23.5	26.4	2.0			

(2) *Physical tests of field samples*—(i) *Poisonous gases.* The volume of poisonous gases from 680 grams of the explosive, including its wrapper, must be less than 158 liters by one trial or the average of two or three trials. The volume of poisonous gases emitted by a field sample must be within a tolerance of ±15 percent of the volume emitted by the basic sample. Where the volume is over 137.3 liters and less than 158 liters, the minus 15-percent tolerance will be the only one applied.

(ii) *Rate of detonation by Mettegang recorder in sheet-steel tubes.* The tolerance shall be ±15 percent of that shown by the basic sample.

(iii) *Unit deflective charge.* The tolerance shall be ±10 percent of that shown by the basic sample.

(iv) *Grams of wrapper (for any size).* The tolerance shall be ±2 grams per 100 grams of explosives ingredient based on that shown by the basic sample.

(v) *Apparent specific gravity.* The tolerance shall be ±7.5 percent of that shown by the basic sample.

(vi) *Gallery tests.* (a) Test 1 must pass five shots with a charge of 90 percent of that used for the basic sample.

(b) Test 4 must pass two shots with a charge of 612 grams.

(vii) *Pendulum-friction test.* Pendulum-friction test must pass with hard-fiber-faced shoe falling from a height of 1.35 meters.

(b) *Sheathed permissible explosives.* The tolerances applied shall be as follows:

For the explosive (not sheathed) The standard permissible tolerances set out in paragraph (a) of this section.

For the assembly of sheath and explosive: Test 6 must pass five shots with a charge of 90 percent of that of the basic sample.

For the weight-volume relations of the sheath: The sheath shall meet weight-volume tolerances of ±10 percent.

For the wrapper of the sheath: ±25 percent of the weight of the wrapper of the sheath of the basic sample.

For the chemical constituents of the sheath: The tolerance for the inorganic constituents of the sheath shall be ±5 percent based upon the percentage of the total sheath.

For total organic material present in the sheath: The tolerance shall be ±3 percent of the ingredients of the sheath.

(c) *Permissible blasting devices.* The construction of blasting devices will be

checked against the basic device. The same tolerances will be applied to the ingredients of the heater as are applied to the ingredients of permissible explosives.

§ 15.15 *Notification regarding field samples of explosives (including sheathed explosives) and blasting devices.* If the explosive, not sheathed or sheathed, fails to pass gallery tests or the pendulum-friction test, or if the poisonous gases exceed the tolerance, the Bureau of Mines will declare that particular lot of explosive or sheathed explosive not permissible, and a copy of the notification to the consumer or owner will be furnished the manufacturer. The notification will state that the explosive did not meet the requirements.

If the explosive, not sheathed or sheathed, exceeds the tolerance for any items of the chemical analysis, for grams of wrapper per 100 grams of explosive, for apparent specific gravity, for rate of detonation, or for unit deflective charge, the manufacturer only will be advised of the results; except that should these results, in the opinion of the Explosives Engineer of the Bureau of Mines, indicate that the explosive is unsafe for use, the operator or owner will be warned immediately.

If the construction of the blasting device does not conform with the basic device, or if the ingredients of the heater are not within the specified tolerances, the Bureau will declare the device not permissible, and a copy of the notification to the user or owner will be furnished the manufacturer.

R. R. SAYERS,
Director

Approved: January 20, 1945.

HAROLD L. ICKES,
Secretary of the Interior

[F. R. Doc. 45-2047; Filed, Feb. 3, 1945; 2:13 p. m.]

TITLE 32—NATIONAL DEFENSE

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. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; 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 1010—SUSPENSION ORDERS

[Suspension Order S-701]

STANDARD TRUNK AND SUITCASE CO.

Standard Trunk and Suitcase Company is a partnership composed of Max Sherman and Marvin Sherman, located at 1242 South Flower Street, Los Angeles, California. During the summer of 1943 the partnership purchased the assets of a firm bearing the same name but which had ceased operations. The partnership, therefore, had no authorized quota for the production of luggage under the provisions of Limitation Order L-284. During the calendar semi-annual period commencing July 1, 1943, the partnership manufactured luggage having an approximate value of $27,622.28, and during the calendar semi-annual period commencing January 1, 1944, the partnership produced luggage having an approximate value of $39,574.65, in violation of the provisions of Limitation Order L-284. This violation resulted in the diversion of critical materials to uses not authorized by the War Production Board and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.701 *Suspension Order No. S-701.* (a) Standard Trunk and Suitcase Company, its successors and assigns, shall not directly or indirectly manufacture or produce luggage as defined in or controlled by Order L-284 until such time as the War Production Board shall establish a quota for such firm, or, unless hereafter specifically authorized in writing by the War Production Board.

(b) If and when the War Production Board shall establish a quota, the Standard Trunk and Suitcase Company, its successors and assigns, shall not directly or indirectly manufacture or produce luggage as defined in or controlled by Order L-284 as amended from time to time, in excess of quota which may be established, reduced by $8,000 per quarter.

(c) Nothing in this order shall be deemed to relieve Standard Trunk and Suitcase Company, 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 date of issuance and shall expire on December 31, 1945.

Issued this 2d day of February 1945.

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

[F. R. Doc. 45-2029; Filed, Feb. 2, 1945; 4:25 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-699]

THE PEP BOYS, MANNY, MOE & JACK OF CALIFORNIA

The Pep Boys, Manny, Moe & Jack of California, is a California corporation operating eighteen outlet stores in Southern California, selling various supplies including hardware and tools. In the purchase of certain tools during the period from January 1, 1943, to June 30, 1944, the company ordered and received items of merchandise on orders bearing preference ratings in excess of rated orders received by them for such items. It applied various preference ratings to orders for materials other than materials for which it was entitled to extend priorities ratings. Also, the company extended ratings on purchase orders more than three months after it was first entitled to extend such preference ratings for these materials.

These actions were violations of Priorities Regulation 3 and were the result of the gross negligence of the company and have resulted in diverting critical materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States of America. In view of the foregoing, it is hereby ordered, That:

§ 1010.699 *Suspension Order S-699.* (a) For a period of 90 days from the effective date of this suspension order, deliveries of certain items, hereinafter listed in paragraph (b) of this suspension order, to The Pep Boys, Manny, Moe & Jack of California, its successors or assigns, shall not directly or indirectly be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) The items referred to in paragraph (a) to which this suspension order applies are: adapters, auto jacks, augers, axes, battery clips, brace and bits, brushes, calipers, chisels, electric drills, flashlight batteries, flashlights, gauges, gear pullers, hack saw blades, hack saws, hammers, hand drills, hand pumps, hatchets, household electric fittings, hydrometers, levels, oil cans, padlocks, pliers, pumps—motor driven, ring compressors, saws, screwdrivers, soldering irons, steel wool, taps and dies, tire gauges, valve grinders, valve lifters, vises, wrenches, wrenches—pipe and adjustable.

(c) Nothing contained in this order shall be deemed to relieve The Pep Boys, Manny, Moe & Jack of California, their 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 February 5, 1945.

Issued this 25th day of January 1945.

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

[F. R. Doc. 45-2133; Filed, Feb. 5, 1945; 11:33 a. m.]

PART 1075—CONSTRUCTION

[Limited Preference Order P-55-c, as Amended Feb. 5, 1945]

HOUSING CONSTRUCTION

§ 1075.13 *Preference Rating Order P-55-c*—(a) *Purpose and scope of order and authorization.* This order applies only to persons who have received approval of an application for housing as provided below. For the persons who have received this approval, it is an authorization for residential construction under Conservation Order L-41 and it assigns a preference rating and an allotment symbol for material necessary for housing construction, remodeling and installations. It covers all housing con-

struction, remodeling and installations except construction of the types not included in the definition of housing (paragraph (j) (3)) Priorities assistance for maintenance and repair of residential property to the extent not covered by CMP Regulation 5, 5A, or 9A, or General Limitation Order L-79 is also provided by this order.

This order also applies to housing previously authorized under an application on Form WPB-2896 as explained in paragraph (g) below.

(b) *Method of obtaining authorization of housing applications.* Any person who wishes to construct, remodel, or make installation in a housing project should apply on Form WPB-2896 to the National Housing Agency. This paragraph does not apply to FPHA and HOLC construction.

(c) *Authorization of housing construction.* Approval of the application on form WPB-2896 by National Housing Agency and approval by the National Housing Agency of FPHA and HOLC projects constitutes WPB authorization under Order L-41. The authorization includes only the buildings, structures, roads, installations and other construction work specifically listed and approved by the National Housing Agency and shown on the application Form WPB-2896 where this form is required subject to the following conditions and directions:

(1) *Cancellation of authorizations on buildings not begun on time.* In the case of construction of a new building or structure, if work on the building site preparatory to construction is not begun within sixty days of the approval of the project on WPB-2896, the National Housing Agency may cancel the authorization by giving written notice to the owner. Whatever buildings in the total authorized project have not been commenced by physically incorporating material into them by the last starting date specified in the construction schedule of the application will also be subject to cancellation in the way set forth above. These provisions do not preclude cancellation for any other reason. No person shall begin or carry on the construction of any building affected by a cancellation, and no person shall deliver or accept delivery of any material ordered for use in the construction of any building affected by a cancellation.

(2) *Utilities connections.* The builder must not begin construction of a housing project which requires the extension of utility or sewer lines unless both the builder and the utility operators are authorized to make the extensions. In any case where the applicable order of the U series (water, gas, and electricity) or P-141 (sewers) does not require specific authorization, then all required certifications must have been filed.

(3) *Restrictions on use of materials.* The builder must not incorporate any material into the housing project except of the kinds and minimum quantities needed for the project and permitted both by the War Housing Critical List and the War Housing Construction Standards (Schedules I and II to this order) If any schedule is amended after the housing project is approved, the builder may comply with any of the provisions of the schedule as amended or the schedule as in effect at the time the housing project was approved, as he may elect. Construction of temporary war housing by the FPHA must conform to these and such other requirements with respect to the use of material as may be imposed by the War Production Board. The specific prohibitions against the use of certain materials contained in Schedule I do not apply to the use of used materials. The limitations on quantities of materials in Schedule II apply only to the quantities of new materials used in the construction. "Used materials" does not mean rejects or second-hand materials but only materials which have been actually used in substantially their present form.

(4) *Liability of owner* The owner and any other person who holds or later acquires any beneficial interest in the housing project or any part of it, must abide by all the representations, certifications and promises made by the owner in the application, except to the extent he is relieved by regulation or order of the National Housing Agency or the War Production Board.

(d) *Assignment of preference ratings and allotments.* It is not necessary to show on Form WPB-2896 the quantity of controlled material or to specifically list products and equipment needed for construction. However, if the application is for an installation only the description of the work should clearly indicate what is contemplated. If the application is approved, the builder may use the allotment symbol of "H" with the program designation number shown on the application as approved and a preference rating of AA-3 to get materials permitted by the War Housing Critical List and needed to complete the project. Neither the owner nor the builder shall order or accept delivery of any material prohibited for incorporation in the project by subparagraph (c) (3) above.

(e) *Use of allotment symbol.* (1) The allotment symbol may be used to order controlled materials and Class A products by:

(i) The builder:

(ii) Manufacturers of Class A products of Class A components of Class A products to be incorporated in the project;

(iii) Contractors and subcontractors doing all or any part of the construction work.

The builder must not use the allotment symbol or give others the right to use it before his application is approved. A manufacturer, contractor or subcontractor may not use it or give others the right to use it unless he has received a statement in substantially the following form endorsed on the order or contract by the person placing it, signed manually or in the way explained in Priorities Regulation No. 7:

Serial No. (identifying project)_____
You are authorized to use the allotment symbol _____ to order controlled materials and Class A products needed to fill this order or contract.

It is not necessary to show the quantities of controlled materials in this statement. Its use shall constitute a representation by the person signing it to the person with whom the order or contract is placed, and to the War Production Board, subject to the penalties of section 35-a of the United States Criminal Code that he has the right to authorize the person with whom the order or contract is placed to use the allotment symbol to fill the order or contract. The standard form described in Priorities Regulation No. 7 cannot be used instead of the above statement.

(2) The preference rating may be used to order all materials other than controlled materials. If an applicant, contractor or subcontractor orders a Class A product the certificate described in Priorities Regulation 7 must be used in addition to the statement set forth in paragraph (d) (1) above. If a contractor or subcontractor needs a preference rating to buy materials the rating may be given him by use of the certificate set forth in Priorities Regulation 7. In using the rating to buy all products and materials other than controlled materials or Class A products the certificate in Priorities Regulation 7 must be used and the allotment symbol must be used along with the preference rating for purposes of identification.

(3) Each person using the allotment symbol or preference rating must maintain at his regular place of business for a period of two years records of the right to use the allotment symbol or preference rating, records, kept by serial number identifying the project, of the amount of controlled materials ordered with the allotment symbol or rating and showing that the materials so ordered were used for the purpose for which the right to use the symbol or rating was granted.

(4) The use of the allotment symbol assigned by this order will not be limited to any particular month or quarter and, therefore, no quarterly identification need be shown when using it. Authorized controlled material orders must, however, show the month in which delivery is requested. The allotment symbol or preference rating may not be used in placing authorized controlled material orders after the scheduled completion date of the project but delivery after such date may be specified on orders placed before then.

(5) The allotment symbol and preference rating must not be used to order controlled materials in greater quantities or on earlier dates than needed for the construction. It may be used not only to order materials needed for the construction but also to replace in inventory materials used for construction. Attention is called to CMP Regulation No. 2 which places a restriction on inventories of controlled materials which must be complied with.

(6) A person who has the right under this order to use an allotment symbol in ordering controlled materials must endorse the symbol on his purchase order and the form of certification set out in CMP Regulation No. 7, signed manually or in the way explained in Priorities

Regulation No. 7. An order so endorsed is an authorized controlled material order (i) if it is a "delivery order" as defined in paragraph (b) (9) of CMP Regulation No. 6, (ii) if it is in sufficient detail to permit entry on mill schedules and (iii) if, when placed with a controlled materials producer, it is received by the lead time specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(f) *Applicability of War Production Board orders and regulations.* This order and all transactions affected by it are subject to the applicable provisions of all regulations and orders of the War Production Board. When any such order excepts from its restrictions any person to whom an order in the P-55 series has been issued, the exception shall include any person who is authorized to build by this order.

(g) *Projects previously authorized.* Where a housing project has been previously authorized by the War Production Board and the authorization is still in effect, the owner may construct the project under the provisions of the authorization he received or, at his election, under the provisions of this order. If he elects to construct under this order he should maintain the construction schedule in the CMP-H-1, if any; otherwise he should maintain the construction schedule in his application form. The authorization to construct any such project may be cancelled under paragraph (c) (1)

(h) *Appeals.* Any builder who considers that the provisions of this order or the schedules to it would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board (by letter) setting forth the facts and the reasons why he considers he is entitled to the relief requested. This appeal should be addressed to the War Production Board and filed with the office which approved the application.

(i) *Violations.* Any person who wilfully violates any provisions of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control, and may be deprived of priorities assistance by the War Production Board and may be denied permission to begin construction under General Conservation Order L-41.

(j) *Definitions.* (1) "Owner" means the person in whose name the application was filed.

(2) "Builder" means the owner and any building contractor or subcontractor with whom the owner has placed a contract pursuant to which such contractor or subcontractor has agreed to furnish material.

(3) "Housing" means the house, or houses, and its appurtenant buildings and related construction described in the owner's application as approved. This also includes projects converting any structure to residential use. It does not include construction of the following types:

(i) Farm housing and mobile farm labor camps.

(ii) Housing being built directly by or under the direct management of the Military Services.

(iii) Hotels and similar establishments of more than 10 rooms providing housing primarily for transients.

(iv) Institutional Housing—Dormitories and other housing owned and operated by and as an integral part of an "institution," as defined in paragraph (b) (2) of CMP Reg. 5A.

(v) Mobile housing units (trailers)

(vi) Residential construction built by an "operator" (as defined in P-98-b) under a Petroleum Administrative Order of the Petroleum Administration for War.

(vii) Housing built and owned by a producer, as defined in Utilities Order U-1, which consists of not more than 10 dwelling units and is accessory to and an integral part of a project undertaken primarily for the construction of an isolated plant addition such as a gas compressor station or hydro-electric plant.

(viii) Construction of commercial establishments in existing houses, or the remodelling of or installations in those establishments.

(4) "Application" means the owner's application on Form WPB-2896 as approved.

Issued this 5th day of February 1945.

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

INTERPRETATION 1

RULES GOVERNING CONSTRUCTION OF HOUSING PROJECTS AUTHORIZED BEFORE THE EFFECTIVE DATE OF P-55-C

Under paragraph (g) of P-55-c housing projects authorized before the effective date of P-55-c may be constructed under the provisions of the specific authorization or under the provisions of P-55-c, at the election of the owner. This means that the owner may, if he wishes, take advantage of any relaxation in the War Housing Critical List or War Housing Construction Standards appearing in Schedules I and II of P-55-c. He may also, if he wishes, take advantage of the method of using the preference rating and allotment symbol outlined in paragraphs (d) and (e) of P-55-c.

Paragraph (g) of P-55-c does not however authorize anyone to build a different kind of house than that authorized by the approval of his application except as explained above. The house must be built at the same location for which it was approved on the application; it must contain the same number of rooms, and must otherwise conform with the description of the project contained in the application as approved. (August 10, 1944.)

[F. R. Doc. 45-2132; Filed, Feb. 5, 1945; 11:34 a. m.]

PART 1138—ANTIMONY

[General Preference Order M-112, as Amended Feb. 3, 1945]

Section 1138.1 General Preference Order M-112 is hereby amended to read as follows:

§ 1138.1 *General Preference Order M-112*—(a) *Definitions.* For the purpose of this order "antimony" means and includes:

(1) Ores and concentrates, including beneficiated or treated forms, containing antimony commercially recognized;

(2) Antimony metal, otherwise known as "Regulus" and the element antimony in commercially pure form;

(3) Liquated antimony, sometimes known as "needle antimony" "crude antimony" or "Crudum" which is in any case the result of separating antimony sulphide from antimony ores by fusion, without essential chemical change;

(4) Any alloy containing 50 per cent or more by weight of antimony, as defined in (1) (2) and (3) above;

(5) Antimony oxide which results from the processing of antimony, as defined in (1) (2) (3) and (4) above;

(6) Antimony sulphide (precipitate or synthetic) which results from the processing of antimony, as defined in (1) (2) (3) (4) and (5) above.

(b) *Deliveries, allocations and uses*—(1) *Restrictions on deliveries.* No person shall deliver or accept delivery of antimony unless specifically authorized pursuant to paragraph (b) (2) hereof except as follows:

(i) Antimony ores or concentrates in amounts totaling not more than 50 tons of contained antimony during any one calendar month, by any person who produced such ores or concentrates from mines located within the continental United States or Alaska;

(ii) Antimony in any of the forms specified in paragraph (a) of this order, to any person in lots of 2240 pounds or less (contained antimony) provided that the total quantity of contained antimony which any person may receive in one calendar month from all sources of supply pursuant to the authorization contained in this paragraph (b) (1) (ii) shall be limited to 2240 pounds.

(iii) To the Metals Reserve Company or to any other Corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U. S. C., section 606 (b)) or to any duly authorized agent of any such Corporation.

(2) *Allocations and uses.* The War Production Board may from time to time allocate and direct the manner and quantity in which antimony shall be delivered or used, including the use of antimony-bearing lead scrap, secondary antimony-bearing lead alloys or any other practicable substitute in lieu of antimony. The War Production Board may also require any person seeking to place a purchase order for antimony to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect and they may be made without regard to any preference ratings assigned to particular contracts or purchase orders.

(c) *Applications for and reports of antimony.* (1) Applications for allocation of antimony or for specific authorization to accept delivery thereof under paragraph (b) (1) shall be made to the

War Production Board not later than the 20th day of the month next preceding the month in which delivery is desired, on form WPB-2931 or such other form as the War Production Board may from time to time prescribe. Any person who on the first day of a calendar month has in his possession or under his control 2240 pounds or more of antimony or who used during the preceding calendar month 2240 pounds or more of antimony shall not later than the 20th day of such month report to the War Production Board on form WPB-2931 in accordance with the instructions accompanying such form, regardless of whether or not he seeks an allocation of antimony or specific authorization to accept delivery thereof during the next succeeding month.

(2) Failure by any person to file an application pursuant to the provisions of paragraph (c) (1) of this order may be construed as notice to the War Production Board that such person does not desire an allocation of antimony for the succeeding month.

(d) *Inventory restrictions.* No person shall knowingly deliver to any person and no person shall accept delivery of any quantity of antimony after February 10, 1945, if the total inventory in the hands of the person accepting delivery is, or by virtue of acceptance will become, in excess of his reasonably anticipated requirements for permissible uses in the next 30 days, excepting in the case of antimony as defined in paragraph (a) (1) which shall be limited to 45 days. This restriction does not apply to a producer of antimony as defined in paragraph (a)

(e) *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.

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

(g) *Appeals and communications.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of appeal. Appeals, reports and all communications concerning this order shall, unless otherwise directed, be addressed to the Antimony Section, Tin, Lead and Zinc Division, War Production Board, Washington 25, D. C., reference M-112.

(h) 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.

(i) *Effective date.* This order shall be effective February 10, 1945.

Issued this 3d day of February 1945.

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

[F. R. Doc. 45-2106; Filed, Feb. 3, 1945; 4:57 p. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-244, as Amended Feb. 5, 1945]

MAGAZINES AND PERIODICALS

Scope

(a) The purpose of this order.

Definitions and Explanations

(b) Magazine.
(c) Publisher.
(d) Paper.
(e) Use.
(f) Production waste.
(g) Inventory.
(h) Transfer of quotas.
(i) Exceptions.

Consumption Quota

(j) Computation of consumption quota.
(k) Borrowing and carry-over.
(l) Total permitted consumption.
(m) Allotment to Army and Navy.
(n) Certification to printer.

Delivery Restrictions

(o) Limit on tonnage which may be accepted.
(p) Increase of deliveries.
(q) Certification to paper dealer or mill.

Magazines or Parts Thereof Printed in Violation of Order

(r) Restrictions on paper suppliers, printers, binders, distributors, wholesalers, and others.

Miscellaneous Provisions

(s) Records.
(t) Applicability of regulations.
(u) Appeals.
(v) Communications.
(w) Violations.

Scope

§ 3133.15 *Limitation Order L-244*—(a) *The purpose of this order* This order does three things: First, it limits the tonnage of paper which a magazine publisher may cause to be used for printing magazines. This is called his "consumption quota" and is based upon the tonnage of paper which he caused to be used for printing magazines in 1942. A publisher may not exceed his consumption quota even though the paper is physically available to him or his printer. Second, it limits the tonnage of paper which may be accepted by or on behalf of a magazine publisher. This is based upon his inventory of paper. Third, it places certain restrictions on paper suppliers, printers, binders, distributors, wholesalers and others in their dealings with publishers who consume paper in excess of their allowable consumption under this order.

Definitions and Explanations

(b) *Magazine.* (1) A "magazine" is any periodical or "one-shot" generally recognized as a magazine in the magazine industry. The term includes all supplements, inserts and other matter physically incorporated into a magazine or delivered with it, and reprints containing 40 percent or more of the editorial content appearing in any issue of a magazine. The paper consumed in such a reprint must be charged against the quota of the publisher from whose magazine the material was reprinted.

(2) If a publisher is uncertain as to whether or not his publication is a magazine as defined in this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion. Such a determination, issued to the publisher in the name of the Recording Secretary of the War Production Board, shall be conclusive for the purposes of this order, unless revoked or modified by the same authority.

(c) *Publisher* The "publisher" of a magazine is the person who causes it to be printed and undertakes the ultimate risk of the publishing venture. The term includes an individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not. Where a group of magazines is under common control, but each magazine is published by a separate business entity, a separate consumption quota and a separate delivery quota shall be established for each magazine. It makes no difference if several of these operating entities are subsidiaries of the same parent corporation, or are controlled by the same individual or group of individuals.

(d) *Paper* "Paper" means any grade, quality, type, basis weight or size of paper used in the printing of a magazine. The term includes paper reclaimed wholly or partly from printed or unprinted waste as well as paper made entirely from virgin fiber.

(e) *Use.* (1) Paper is "used" when ink is first applied to it. The date of issuance carried on the magazine is immaterial.

(2) When the printing of an issue is started in one calendar quarter and runs over into the next, the paper actually used during each quarter must be charged against the publisher's consumption quota for that quarter. The entire printing may not be regarded as if it were started and finished in the same quarter.

(f) *Production waste.* All production waste shall be included in determining the tonnage of paper which a publisher causes to be used in printing magazines.

(g) *Inventory.* "Inventory" means all the paper which is available for a publisher's use. It is immaterial whether such paper is in the publisher's hands or in the hands of a printer, paper dealer or other person. Paper in transit is not included.

(h) *Transfer of quotas.* (1) Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not cause to be used for the printing of a magazine any part of a consumption quota estab-

lished under Order L-240 (Newspapers), L-241 (Commercial Printing and Duplicating) or L-245 (Books and Booklets) and he may not permit any part of his consumption quota established under this order to be used for newspapers, commercial printing or books. An exception to this rule is stated in paragraph (j) (2)

(2) No publisher may cause to be used in printing magazines any part of a consumption quota arising from the previous publication of another magazine by another publisher. No publisher may permit any part of the consumption quota arising from the publication of a magazine by him to be used in printing another magazine published by another person.

(3) The rules governing the assignability of quotas are stated in Priorities Regulation 7A.

(i) *Exceptions.* Certain paragraphs of this order contain exceptions to general rules. These exceptions apply only to the provisions to which they specifically refer. They do not apply to any other portions of the order.

Consumption Quota

(j) *Computation of consumption quota.* In the first calendar quarter of 1944, and in each calendar quarter after that, no publisher may cause to be used for the printing of his magazines any paper in excess of his quarterly consumption quota, which shall be computed as follows:

(1) Determine the gross tonnage of paper consumed in printing the publisher's magazines in the calendar year 1942, and divide by four. This is the publisher's "quarterly base tonnage" from which the required reductions shall be made.

(2) If the publisher's quarterly base tonnage is not more than 1¼ tons, or if a person has no quarterly base tonnage, he may cause up to a total of 1¼ tons of paper to be used for the printing of his magazines in any calendar quarter, provided the tonnage in excess of his quarterly base tonnage, if any, is deducted from a commercial printer's consumption quota under Order L-241. Publishers who consume paper under this paragraph (j) (2) shall file with the War Production Board, within 15 days after the calendar quarter in which such paper is used, a letter signed by the publisher and countersigned by the printer setting forth:

(i) The name and address of the publisher;

(ii) The name and address of the printer;

(iii) The title(s) of the magazine(s),

(iv) The publisher's base period consumption if any·

(v) The tonnage deducted from the commercial printer's quota under Order L-241, and

(vi) The dates of issues printed.

This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) If the publisher's quarterly base tonnage is more than 1¼ tons but not more than 5 tons, his quarterly consumption quota is the same as his quarterly base tonnage. He need not use less than his quarterly base tonnage, but he may not use more.

(4) If the publisher's quarterly base tonnage is more than 5 tons but not more than 27.8 tons, his quarterly consumption quota is 90 percent of his quarterly base tonnage or 5 tons, whichever amount is larger.

(5) If the publisher's quarterly base tonnage is more than 27.8 tons, his quarterly consumption quota is 75 percent of his quarterly base tonnage or 25 tons, whichever amount is larger.

(6) In every case the publisher's quarterly consumption quota is subject to the borrowing and carry-over provisions contained in paragraph (k)

(k) *Borrowing and carry-over.* (1) A publisher may add an extra 15 percent to his consumption quota in any quarter if he subtracts that amount from his consumption quota for the next quarter.

(2) A publisher may carry over for future use accumulated savings resulting from underuse of quota, but he may not use in a calendar quarter any portion of his carry-over in excess of 15% of his consumption quota for that quarter.

(3) The borrowing and carry-over provisions of paragraph (k) do not apply to the paper which a small publisher is permitted to use from a commercial printer's consumption quota as provided in paragraph (j) (2) as distinguished from his own consumption quota, if any, under this order.

(l) *Total permitted consumption.* A publisher may use in any calendar quarter:

(1) His quarterly consumption quota, as determined under paragraph (j)

(2) Plus permitted borrowing from his consumption quota for the next calendar quarter, as provided in paragraph (k) (1)

(3) Plus any less-than-quota savings which may be used in that calendar quarter as provided in paragraph (k) (2) or minus any tonnage which had been borrowed during the preceding calendar quarter from his consumption quota for that calendar quarter, as provided in paragraph (k) (1),

(4) Plus ex-quota tonnage, if any, which may have been granted on appeal for consumption in that quarter.

(m) *Allotment to Army and Navy.* (1) The War Production Board may from time to time allot to the Army and the Navy a specified tonnage of paper to be consumed in printing magazines which will be furnished without charge to United States Armed Forces personnel in the continental United States and special "pony editions" of magazines which will be furnished to United States Armed Forces personnel overseas whether such "pony editions" are sold or not. The overseas allotment may be extended to regular editions where the production of special "pony editions" is impracticable because of the small number of copies involved.

(2) From this allotment the Army and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in printing such magazines acquired by the Army and the Navy for distribution as described under paragraph (m) (1) This allotment does not cover purchases of magazines by military exchanges or service departments as defined in Priorities Regulation 17 for distribution within the continental limits of the United States. All magazines sold to the military shall be charged against the publisher's consumption quota unless the publisher has received a specific grant from the Army or the Navy pursuant to this paragraph.

(n) *Certification to printer.* No publisher may order magazines to be printed, and no person may print such magazines, unless the publisher furnishes, or has previously furnished, to that printer 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 publisher certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with Order L-244, and that all orders placed by the publisher with that printer for items regulated by Order L-244, 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 printing.

Delivery Restrictions

(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 paragraphs (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.

(q) *Certification to paper dealer or mill.* No publisher may order or accept delivery of paper and no person may deliver paper to a publisher unless the publisher 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 publisher 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-244 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.

Magazines or Parts Thereof Printed in Violation of Order

(r) *Restrictions on paper suppliers, printers, binders, distributors, wholesalers, and others.* (1) No person may sell or deliver any paper which he knows or has reason to believe will be accepted or used in violation of this order.

(2) No person may apply ink to any paper in the production of magazines if he knows or has reason to believe that the printing of such paper will be in excess of the publisher's allowable consumption under this order.

(3) No person may apply any additional ink to paper, and no person may bind or otherwise process paper, in the production of magazines if he knows or has reason to believe that such paper was printed in excess of the publisher's allowable consumption under this order.

(4) No person may agree to purchase for resale, and no person may accept for resale, any magazines which he knows or has reason to believe were printed in excess of the publisher's allowable consumption under this order.

(5) No person may sell, distribute or otherwise dispose of magazines, except for redelivery to his supplier or for use as waste paper scrap, if, before he accepted them, he knew or had reason to believe that they were printed in excess of the publisher's allowable consumption under this order.

Miscellaneous Provisions

NOTE: Paragraphs (s) through (w), formerly (r) through (v), redesignated Feb. 5, 1945.

(s) *Records.* Every publisher must keep accurate records, by calendar quarters, of the number of copies of each magazine which he caused to be printed, the tonnage of paper which he caused to be used for each magazine, the tonnage of paper of each grade and item of paper received during the quarter, and the tonnage of paper in inventory at the time of each delivery, subject to inspection by the authorized representatives of the War Production Board. These records must be preserved as long as this order remains in force, and for two years after that.

(t) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(u) *Appeals.* Any appeal from the provisions of this order shall be made in accordance with Supplement I to the order. Regardless of the provisions of Priorities Regulation 16, no statement with respect to manpower information on Form WPB-3820 (or letter explaining why that form is not filed) need accompany any appeal.

(v) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C. Ref: L-244.

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

Issued this 5th day of February 1945.

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

[F. R. Doc. 45-2128; Filed, Feb. 5, 1945; 11:33 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-244, Rev. of Direction I]

Limitation Order L-244, Direction I, issued June 15, 1944, is hereby revoked.

Issued this 5th day of February 1945.

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

[F. R. Doc. 45-2129; Filed, Feb. 5, 1945; 11:34 a. m.]

PART 3133—PRINTING AND PUBLISHING

[Limitation Order L-245, as Amended Feb. 5, 1945]

BOOKS AND BOOKLETS

Scope

(a) The purpose of this order.

Definitions and Explanations

(b) Book.
(c) Publisher.
(d) Paper.
(e) Put into process.
(f) Production waste.
(g) Inventory.
(h) Transfer of quotas.
(i) Exceptions.

Consumption Quota

(j) Computation of consumption quota.
(k) Carry-over.
(l) Total permitted consumption.
(m) Restriction on paper for reprinting.
(n) Breach of contracts.
(o) Allotment to Army and Navy.
(p) Certification to printer.

Delivery Restrictions

(q) Limit on tonnage which may be accepted.
(r) Increase of deliveries.
(s) Certification to paper dealer or mill.

Books or Parts Thereof Printed in Violation of Order

(t) Restrictions on paper suppliers, printers, binders, distributors, wholesalers, and others.

Miscellaneous Provisions

(u) Records.
(v) Applicability of regulations.
(w) Appeals.
(x) Communications.
(y) Violations.

Scope

§ 3133.17 *Limitation Order L-245*—(a) *The purpose of this order* This order does three things: First, it limits the tonnage of paper which a book publisher may cause to be put into process in the production of books. This is called his "consumption quota," and is based upon the tonnage of paper which he caused to be put into process in the production of books in 1942. A publisher may not exceed his consumption quota even though the paper is physically available to him or his printer. Second, it limits the tonnage of paper which may be accepted by or on behalf of a book publisher. This is based upon his inventory of paper. Third, it places certain restrictions on paper suppliers, printers, binders, distributors, wholesalers and others in their dealings with publishers who consume paper in excess of their allowable consumption under this order.

Definitions and Explanations

(b) *Book.* "Book" means any bound or loose-leaf collection of 32 or more pages. It also means any school workbook, educational test, or book intended for juvenile use, irrespective of the number of pages. Advance parts and supplements of books are included. For the sake of convenience the word "book" is used throughout this order, even though the order also covers items which are more commonly referred to as "booklets" or "pamphlets" Excluded from the defi-

nition of "book" and hence from the provisions of this order are the following:

(1) Magazines as defined in Order L-244 and newspapers as defined in Order L-240;

(2) Diaries, date books, memorandum books, address books, blank books, accounting books, sales books, business-entry books, ledgers, journals, and other items in book format (except school workbooks and educational tests) whose primary function is to provide space for the entry of data rather than instructional material, reading matter or illustrations;

(3) Albums less than half of whose pages contain reading matter or illustrations;

(4) Catalogs or advertising brochures issued by or for persons who manufacture, distribute, or offer for sale the products, commodities or services listed or illustrated therein, including inserts supplied by manufacturers or distributors to publishers who distribute them collectively in "catalog files," "cooperative files," "condensed catalogs," "catalog yearbooks," or similar reference volumes; *Provided, however* That the paper used in the production of all editorial material contained in such volumes, such as prefaces, forewords, indices, blank pages, textbook data, classified directory information, condensed and typographically standardized pages of product or service data, and display and all other advertisements shall be charged to the quota of the publisher under this order;

(5) Directories issued by a person whose primary business is not publishing;

(6) Printed matter of which no copies of any edition are offered for sale, either singly or in bulk, at any level of distribution. Printed matter is "offered for sale" if it is offered either in consideration of a monetary payment, as a premium, bonus or dividend, in connection with a correspondence course, in part consideration of society membership dues, or for any other consideration direct or indirect. Printed matter is "offered for sale" if the publisher receives any compensation for the inclusion of material therein.

(7) Instructional manuals concerned exclusively with the specific brand of products manufactured or distributed by the person issuing the manuals. (Instructional manuals applicable to other brands of the same or similar products are not within this exception.)

(8) School or college annuals and yearbooks;

(9) Cut-out or other game books covered by Order M-241-a, List D.

NOTE: Items (2) to (8) inclusive are "commercial printing" under Order L-241. Schedule II of that order limits the tonnage of paper which a publisher or issuer of certain of these items may cause to be used. Also, Schedule II of Order L-241 limits the tonnage of paper which a publisher or issuer may cause to be used in sheet music, music folios, song sheets, and comic and cartoon books which are not "books" as defined in this order or "magazines" as defined in Order L-244.

If a publisher is uncertain as to whether or not his publication is a book as defined in this order, he may ask the War Production Board for an official determination. The War Production Board may also make this determination upon its own motion. Such a determination, issued to the publisher in the name of the Recording Secretary of the War Production Board, shall be conclusive for the purposes of this order, unless revoked or modified by the same authority.

(c) *Publisher* The "publisher" of a book is the person who performs, with respect to that book, the functions of a publisher as that term is generally understood in the book publishing industry.

(d) *Paper* "Paper" means any grade, quality, type, basis weight or size of paper used in the production of a book, including end papers, labels, paper covers and jackets. The term includes paper reclaimed wholly or partly from printed or unprinted waste as well as paper made entirely from virgin fiber.

(e) *Put into process.* All the paper consumed in a single, complete, continuous printing of a book is "put into process" when the press run is commenced. Paper "put into process" includes paper printed by letter-press, offset or any other process.

(f) *Production waste.* All production waste shall be included in determining the tonnage of paper which a publisher causes to be put into process in the production of a book.

(g) *Inventory.* "Inventory" means all the paper which is available for a publisher's use. It is immaterial whether such paper is in the publisher's hands or in the hands of a printer, paper dealer or other person. Paper in transit is not included. When paper is put into process in the production of a book it ceases to be in inventory.

(h) *Transfer of quotas.* (1) Quotas provided by one War Production Board order may not be used for the purposes set forth in any other order. Thus, for example, a publisher may not use for the production of books any part of a consumption quota established under Order L-240 (newspapers), L-241 (commercial printing) or L-244 (magazines) and he may not permit any part of his consumption quota established under this order to be used for newspapers, commercial printing, or magazines. An exception to this rule is stated in paragraph (j) (2)

(2) This order does not prohibit the established practice in the book publishing industry whereby one publisher occasionally undertakes the sale and distribution of an edition or part of an edition of books published by another person. It does not sanction the acquisition by one publisher of another publisher's consumption quota. Quotas established by this order may not be bought or sold under any guise. The transfer of quotas is prohibited, except under the circumstances stated in Priorities Regulation 7A. The use by one publisher, directly or indirectly, of a consumption quota provided for another publisher is a violation, punishable in accordance with paragraph (x)

Except where specific authorization is granted by the War Production Board upon application in writing, paper which is put into process in the production of a book may be charged only against the quota of the person:

(i) Who is the publisher of the book; and

(ii) Who owns the copyright or the publication rights under copyright by assignment from the copyright owner; and

(iii) Whose publishing imprint appears on the title page; spine and jacket of the book to the exclusion of any other imprint or colophon of any kind; and

(iv) Who undertakes the ultimate risk of the publishing venture.

(i) *Exceptions.* Certain paragraphs of this order contain exceptions to general rules. These exceptions apply only to the provisions to which they specifically refer. They do not apply to any other portions of the order.

Consumption Quota

(j) *Computation of consumption quota.* In the calendar year 1944, and in each calendar year after that, no publisher may cause to be put into process for the production of books any paper in excess of his consumption quota, which shall be computed as follows:

(1) Determine the gross tonnage of paper consumed in the production of the publisher's books in the calendar year 1942. This is the publisher's "base tonnage" from which the required reductions shall be made.

(2) If the publisher's base tonnage is not more than 5 tons, or if a person has no base tonnage, he may cause up to a total of 5 tons of paper to be put into process for the production of books in any year, provided the tonnage in excess of his base tonnage, if any, is deducted from a commercial printer's consumption quota under Order L-241. Persons who cause paper to be consumed under this paragraph (j) (2) shall file with the War Production Board, within 15 days after such paper is used, a letter signed by the publisher and countersigned by the printer setting forth:

(i) The name and address of the publisher; and

(ii) The name and address of the printer; and

(iii) The publisher's base period consumption, if any, and

(iv) The tonnage deducted from the commercial printer's quota under Order L-241.

This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) If the publisher's base tonnage is more than 5 tons but not more than 20 tons, his consumption quota is the same as his base tonnage. He need not use less than he used in 1942, but he may not use more.

(4) If the publisher's base tonnage is more than 20 tons but not more than 100 tons, his consumption quota is 20 tons plus 85 percent of that part of his base tonnage in excess of 20 tons.

(5) If the publisher's base tonnage is more than 100 tons his consumption quota is 75 percent of his total base tonnage, or 88 tons, whichever is larger.

(6) In every case, the publisher's consumption quota is subject to the carry-over provisions contained in paragraph (k)

(k) *Carry-over* (1) If a publisher used less paper than he was allowed in 1943, he may add this saving to his consumption quota for 1944.

(2) A publisher may carry over for future use accumulated savings resulting from under-use of quota, but he may not use in a calendar year any portion of his carry-over in excess of 15% of his consumption quota. For example, if a publisher's consumption quota in 1945 is 100,000 pounds and his carry-over from 1944 is 20,000 pounds, he may use in 1945 in addition to his consumption quota a maximum carry-over of 15,000 pounds (i. e., 15% of 100,000 pounds). The balance of carry-over from 1944 (i. e., 5,000 pounds) plus any under consumption in 1945 may be carried over and used in 1946 provided the total of such carry-over from 1944 and 1945 does not exceed 15% of his consumption quota for 1946.

(3) The carry-over provisions of paragraph (k) do not apply to the paper which a person may permit a commercial printer to use in his behalf as provided in paragraph (j) (2) as distinguished from his own consumption quota, if any, under this order.

(l) *Total permitted consumption.* A publisher may cause to be put into process in any calendar year:

(1) His yearly consumption quota as determined under paragraph (j)

(2) Plus any less-than-quota savings carried over from previous years, as provided in paragraph (k)

(3) Plus ex-quota tonnage, if any, which may have been granted on appeal for consumption in that year.

(m) *Restriction on paper for reprinting.* No publisher may use, in the reprinting of any book, paper of a basis weight heavier than that used in the last printing of the book, except that paper which was in the publisher's inventory on or before February 5, 1945 may be used for reprintings, irrespective of the basis weight. A publisher "reprints" a book if he uses any part of the type or plates used in a previous printing of that book or if he reproduces any part of it by offset or any similar process.

(n) *Breach of contracts.* As provided in Title III of the Second War Powers Act, no person shall be held liable for damages or penalties for any default under any contract which shall result directly or indirectly from compliance with this order.

(o) *Allotment to Army and Navy.* (1) The War Production Board may from time to time allot to the Army and the Navy a specified tonnage of paper to be consumed in printing books which will be furnished without charge to United States Armed Forces personnel in the continental United States, and to United States Armed Forces personnel outside the continental limits of the United States whether such books are sold or not.

(2) From this allotment the Army and the Navy, under a delegation of authority from the War Production Board, may grant to individual publishers the right to add to their consumption quotas the tonnage of paper consumed in such books acquired by the Army and the Navy. This allotment does not cover purchase of books by military exchanges or service departments, as defined in Priorities Regulation 17 for distribution within the continental limits of the United States. All books sold to the military shall be charged against the publisher's consumption quota unless the publisher has received a specific grant from the Army or the Navy pursuant to this paragraph.

(p) *Certification to printer* No publisher may order books to be printed, and no person may print such books, unless the publisher furnishes or has previously furnished to that printer 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 publisher certifies, subject to the penalties of section 35 (A) of the United States Criminal Code, to the printer and to the War Production Board that he is familiar with Order L-245 and that all orders placed by the publisher with that printer for items regulated by Order L-245, 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 printing.

Delivery Restrictions

(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.

(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:

(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.

(2) If a publisher's inventory of an item is insufficient for a single complete printing of a particular book, he may accept delivery of a sufficient additional supply of that item in that grade, basis weight, and size for the printing of the book, provided it is put into process within 30 days after receipt of the paper.

(3) 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 (q), (r) (1), or (r) (2) 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.

(s) *Certification to paper dealer or mill.* No publisher may order or accept delivery of paper, and no person may deliver paper to a publisher, unless the publisher 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 publisher 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-245 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.

Books or Parts Thereof Printed in Violation of Order

(t) *Restrictions on paper suppliers, printers, binders, distributors, wholesalers, and others.* (1) No person may sell or deliver any paper which he knows or has reason to believe will be accepted or used in violation of this order.

(2) No person may apply ink to any paper in the production of books if he knows or has reason to believe that the printing of such paper will be in excess of the publisher's allowable consumption under this order.

(3) No person may apply any additional ink to paper, and no person may bind or otherwise process paper, in the production of books if he knows or has reason to believe that such paper was printed in excess of the publisher's allowable consumption under this order.

(4) No person may agree to purchase for resale, and no person may accept for resale, any books which he knows or has reason to believe were printed in excess of the publisher's allowable consumption under this order.

(5) No person may sell, distribute or otherwise dispose of books, except for re-delivery to his supplier or for use as waste paper scrap, if, before he accepted

them, he knew or had reason to believe that they were printed in excess of the publisher's allowable consumption under this order.

Miscellaneous Provisions

NOTE: Paragraphs (u) through (y), formerly (t) through (x), redesignated Feb. 5, 1945.

(u) *Records.* Every publisher must keep accurate records of the tonnage of paper which he causes to be put into process for books, the tonnage of each item of paper received by him and the tonnage of paper in inventory at the time of each delivery, subject to inspection by the duly authorized representatives of the War Production Board. These records must be preserved as long as this order remains in force, and for two years after that.

(v) *Applicability of regulations.* This order and all transactions affected by it are subject to all present and future regulations of the War Production Board.

(w) *Appeals.* Any appeal from the provisions of this order shall be made in accordance with Supplement 1 to the order. Regardless of the provisions of Priorities Regulation 16 no statement with respect to manpower information on Form WPB-3820 (or letter explaining why that form is not filed) need accompany any appeal.

(x) *Communications.* All communications concerning this order shall be addressed to: War Production Board, Printing and Publishing Division, Washington 25, D. C., Ref: L-245.

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

Issued this 5th day of February 1945.

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

[F. R. Doc. 45-2130; Filed, Feb. 5, 1945; 11:33 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[General Conservation Order M-310, Gen. Direction 11, as Amended Feb. 3, 1945]

REQUIRED PRODUCTION OF HEAVY MILITARY UPPER LEATHER

The following amended direction is issued pursuant to General Conservation Order M-310:

Effective immediately and regardless of any preference ratings each person tanning any heavy military side upper leather (excluding cuff and gusset retan) is hereby directed not to process any cattlehides into shoe upper leather nor to sell, deliver or use any such leather unless he complies with the following requirements:

In his operations, all cattlehides, except green salted domestic cow and steer hides weighing individually over 65 pounds, which will make heavy military side upper leather gauging 4¼ ounces or heavier in the bend area (as measured by the Woburn Machine Company's gauge or its equivalent) shall to the extent permitted by the tanner's facilities be made into either flesh finish, or russet grain finish, or black grain finish, chrome retan side upper leather or waterproof side upper leather. Waterproof side upper leather may not gauge over 5 ounces in the bend area but may gauge as low as 4 ounces in the bend area. All such leather meeting military specifications for military footwear shall be sold, delivered or used only in filling military orders as defined in paragraph (a) (5) of General Conservation Order M-310. (Military procurement agencies have agreed to modify their footwear specifications to permit the acceptance of shoes from the leather produced within the above revised weight limits.) The foregoing requirements are subject to the following exceptions:

(1) This direction does not apply to cattlehides processed for leather products other than shoe upper leather.

(2) Waterproof side upper leather may be made, sold, delivered or used to the extent necessary to fill purchase orders, bearing thereon a statement that the leather is to be used for loggers' boots.

NOTE: Exception (2), formerly (3), redesignated Feb. 3, 1945.

Issued this 3d day of February 1945.

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

[F. R. Doc. 45-2043; Filed, Feb. 3, 1945; 11:27 a. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 32, as Amended Feb. 5, 1945]

CARBON BLACK

§ 3293.1032 *Schedule 32 to General Allocation Order M-300*—(a) *Definitions.* (1) "Carbon black" means furnace type carbon black and channel type carbon black as defined herein. The term does not include lampblack, acetylene black, animal black, or vegetable black.

(2) "Furnace type carbon black" means the pigment produced by the thermal decomposition of hydrocarbons in a furnace. The term includes but is not limited to those blacks known commercially as high modulus, semi-reinforcing and thermal.

(3) "Channel type carbon black" means the pigment produced by the impingement of a flame (burning natural gas) against a channel and weighing, when packed, 17 pounds or more per cubic foot. The term includes but is not limited to those blacks known commercially as easy processing, medium processing, and hard processing.

(b) *General provisions.* Carbon black is subject to the provisions of General Allocation Order M-300 as an Appendix C material. The initial allocation date is November 1, 1942, for furnace type carbon black, previously allocated under Allocation Order M-244 (revoked) and for Channel type carbon black the initial allocation date is August 1, 1944. The allocation period is the calendar month. A customer may purchase an aggregate quantity of 100 pounds or less of carbon black per month from all suppliers without restrictions, must furnish use certificates with each order when seeking delivery of between 100 and 20,000 pounds per month from all suppliers, and must file on Form WPB-2945 for more than 20,000 pounds per month from all suppliers.

(c) *Special provisions.* (1) [Revoked, Feb. 1, 1945.]

All stocks of carbon black are subject to this schedule, notwithstanding the "consumers' stocks" exemption in paragraph (n) of Order M-300.

(d) *Suppliers' applications on Form WPB-2947.* Each supplier seeking authorization to deliver shall file application on Form WPB-2947 (formerly PD-602). The filing date is the 20th of the month preceding the proposed delivery month. Send four copies (one certified) to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref: M-300-32. The unit of measure is pounds. Fill in Tables I and II as indicated.

(e) *Customers' applications on Form WPB-2945.* Each person seeking authorization to use or accept delivery of more than 20,000 pounds of carbon black per month from all suppliers shall file application for authorization on Form WPB-2945 (formerly PD-600). The filing date is the 15th day of the month preceding the requested allocation month. Send three copies (one certified) to War Production Board, Chemicals Bureau, Washington 25, D. C., Ref.. M-300-32, one copy (reverse side blank) to the supplier, and retain one copy. Separate forms should be filed for each different grade or type of carbon black, and separate sets shall be submitted for each delivery destination of applicant. The unit of measure is pounds.

In Column (3) specify primary product in terms of the following:

Crude rubber
Liquid latex
Whole tire reclaim
All other reclaim
Scrap rubber
Buna S
Buna N
Butyl
Thiokol
Neoprene
All other types of synthetic rubber (specify)
Other primary products (specify)
Export (as carbon black)
Recale (as carbon black)
Inventory (as carbon black)

In Column (4), opposite each type of rubber specified in Column (3) specify the end use pattern in terms of the following code numbers, giving the pounds of carbon black requested for each different code number:

Use	War (code number) [1]	Civilian (code number) [2]
Passenger tires	20	50
Truck and bus tires	21	51
Farm tractors & implement tires	22	52
Tank blocks, treads & tracks	23	------
Solids, industrial & truck solids and bogie wheels	24	54
Bicycle tires	25	55
Airplane tires	26	56
Passenger type camelback	27	57
Truck & bus camelback	28	58
Tire tubes	29	59
Tires & tube repair material	30	60
Belting	31	61
Hose and tubing	32	62
Packing and gaskets	33	63
Other mechanical goods	34	64
Wire and cable	35	65
Footwear	36	66
Heels	37	67
Soles	38	68
Curing bags	39	69
Proofing, clothing and fabrics	40	70
Drug sundries	41	71
Bullet sealing fuel cells	42	------
Life rafts, boats, vests	43	------
Miscellaneous	44	73

[1] "War Code Number" means that the particular carbon black is to be incorporated into products to be delivered to the Army, Navy, Coast Guard, Maritime Commission, or to or for the account of any foreign country under the Act of March 11, 1941 (Lend-Lease Act).

[2] "Civilian Code Number" means any end use not identified by a "War Code Number"

(f) *Certified uses with purchase orders.* Each person placing purchase orders for delivery of between 100 and 20,000 pounds of carbon black per month in the aggregate from all suppliers shall furnish each supplier with a certified statement of proposed use, in the form prescribed in Appendix D of General Allocation Order M-300. Describe proposed end use in the same manner as described in paragraph (e) above. Certified end use statements shall be filed with the supplier not later than the 15th of the month preceding the requested delivery month.

(g) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(h) *Communications to War Production Board.* All reports filed hereunder and all communications concerning this Schedule, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Bureau, Washington 25, D. C., Ref.. M-300-32.

Issued this 5th day of February 1945.

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

[F. R. Doc. 45-2131; Filed, Feb. 5, 1945; 11:33 a. m.]

Chapter XI—Office of Price Administration

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[RMPR 492,[1] Amdt. 2]

SEED POTATOES

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.*

The base prices for potatoes produced in Iowa set forth in section 9, Appendix A (a) of Revised Maximum Price Regulation 492 are amended to read as follows:

(a) *Certified seed potatoes*

APPENDIX A—BASE PRICES

Place where produced	Base price per 100 pounds, sacked, by month of delivery									
	1944 crop									
	1944				1945					
	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June
Iowa, all	3.45	3.40	3.50	3.60	3.65	3.70	3.80	3.90	4.00	4.00

This amendment shall become effective February 2, 1945.

Issued this 2d day of February 1945.

JAMES F BROWNLEE,
Acting Administrator.

Approved: January 31, 1945.

GROVER B. HILL,
First Assistant War Food Administrator

[F. R. Doc. 45-2031; Filed, Feb. 2, 1945; 4:37 p. m.]

[1] 9 F.R. 12090, 13667.

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

[1] 9 F.R. 7502, 9896, 10578, 11076, 11530, 12537, 12537, 13056, 14210, 14725.

PART 1305—ADMINISTRATION

[Supp. Order 92,[1] Revocation]

ADJUSTABLE PRICING OF CERTAIN COTTON TEXTILES

An opinion accompanying this order of revocation issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Order No. 92 is hereby revoked.

This order of revocation shall become effective February 3, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2113; Filed, Feb. 5, 1945; 8:56 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

[MPR 118, Amdt. 30]

COTTON PRODUCTS

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

Maximum Price Regulation No. 118 is amended in the following respects:

1. The paragraph preceding subdivision (i) in § 1400.118 (d) (2) is amended to read as follows:

(2) *Flannels.* On and after February 3, 1945, revised maximum prices for flannels shall be the prices set forth in or ascertained in accordance with subdivisions (i), (ii), (iii), (vi), and (vii) increased by 6.5%, and the prices set forth in or ascertained in accordance with subdivisions (iv) and (v) increased by 1.5%. Revised maximum prices shall be subject to terms of two per cent 10 days, 60 extra, with anticipation at the rate of 6% per annum where payment is made after 9 days.

2. Section 1400.118 (d) (14) (iv) (*a*) is amended to read as follows:

(*a*) The base maximum prices for flannelette diapers of the following specifications shall be:

Size	Finished weight of bleached flannel of same width as diaper (yards per pound)	Per dozen
27" x 27"	5.50	$1.25
	6.00	1.185
	6.50	1.14
	7.00	1.095
30" x 30"	4.95	1.51
	5.40	1.44
	5.85	1.375
	6.30	1.325

3. In § 1400.118 (d) (14) (ii) (*a*), the heading "Wholesalers" is changed to read "Wholesalers and diaper services."

This amendment shall become effective February 3, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2114; Filed, Feb. 5, 1945; 8:56 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 285]

IMPORTED FRESH BANANAS, SALES EXCEPT AT RETAIL

Maximum Price Regulation 285 is redesignated Revised Maximum Price Regulation No. 285 and is revised and amended to read as follows:

A statement of the considerations involved in the issuance of this Revised Maximum Price Regulation No. 285 has been issued and filed with the Division of the Federal Register.*

AUTHORITY: § 1351.1251 issued under 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.

Sec.
1. What this regulation applies to.
2. Definitions.
3. Importers' maximum prices for sales of green bananas.
4. Maximum prices for all other sales of bananas.
5. Adjustment of certain maximum prices by Regional or District offices.
6. Fractions of cents.
7. Maintenance of customary discounts and allowances.
8. Record keeping.
9. Information sellers must supply.
10. Compliance with this regulation.
11. Petitions for amendment.

SEC. 1. *What this regulation applies to*—(a) *In general.* This regulation establishes maximum prices for all domestic sales of imported green and processed bananas except sales by retailers (see Maximum Price Regulations 422[1] and 423[2]) Export sales are covered by Second Revised Maximum Export Price Regulation.[3] It supersedes Maximum Price Regulation 285, but all Regional or District Orders issued under that regulation shall continue in effect as orders under this regulation until superseded or revoked by the appropriate office.

(b) *Geographical applicability.* This regulation applies to the 48 states of the United States and the District of Columbia.

SEC. 2. *Definitions.* As used in this regulation, the term:

"Importer" means a person, other than a retailer, who imported the bananas being priced into the United States for resale, or who regularly imports bananas into the United States for resale whether or not he imported the particular bananas being priced.

"Retailer" means a person the larger volume of whose food business is the purchase and resale of food products, without materially changing their form, to ultimate consumers.

"Green bananas" means fresh bananas other than processed bananas, and includes bananas that have "turned" or ripened naturally.

"Processed bananas" means fresh bananas that have been unloaded into rooms or buildings specially equipped for ripening bananas and artifically ripened in such rooms or buildings.

"Cost of transportation" with respect to the bananas being priced, means the sum of the following:

(1) The cost of transporting the bananas from the port of entry to the wholesale receiving point or auction by the most direct route at the lowest available common carrier rate;

(2) In the case of truck shipments, wharfage, handling, tollage and usage charges incurred at the dock;

(3) In the case of railroad shipments to points west of the Mississippi River, the cost of messenger service actually supplied, but not to exceed $20.00 per car.

(4) The actual cost of other protective services, but not to exceed the lowest common carrier's charges for the same services;

(5) Any transportation tax imposed by section 602 of the Revenue Act of 1942;

(6) The cost of hauling from the wholesale receiving point or auction to the seller's place of business (including a warehouse or ripening room, but not a retail store) but only in cases and to the extent authorized by a Regional or District Office under section 5 (a) (1)

"Wholesale receiving point" means the common carrier delivery point nearest to the buyer's warehouse or ripening room at which bananas are customarily delivered by the means of transportation used to move the bananas being priced.

"Base price" means the maximum price delivered at the port of entry for the bananas being priced plus the cost of transportation.

"Person" means an individual, corporation, partnership, association, any other organized group of persons, and their legal successors or representatives. The term includes the United States, its agencies, other governments, their political subdivisions and their agencies.

"Sale" includes sales, dispositions, agencies, leases, and other transfers and contracts and offers to do any of those things. The term "sell," "seller," "buy," "buyer," "purchase" and "purchaser" shall be construed accordingly.

SEC. 3. *Importers' maximum prices for sales of green bananas.* No importer shall receive, for sales of green bananas, more than the appropriate maximum price named in this section, regardless of whether he performs functions other than importing.

(a) *Delivered at port of entry.* Importers' maximum prices for sales of green bananas delivered at port of entry are the amounts listed opposite the respective countries of production in the following table:

Country of production:	*Maximum price per cwt.*
Guatemala, Costa Rica, Honduras, Panama	$4.50
Mexico,[1] states of Chiapas and Tabasco	4.50
Mexico, all other states	3.25
All other countries	4.00

[1] See section 9 (b) and (c) for special provisions regarding importations of Mexican bananas. If those provisions are not met, the maximum price delivered at port of entry for the particular bananas is $3.25 per cwt.

"Delivered at port of entry" means, in the case of maritime ports of entry, delivered at ship-side, and in the case of terrestrial ports of entry, delivered at the point at which the bananas being priced first entered the United States loaded in the car or other vehicle in which they were imported. The maximum price delivered at port of entry, in the case of maritime ports, includes all costs included in ocean transportation. In sales made by importers at maritime ports of entry, if the bananas are not unloaded from the vessel, the maximum price in each case is the applicable maximum price from the foregoing table minus the cost of unloading.

(b) *Delivered at points other than the port of entry.* For sales delivered at any point other than the port of entry, the importer's maximum price in each case is the maximum price delivered at port of entry for the bananas being priced, plus the cost of transportation (i. e., the "base price" only)

(c) *Sales through terminal auction.* For sales through terminal auction, the importer's maximum price in each case is the base price plus 94¢ per cwt., minus 5 percent of the total of the foregoing items.

SEC. 4. *Maximum prices for all other sales of bananas.* Table 1, below, shows how to figure maximum prices for all sales of bananas made after the bananas being priced were sold by any imported through a terminal auction. It does not apply to sales by importers. The maximum price for such sales is, in each case, the net auction price multiplied by the figure named in the table for the particular type of sale. The term "net auction price" means the maximum price delivered at port of entry for the bananas being priced, plus the cost of transportation, plus 94¢ per cwt, minus 5% of the total of the foregoing items.

Table 2, below, shows how to figure maximum prices for all sales of bananas not covered by section 3 or by Table 1 of this section. The maximum price for such sales is, in each case, the base price multiplied by the figure named in the table for the particular type of sale.

The maximum prices for sales delivered to the premises of a retailer figured under those tables include all delivery costs, and no seller making such a sale may increase his maximum price by such costs except as specifically authorized by a Regional or District Office of the Office of Price Administration under section 5 (a) (2) For other sales, the maximum prices do not include delivery charges, and if he delivers, the seller's maximum price in each of those cases is

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

[1] 9 F.R. 5671, 6829, 7340, 7520, 7937, 9354, 9720, 10259, 10982, 11537, 11711, 11902, 12340, 12593, 12746, 12972, 14600, 14494, 15048; 10 F.R. 200.

[2] 9 F.R. 5656, 6828, 5951, 7339, 7520, 7937, 9354, 9719, 10258, 10982, 11537, 11711, 11901, 12343, 12593, 12589, 12590, 12746, 12972, 14600, 14493, 15047, 10 F.R. 200.

[3] 8 F.R. 4132, 5937, 7662, 9998, 15193; 9 F.R. 1036, 5435, 5923, 7201, 9834, 12273, 12919, 14346.

the applicable maximum price figured from the appropriate table, plus the actual cost of delivery.

TABLE 1—BANANAS THAT HAVE BEEN SOLD BY AN IMPORTER THROUGH AUCTION

Type of sale:	*Figure by which net auction price is to be multiplied*
Sales of processed bananas, delivered to the premises of a retailer:	
In stems	1.26
In hands	1.36
All other sales of processed bananas:	
In stems	1.18
In hands	1.28
Sales of green bananas	1.08

TABLE 2—ALL OTHER BANANAS

Type of sale:	*Figure by which the base price is to be multiplied*
Sales of processed bananas by anyone, including an importer, delivered to the premises of a retailer:	
In stems	1.375
In hands	1.485
All other sales of processed bananas by anyone, including an importer:	
In stems	1.285
In hands	1.395
Sales of green bananas by anyone except an importer:	
In unbroken carlots or trucklots, or at port of entry and not loaded on carrier	1.02
All other sales of green bananas by anyone except an importer	1.09

For sales of processed bananas delivered to the premises of a retailer the markup shall not be less than $1.50 per cwt. for bananas in stems or $1.85 per cwt. for bananas in hands, *Provided,* The seller has processed the bananas himself.

The maximum price for sales of processed bananas by any person, other than an importer, who has processed the bananas being priced and who is located in the metropolitan area or the city limits of New York City is, in each case, 30¢ per cwt. higher than the maximum price otherwise applicable to the sale, and the maximum price otherwise applicable to any subsequent sale of the same bananas is increased by that amount.

SEC. 5. *Delegation of authority to Regional Administrators and District Directors.* (a) Each Regional Administrator is granted the following authority, which he in turn may delegate to District Directors within his jurisdiction:

(1) To determine, with respect to green bananas, whether the cost of hauling between wholesale receiving points and buyers' places of business (including their ripening rooms but not retail stores) is the cost of local hauling or whether it is a part of the cost of transportation as defined in section 2, and if it is found to be a part of the cost of transportation, to determine the amount that shall be included in the base price;

(2) To adjust upward the maximum prices of sellers other than importers to provide for inbound delivery costs (not including local hauling) charged to or paid for or absorbed by the seller and to provide for the cost of making deliveries to the premises of retailers or institutional users beyond the free delivery zone.

(3) In Region I only, to adjust upward the maximum prices of sellers other than importers to provide for the cost of hauling bananas from wholesale receiving points to sellers' places of business in cases where it is determined that the markups applicable to such sellers are not adequate to provide for the cost of such hauling, and regardless of whether such hauling is local hauling.

(b) No adjustment under this section shall be made to provide for the cost of local unloading at the seller's place of business. No adjustment under paragraphs (a) (2) or (3) shall be made in an amount more than 35¢ per cwt., nor in any manner that will tend to cause a shortage of bananas in any other locality or which will cause an increase in the price of bananas at retail.

SEC. 6. *Fractions of cents.* If any maximum price figured under this regulation includes a fraction of a cent, the seller shall adjust the price to the nearest fractional unit of a cent (like 1 cent, ½ cent, ¼ cent, etc.) in which he has customarily quoted prices for bananas.

SEC. 7. *Maintenance of customary discounts and allowances.* No seller shall change any customary discount, allowance or other price differential to a purchaser or class of purchasers if the change results in a higher price to that purchaser or class.

SEC. 8. *Record keeping.* Every seller covered by this regulation shall:

(a) Preserve for examination by the Office of Price Administration all his records, including invoices or other written evidence of sales and deliveries relating to the prices that he charges pursuant to the provisions of this regulation;

(b) Prepare on or before the effective date of this regulation, on the basis of all available information and records, and thereafter keep for examination by any person during ordinary business hours, a statement showing all of his customary allowances, discounts and other price differentials;

(c) Keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, is in effect, records of the same kind as he has customarily kept relating to the prices that he charges for bananas after the effective date of this regulation, and in addition records showing as precisely as possible the basis upon which he determined the maximum prices for bananas.

SEC. 9. *Information sellers must supply.* (a) Every seller covered by this regulation shall supply his purchaser with an invoice or other written evidence of the sale, which shall state the country of production of the bananas sold, the maximum price delivered at port of entry, the cost of transportation involved, the selling price, and if the bananas are sold or were purchased through auction, the maximum price for that auction sale.

(b) In the case of bananas imported from Mexico, the invoice shall set forth the state in Mexico in which the bananas were produced.

(c) All importers of bananas from Mexico are required to secure an original or copy of "Certificate of Origin" ("Certificado de Exportacion"—issued under the authority contained in the Order of the Department of Finance and Public Credit of the Republic of Mexico, published in the "Diario Official" on February 2, 1943) For each sale of bananas imported from Mexico, the importer must retain one copy of this certificate and supply his purchaser with a copy. These copies shall be retained pursuant to section 8.

SEC. 10. *Compliance with this regulation*—(a) *No selling or buying above maximum prices.* On and after the effective date of this regulation, regardless of any contract or obligation, no person shall sell or deliver, or buy or receive in the course of trade or business, bananas at prices higher than the maximum prices established by this regulation. However, prices lower than maximum prices may be charged and paid.

(b) *Evasion.* No person shall evade a maximum price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege; by tying agreement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling or packaging; or in any other way.

(c) *Enforcement.* Any person violating a provision of this regulation is subject to the criminal penalties, civil enforcement actions and suits for treble damages provided by the Emergency Price Control Act of 1942, as amended.

NOTE: Revised Supplementary Order No. 7 (7 F.R. 5176) issued by the Office of Price Administration provides that the war procurement agencies and governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.

(d) *Licensing.* The provisions of Licensing Order No. 1 (8 F.R. 13240) 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.

SEC. 11. *Petitions for amendment.* Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1 [4] as amended.

[4] 9 F.R. 10176, 13715.

This regulation shall become effective February 12, 1945.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2030; Filed, Feb. 2, 1945; 4:37 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 92]

FOOD RATIONING FOR INSTITUTIONAL USERS

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

General Ration Order No. 5 is amended in the following respects:

1. Section 9.4 is amended by adding the words, "or whose ration bank account has been closed under section 16.5" before the period at the end of the first sentence.

2. Section 16.3 (d) is added to read as follows:

(d) If an institutional user who has more than one establishment registered together and who has more than one account for a rationed food for those establishments, overdraws any one of those accounts, he may not draw checks on any of those other accounts for that food except for deposit in the overdrawn account, until he repays the amount of that overdraft.

3. Section 16.5 is added to read as follows:

SEC. 16.5 *Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.* (a) Where a district office is notified by a ration bank that an institutional user has overdrawn his ration bank account for a rationed food, it shall send him a notice in writing. The notice shall be delivered personally or sent by registered mail. The notice shall state:

(1) The amount of the overdraft on the institutional user's ration bank account, as shown by the records of the bank;

(2) That if the account is not overdrawn, the user must satisfy the district office of that fact within five (5) days after receipt of the notice; otherwise, the overdraft will be deemed to be admitted by the user;

(3) That if the account is overdrawn, the user may not draw any checks against the account until he repays the amount of the overdraft in accordance with (4),

(4) That his account will be closed and his ration banking privileges for the rationed food in question will be withdrawn unless he repays the amount of all overdrafts on that account before the sixteenth day after the beginning of the allotment period after the one in which he received the notice of the overdraft. (However, if the user has been given permission to apply for allotments under section 5.3 (d) later than fifteen (15) days after the beginning of an allotment period, the time for repayment shall be extended through the last day on which he is thus permitted to apply for an allotment)

(5) That he must give to the district office, as proof of payment of the overdraft, a duplicate deposit slip showing receipt by the bank of a deposit of ration evidences at least equal to the amount of the overdraft.

(b) If an institutional user fails to repay all overdrafts on the account in question within the time specified in the notice, the district office shall instruct the bank to close the user's account for the rationed food in question. If the user has more than one establishment registered together and has more than one account for the food in question for those establishments, the district office shall instruct each of the banks where such an account is kept to close it. The district office shall notify the user and his board of the closing of the account or accounts. If the account in question is for processed foods or foods covered by Revised Ration Order 16, the user shall also be notified that he must thereafter give up points for his acquisitions of the rationed foods for which the account is overdrawn at or before the time they are transferred to him, notwithstanding the provisions of section 9.5 (c) (2) and (3) of Revised Ration Order 13 and section 10.5 (d) (2) and (3) of Revised Ration Order 16. The Board shall also be notified of the amount of the remaining overdraft on the account at the time it was closed. Upon receipt of such instructions and notices:

(1) The bank shall close the institutional user's account and shall notify the district office of the balance in the account as of the time it was closed;

(2) The user must give up to the district office all ration checks and check books he has for the rationed food in question;

(3) The Board shall charge the amount of the remaining overdraft to the institutional user as excess inventory.

(c) If an institutional user whose account is overdrawn, after receiving a notice of that fact, draws another check for the food in question before he satisfies the conditions in paragraph (a) (4), his account shall be closed by the district office in the way described in paragraph (b) If an institutional user who has repaid the amount of an overdraft, after receiving the notice described in paragraph (a), again overdraws the same account the district office shall send him a notice in writing (to be delivered personally or by registered mail) of the amount of the overdraft. (If he has more than one establishment registered together and has more than one account for a particular rationed food for those establishments, the same rule applies whether or not his later overdraft is on the same account.) If he does not satisfy the district office within five (5) days after receipt of this notice that his account is not overdrawn, the district office shall close the account, and if he has more than one account for the same rationed food for a group of establishments registered together, all those accounts, in the way described in paragraph (b).

(d) An institutional user whose ration bank account for a rationed food has been closed pursuant to paragraphs (b) or (c) must thereafter give up points for acquisitions of that rationed food at or before the time it is transferred to him, notwithstanding the provisions of section 9.5 (c) (2) and (3) of Revised Ration Order 13 or section 10.5 (d) (2) and (3) of Revised Ration Order 16. (Nothing in this section shall be construed to prohibit the surrender of ration evidences for a transfer of rationed foods subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender points at the time required.)

(e) When an institutional user's ration bank account has been closed under this section, the district office may take any steps which it deems reasonably necessary to inform the user's present and prospective suppliers that the account has been closed, so that they will know that his right to use ration checks, and to surrender ration evidences after he acquires rationed foods, is restricted in the way provided in this section.

(f) Nothing in this section shall be considered to waive or exclude any other action which may be taken by the Office of Price Administration with respect to any violations by any institutional user of this order or Revised General Ration Order 3A.

This amendment shall become effective February 7, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. 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, 9684, respectively; War Food Order Nos. 56, 58, 59, 61, and 64, 8 F.R. 2005, 2251, 3471, 7093, 9 F.R. 4319)

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2057; Filed, Feb. 3, 1945; 3:34 p. m.]

---

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

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15488, 16787, 17486; 9 F.R. 401, 455, 692, 1810, 2212, 2287, 2252, 2476, 2789, 3030, 3075, 3340, 3704, 3577, 4196, 4393, 4647, 4873, 5041, 5232, 5684, 5826, 5915, 6108, 6504, 6628, 7167, 7260, 7703, 7770, 8242, 8813.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421,[1] incl. Amdts. 1–20]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

This compilation of Maximum Price Regulation 421 includes Amendment 20, effective February 8, 1945. The text added or amended by Amendment 20 is underscored.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 421 has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and Executive Order 9328, and will effectuate the purposes of said act and Executive orders.

§ 1351.360 *Ceiling prices of certain foods sold at wholesale.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and Executive Order 9328, Maximum Price Regulation No. 421, which is annexed hereto and made a part hereof, is hereby issued.

MAXIMUM PRICE REGULATION 421—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. How you determine to which class your business belongs.
3. How and when you figure ceiling prices.
4. Directions for applying the rule.
5. How you figure your ceiling prices for "new items"
5a. New wholesalers.
6. When you may change a ceiling price.
7. Indirect price increases prohibited.
8. Invoices and receipts.
9. Records.
10. Licensing.
11. Prohibitions.
12. Dollars-and-cents ceiling prices.
13. Further provisions supplementing or explaining this regulation.

ARTICLE II—SPECIAL PRICING PROVISIONS

14. Additions to "net cost" for packaging.
14a. Gift and holiday packages assembled by you.
15. Purchases and sales between wholesalers.
15a. Items which you import.
16. How you figure your ceiling prices for foods you "manufacture or otherwise process"
17. How a retailer-owned cooperative wholesaler figures ceiling prices for sales to non-members.
18. How a service wholesaler figures ceiling prices for cash-and-carry sales.
19. How a service wholesaler figures ceiling prices for sales to commercial, industrial or institutional users.
20. How an institutional wholesaler figures ceiling prices for sales to retailers.
21. Addition allowed for deliveries by Class 1 and Class 2 wholesalers.
22. Addition allowed for deliveries outside of a base zone.
22a. Special limitations in figuring your net cost in certain cases.
23. Special pricing provisions for manufacturers selling some commodities at wholesale.

ARTICLE III—ADJUSTMENT PROVISIONS

24. How retailer-owned cooperative wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for other wholesalers.
25. How service wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for institutional wholesalers.

ARTICLE IV—MISCELLANEOUS PROVISIONS

26. Transfer of business and stock in trade.
27. Taxes.
28. Export sales.
29. Relation to other regulations.
30. Definitions.
31. Geographical applicability.

ARTICLE V—TABLE AND COMMODITY DEFINITIONS

32. Table of mark-up figures. (Table A).

AUTHORITY: § 1351.360 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.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the foods listed in Table A for wholesalers selling these food products. These new ceiling prices are to be used on and after August 5, 1943, instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA) except as otherwise provided in any order fixing dollars and cents ceiling prices, which has been or which may be, issued by the OPA pursuant to General Order No. 51.[3]

SEC. 2. *How you determine to which class your business belongs*—(a) *What wholesalers are covered.* Your business is classified under this regulation, if, prior to the effective date of the regulation you were and still are a wholesaler, the larger part of whose food sales are of food products which you purchase for resale and distribute from your warehouse without materially changing their form, to independent retail stores, or to commercial, industrial or institutional users. This regulation does not apply, however, to "wagon wholesalers", "flour jobbers" or to sales of "cookies, crackers, toast and crumbs" by "cookie and cracker wholesalers."

[Paragraph (a) amended by Am. 7, 9 F.R. 2562, effective 3–13–44; and Am. 11, 9 F.R. 9719, effective 8–14–44]

(b) *Classes of wholesalers.* Wholesalers covered by this regulation are defined as follows:

(1) *Class 1, retailer-owned cooperative wholesaler* You are a retailer-owned cooperative wholesaler if you are either a non-profit organization or a corporation 51 percent of the stock of which is owned by your independent retailer customers.

(2) *Class 2; cash-and-carry wholesaler* You are a cash-and-carry wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, made without delivery, to independent retail stores, or if they were made with delivery you made a charge for delivery to all customers.

(3) *Class 3; service wholesaler* You are a service wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made, to independent retail stores, with delivery to all customers in a base zone without charge.

(4) *Class 4, institutional wholesaler* You are an institutional wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made to commercial, industrial or institutional users. For the purposes of this regulation "marine provisioners" shall be considered institutional wholesalers. (If you do business in more than one of the ways outlined above, see sections 17, 18, 19, and 20.)

[Subparagraph (4) amended by Am. 7, 9 F.R. 2562, effective 3–13–44]

[Section 2 amended by Am. 6, 8 F.R. 17368, effective 1–8–44, and as otherwise noted]

SEC. 3. *How and when you figure ceiling prices*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container type and container size) of food listed in Table A shall be the result of (1) the "net cost" you had to pay for the most recent delivery of the item to you before August 5, 1943, multiplied by (2) the mark-up figure given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of food covered by this regulation which you have in stock at that time. Between July 26, 1943, and August 5, 1943, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than August 5, 1943. If you do not put the new price for an item into effect before August 5, 1943, you must continue to use your existing ceiling for that item until August 5. If you receive delivery of any item between July 26, and August 5, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

SEC. 4. *Directions for applying the rule*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before August 5, 1943. Your "net cost" will be the amount you paid your

[1] 8 F.R. 9388.

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

[3] Revised: 9 F.R. 408, 11982.

supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container size and container type.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost of the unit in which you receive delivery (i. e. per dozen, per case, per bag, etc.) to the nearest cent.

(3) For items you "manufacture or otherwise process" use the special rules in section 16.

(b) *Mark-up.* Turn to Table A to find the mark-up figure for the item given your class of wholesaler. Table A lists all the items covered by this regulation by commodity groups.

(c) *Ceiling price.* Next multiply your "net cost" by the mark-up figure in Table A for your class of wholesaler for the item being priced. The resulting amount will be your ceiling price. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you may be allowed to change it.)

(d) *Fractions.* All calculations of ceiling prices resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent, and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

If you sell an amount less than the unit in which you receive delivery, you must reduce your ceiling price proportionately, rounding any fraction to the next higher cent.

(e) *Invoices.* You must write your net cost per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record.

You must keep separate, or mark or tag plainly, all invoices or records showing the "net cost" of the unit in which you received delivery and which you used in figuring your ceiling prices. The invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items."* (a) A "new item" is any item which you did not have in stock at the opening of business on August 5, 1943. You must figure your ceiling price for a "new item" before selling it, following the rules in section 4, basing your "net cost" however, on the first delivery of the item to you on or after August 5, 1943.

In pricing new items it is a violation to use the "net cost" of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use, in figuring your ceiling price, what the "net cost" would be of a purchase from a type of supplier usually used for a similar item and of an amount in which a similar item is usually purchased.

SEC. 5a. *New wholesalers.* If, on or after August 5, 1943, you begin to operate as a wholesaler as defined in section 2, you are subject to this regulation, and as such a new wholesaler you must figure all your ceiling prices for all sales of food items covered by this regulation in accordance with the following provisions:

(a) If you are a retailer-owned cooperative wholesaler, you must figure all of your ceiling prices for sales to members as a retailer-owned cooperative (Class 1) wholesaler and are subject to all of the provisions applicable to such a wholesaler.

(b) If you are not a retailer-owned cooperative wholesaler you must figure your ceiling prices in the following way:

(1) For sales to independent retail stores made without delivery, you shall use the mark-ups applicable to a cash-and-carry (Class 2) wholesaler.

(2) For sales to independent retail stores made with delivery, you shall use the mark-ups applicable to a service (Class 3) wholesaler.

(3) For sales to commercial, industrial or institutional users, you shall use the mark-ups applicable to an institutional (Class 4) wholesaler.

(c) You must figure your ceiling price for an item before selling it, in accordance with section 4, basing your "net cost" however, on the first delivery of an item to you on or after the date you open your place of business subject to all of the provisions covering the sales of "new items" in section 5.

(d) For sales to retail stores which are not independent retail stores, and for sales to other wholesalers, your ceiling price for any item shall be your supplier's ceiling price for such item plus transportation charges to your usual receiving point.

(e) Within 10 days after you become a new wholesaler under this section, you must notify your nearest District OPA office that you are operating under the provisions of this section.

(f) The provisions of this section may not be used by any person, who, at the opening of business on August 5, 1943, was subject to this regulation, or by any person owned or controlled by any wholesaler who at the opening of business on August 5 was subject to this regulation.

[Sec. 5a added by Am. 6, 8 F.R. 17368, effective 1-8-44]

SEC. 6. *When you may change a ceiling price*—(a) *Official notification.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct wholesalers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost" however, on that first delivery. If that delivery is from another wholesaler covered by this regulation, you must use the "net cost" of the other wholesaler. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you receive later shipments with the same notice you must not change your ceiling price again.

When you make a sale to a retail store at this new ceiling price, you must send with your invoice a copy of the notice received by you from your supplier if the notice is not attached to the item you are selling.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal" In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost" however, on the first delivery to you of the item after the termination of the "special deal"

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

[Sec. 6 amended by Am. 6, 8 F.R. 17363, effective as to paragraph (a) 1-8-44, and as to paragraph (b) 12-23-43]

SEC. 7. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it, by any stratagem, scheme, or device. You must not, as a condition of selling any particular food item, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost, as used in section 4, would be and use that net cost to figure your ceiling price.

SEC. 8. *Invoices and receipts.* You must give each of your customers an invoice, receipt or other evidence of purchase in connection with every sale, retaining a copy for your files. Each such record you prepare and give your customer must show the date of sale, the name and address of your customer, your name and

address, each food item sold, and the price you charged for it. Be sure that your description of each item shows the kind, brand, variety, container-size and container-type.

In addition, you must, on or before May 8, 1944, file with your nearest District OPA office a list of the items of canned fruits and canned vegetables you sell for which OPA regulations require processors to notify purchasers of the grade. (For example, in Maximum Price Regulation No. 306[4] certain items are listed by grades such as "A", "B" "C" or "Fancy" "Extra Standard" and "Standard" Each processor selling such an item must furnish the purchaser with an invoice describing the item and separately stating its grade.) The list must give your name and address, and the name of each brand and the grade thereof. If at any time the grade is changed so that it is different from the grade shown on the list, or if you offer for sale an item which you were not selling at the time you filed your list, you must, within 5 days of such change or such addition, notify your nearest District OPA office thereof.

If you sell more than one grade of any canned fruit or canned vegetable under the same brand name, you must show, on each invoice, the grade of each such item.

[Sec. 8 amended by Am. 6, 8 F.R. 17368, effective 1-8-44; and Am. 8, 9 F.R. 3647, effective 4-8-44]

SEC. 9. *Records.* After July 26, 1943, you must keep for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all your invoices, freight bills, and other records showing the price you paid for each item and the date you received delivery of each item covered by this regulation. You are required to show all your invoices and records on request of any OPA representative. You are also required to keep available for inspection by any OPA representative the records you used in determining your class. In addition, you are required, on request of any OPA representative, to furnish a written record of your ceiling price for any or all of the items covered by this regulation.

SEC. 10. *Licensing.* The provisions of Licensing Order No. 1,[5] 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.

[Sec. 10 amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

SEC. 11. *Prohibitions.* On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 12. *Dollars-and-cents ceiling prices.* From time to time the OPA may, by order issued pursuant to General Order 51,[6] fix dollars-and-cents ceiling prices for wholesalers for some or all of the food items covered by this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices and these orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price for the item under this regulation.

SEC. 13. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your class of wholesalers, you must, by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. In doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

[Paragraphs (a) and (b) added by Am. 4, 8 F.R. 15250, effective 11-9-43]

(c) On and after March 13, 1944, "marine provisioners" are made subject to this regulation. If you are a "marine provisioner", you must, by the opening of business on March 13, 1944, have figured your ceiling price in accordance with sections 3 and 4 for items which you have in stock at that time. For items which you do not have in stock at that time, you must figure your ceiling price in accordance with section 5. However, in doing so, you must substitute the date March 13, 1944, for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

[Paragraph (c) added by Am. 7, 9 F.R. 2562, effective 3-13-44]

(d) *1944 pack of "canned" and frozen fruits and vegetables.* Each item of the 1944 pack of "canned" fruits and vegetables and frozen fruits and vegetables shall be considered a different item from the 1943 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you before the date on which maximum prices are established by the OPA for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

The receipt of any of the above items of the 1944 pack, at a price to be adjusted after delivery in accordance with action to be taken by the OPA shall not be deemed a delivery, for the purpose of this section, until the receipt of an invoice or other written notice from your supplier showing the price after adjustment. Until the receipt of such an invoice or notice, you may not sell or deliver or offer to sell or deliver the item at a price higher than your ceiling price for the same item of the 1943 pack.

[Paragraph (d) added by Am. 16, 9 F.R. 11901, effective 9-27-44]

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 14. *Additions to "net cost" for packaging.* If you buy in bulk any item covered by this regulation and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags on which the name and weight of the commodity and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 1½ cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2 cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) ½ cent per pound for every such bag or container with a net weight of 5 pounds or more.

[Sec. 14 amended by Am. 1, 8 F.R. 10569, effective 7-27-43 and Am. 6, 8 F.R. 17368, effective 1-8-44]

SEC. 14a. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, your ceiling price for each such package will be the sum of the following multiplied by 1.05:

(a) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable

[4] 9 F.R. 12451.

[5] 8 F.R. 13240.

[6] Revised: 9 F.R. 408, 11982.

maximum price regulation. If you have no ceiling price for any item (or article), use your direct cost for that item.

(b) Your direct cost of the packaging materials used for the package, including the container.

[Sec. 14a added by Am. 14, 9 F.R. 11537, effective 9-16-44]

SEC. 15. *Purchases and sales between wholesalers.* (a) If you purchase from another wholesaler covered by this regulation, an item for which you have not previously been required to establish a ceiling price under this regulation, you must secure a written record of that wholesaler's "net cost" To get your "net cost" for the item, you will add to that wholesaler's "net cost" the transportation charges you paid (not including local trucking or local unloading) to your usual receiving point. You will multiply the resulting figure by the mark-up figure for your class of wholesaler to get your ceiling price. However, your "net cost" for an item under this section may not exceed the net cost for that item had you purchased it from the manufacturer or processor. When you sell to another wholesaler an item covered by this regulation, you must furnish him with a written record of your "net cost" for the item.

(b) This section shall not apply to any imported food item which you purchase from a wholesaler who has imported that item.

(c) This section shall not apply with respect to ceiling prices figured for your sales to boat and steamship companies and ship operators for the provisioning of boats and ships, if you are a marine provisioner, the larger part of whose purchases of "dry groceries" were, prior to March 1942, and still are, made from other wholesalers: *Provided,* That before this exemption shall apply to you, you must receive a written order from the Regional Office of the OPA that covers the area in which you are located. You must file with such Office a written request, which shall include a statement showing the total amount of "dry groceries" you purchased from all sources during 1941, 1942, 1943 and 1944, and the total amount you purchased from wholesalers during each of those years. If such permission is granted, you shall figure your ceiling prices for such sales of items purchased from other wholesalers in accordance with the provisions of sections 3, 4 and 5. For each item for which you have figured a ceiling price before such permission is granted, you must refigure your "net cost" basing it, however, on the same purchase you used in figuring your existing ceiling price for the item.

Each Regional Administrator of the OPA may, by order, act on all requests for exemption filed under the provisions of this paragraph (c) by sellers located in his region.

[Sec. 15 amended by Am. 10, 9 F.R. 5648, effective 5-25-44; Am. 13, 9 F.R. 10982, effective 9-11-44; and Am. 17, 9 F.R. 13974, effective 11-28-44]

SEC. 15a. *Items which you import.* On and after September 11, 1944, this regulation shall not apply to you for sales of any item purchased by you directly from a foreign seller or his agent (except as provided in Section 22a), for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with Order No. 38 issued under the Maximum Import Price Regulation[7] or the General Maximum Price Regulation[8] or any other applicable maximum price regulation covering the sale of the item by importers. If you have an existing ceiling price for any such item, you must, by the opening of business on September 11, 1944, refigure that ceiling price in accordance with the applicable maximum price regulation or order covering the sale of the item by importers.

[Sec. 15a added by Am. 13, 9 F.R. 10982, effective 9-11-44]

SEC. 16. *How you figure your ceiling prices for foods you "manufacture or otherwise process."* If you "manufacture or otherwise process" and sell at wholesale any item covered by this regulation you will determine your "net cost" or ceiling price for such an item under whichever of the following provisions applies:

(a) If the item is one for which OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling to retailers, the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost".

(b) If the item is one for which OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling to retailers, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(c) If the item is one for which OPA has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturing regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed, you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you "manufacture or otherwise process" directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 17. *How a retailer-owned cooperative wholesaler figures ceiling prices for sales to non-members.* If you are a retailer-owned cooperative wholesaler and you sell to non-members (those retailers who have no share or interest in your ownership) your ceiling prices for your sales to non-members without delivery may be figured as a Class 2 wholesaler. If you sell and deliver to non-members, your ceiling prices for such sales may be figured as a Class 3 wholesaler, in which event you may not add to such ceiling prices the additions for delivery allowed in section 21 of this regulation.

SEC. 18. *How a service wholesaler figures ceiling prices for cash-and-carry sales.* If you are a service wholesaler but you also make cash-and-carry sales, you must use for such sales the mark-up figures of a cash-and-carry wholesaler if, during March 1942,

(a) You had a separate department for such sales, or

(b) You had a price list for such sales different from the price list which you used in making other sales.

SEC. 19. *How a service wholesaler figures ceiling prices for sales to commercial, industrial or institutional users.* If you are a service wholesaler and you make sales to commercial, industrial or institutional users, you may use for such sales the mark-up figures of an institutional wholesaler.

[Sec. 19 amended by Am. 6, 8 F.R. 17363, effective 1-8-44]

SEC. 20. *How an institutional wholesaler figures ceiling prices for sales to retailers.* If you are an institutional wholesaler but you also make sales to retail stores, your ceiling prices for such sales made without delivery must be figured as a Class 2 (cash-and-carry) wholesaler and your ceiling prices for such sales made with delivery must be figured as a Class 3 (service) wholesaler.

SEC. 21. *Addition allowed for deliveries by Class 1 and Class 2 wholesalers.* (a) If you are a retailer-owned cooperative wholesaler, or a cash-and-carry wholesaler, and you have customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add to your ceiling price such set amount or percentage. The resulting figure will be your ceiling price for the item when delivered by you.

(b) If you are a retailer-owned cooperative wholesaler or a cash-and-carry wholesaler and you have not customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add .01 to your mark-up figure (example: If your mark-up figure is 1.06, you change it to 1.07)

SEC. 22. *Addition allowed for deliveries outside of a base zone*—(a) *Addition allowed to retailer-owned cooperative*

[7] 9 F.R. 2350, 7504, 8062, 10925, 12270.

[8] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

wholesalers, service wholesalers and institutional wholesalers. (1) If you are a retailer-owned cooperative wholesaler, a service wholesaler or an institutional wholesaler, who, during March 1942, customarily sold goods on a delivered basis in different zones at established price differentials between zones, you may, in figuring your ceiling prices for items delivered by you to such other zones, add to your "base zone" ceiling prices, the same zone differentials which you added in March 1942. The resulting figures will be your ceiling prices for items delivered by you to such other zones. (Your base zone shall be the area surrounding your warehouse in which you customarily made free deliveries.)

(2) If you are a retailer-owned cooperative wholesaler, you may not, in figuring your ceiling prices under this section, include any addition allowed in section 21.

(3) Before using different delivered prices for different zones under this section, you must report, in writing, to the Distribution Branch, Food Price Division, OPA, Washington, D. C., the amount of such differentials and a description of your base zone and delivery zones.

(b) *Additions by certain wholesalers making f. o. b. sales.* If you are a service wholesaler or an institutional wholesaler who, during March, 1942, customarily sold f. o. b. your warehouse for delivery to zones or delivery points outside of your base zones, and

(1) If you added a freight charge when making such sales or included a freight charge in figuring your selling price, you may add to your ceiling price for each item the same charge or the same freight rate, apportioning the charge or freight rate to each item, in which case the resulting figure will be your ceiling price for the item when sold to such other zones or delivery points, or

(2) If your customer paid the freight bill, you may make such sales at your ceiling prices, the freight bill to be paid by the purchaser.

(c) *Additions by certain wholesalers who did not use a zone delivery system or make f. o. b. sales.* If you are a service wholesaler or an institutional wholesaler, who, during March 1942, customarily sold all customers on a delivered basis at the same price regardless of distance from your warehouse, you may, in figuring your ceiling price for an item delivered by you to a customer located at a distance of 125 miles or more from your warehouse, add to your mark-up figure whichever of the following amounts applies:

(1) If your customer is located at a distance of from 125 through 199 miles from your warehouse, you may add .01 to your mark-up figure (example: If your mark-up on mayonnaise in Table A is 1.16, you change it to 1.17)

(2) If your customer is located at a distance of from 200 miles through 299 miles from your warehouse, you may add .02 to your mark-up figure.

(3) If your customer is located at a distance of from 300 miles through 399 miles from your warehouse, you may add .03 to your mark-up figure.

(4) If your customer is located at a distance of 400 miles or more from your warehouse, you may add .04 to your mark-up figure.

(5) If your method of figuring ceiling prices for items delivered to zones outside of a base zone falls within either paragraph (a) or paragraph (b) of this section, you may not use this paragraph (c) in figuring your ceiling prices for items delivered to such other zones.

SEC. 22a. *Special limitations in figuring your net cost in certain cases*—(a) *Pineapple which you import*—(1) *"Net cost"* If you import any item of packed pineapple, or packed pineapple juice, (other than pineapple and pineapple juice packed in the Territory of Hawaii or in Puerto Rico) your "net cost" for any such item may not in any case exceed the maximum price fixed in Supplementary Regulation No. 14C to the General Maximum Price Regulation for the item ex dock, any United States port of entry, duty paid, or ex railroad car or other type of carrier, any point of entry on the United States-Mexico border, duty paid, plus any allowable charges actually incurred in putting the items in the warehouse at port or point of entry, plus actual transportation charges from the port or point of entry to your usual receiving point.

If, prior to May 25, 1944, you had figured a ceiling price under this regulation for any of the above items of packed pineapple or packed pineapple juice which you imported, you must refigure your ceiling price for that item in accordance with the provisions of sections 3 and 4, basing your "net cost", however, on the first delivery to you of the item on or after May 25, 1944.

(2) *Notification of changes in ceiling price.* With the first delivery to retailers of any of the above items of packed pineapple or packed pineapple juice after you have figured or refigured your ceiling price for the item under the provisions of this section, you shall supply each retailer who purchases from you, with the written notice set forth below:

(Insert date)

NOTICE TO RETAILERS

Our OPA ceiling price for (describe item by kind, variety, grade, brand, container type and container size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a retailer pricing this item under Maximum Price Regulation Nos. 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you, from your customary type of supplier, containing this notification on and after (insert effective date of change in ceiling price). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 422 or 423, whichever is applicable to you.

For a period of 60 days after figuring such ceiling price and with each shipment after the 60 day period to each person who has not made a purchase within that period, you must place on or attach to each invoice the written notice set forth above.

(3) This section shall not apply to sales by you under the following conditions:

(i) If, prior to April 29, 1944, you figured a ceiling price for canned Cuban pineapple or canned Cuban pineapple juice for sales to industrial, institutional or commercial users under § 1341.155 (a) of Maximum Price Regulation No. 197[9] or under this regulation for other packed pineapple or pineapple juice (other than pineapple or pineapple juice packed in the Territory of Hawaii or in Puerto Rico) and

(ii) If you have entered into contracts with a foreign seller prior to April 29, 1944, at prices not in excess of such ceiling price for the item; and

(iii) If you file a copy of each such contract with the Distribution Branch, Food Price Division, OPA, Washington, D. C., on or before September 9, 1944, together with a statement showing your cost for each item under such contract and your cost and ceiling prices for each item under Maximum Price Regulation No. 197 or this regulation.

In such cases, if your contracts are approved, the OPA will send you written notice permitting you to carry out such contracts at the contract price and setting forth the method you must use in figuring your ceiling prices for items delivered to you under the above contracts.

[Subparagraph (3) added by Am. 12, 9 F.R. 10257, effective 8-26-44]

(b) *Frozen fruits, berries, and vegetables.* After you have figured a ceiling price under this regulation for an item of frozen fruits, berries, fruit or berry juices, vegetables or vegetable juices which is covered by Supplement 6 to Food Products Regulation No. 1,[10] you must, on the fifth day of each month, add ⅛ cent per pound to your existing ceiling price.

Furthermore, by the opening of business on January 2, 1945, you must have refigured your ceiling price for each item of frozen red sour cherries of the 1944 pack in accordance with the rules in sections 3 and 4, basing your net cost, however, upon the last delivery of the item to you before January 2, 1945. Thereafter, you must increase your ceiling prices each month for such items in accordance with this paragraph.

[Paragraph (b) added by Am. 12, 9 F.R. 10257, effective 8-26-44; amended by Am. 18, 9 F.R. 15047, effective 1-2-45]

[Sec. 22a added by Am. 10, 9 F.R. 5648, effective 5-25-44]

SEC. 23. *Special pricing provisions for manufacturers selling some commodities at wholesale.* Any person the larger part of whose business consists of the manufacturing or processing of foods but (a) his entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form and (b) the larger part of his sales of such commodity are made to independent retail stores or to commercial, industrial or institutional users (c) may figure his ceiling price under this regulation for sales of such commodity to retailers and commercial, industrial or institutional users, if the particular goods sold have been warehoused and are being sold in less-than-carload lots. However, this section shall not be applicable to sales of any "canned meat"

[9] 7 F.R. 5989, 7403, 7738, 8944, 8948; 8 F.R. 13342; 9 F.R. 5802.

[10] 9 F.R. 8057, 10194, 10045, 11901.

covered by Revised Maximum Price Regulation 156.[10a]

[Sec. 23 amended by Am. 11, 9 F.R. 9719, effective 8-14-44, and Am. 20, effective 2-8-45]

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 24. *How retailer-owned cooperative wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for other wholesalers.* If you are a retailer-owned cooperative wholesaler, you may file an application for permission to use the mark-up figures designated for another class of wholesaler if you can establish:

(a) That you have customarily operated in the same manner as the other class of wholesaler, and

(b) That in 1941 you had an overall gross margin at least as high as the overall gross margin you would realize by using the mark-up figures specified in this regulation for such other class of wholesaler.

(c) Your application must set forth the following:

(1) A statement as to whether your members received dividends or other proceeds from your organization; the basis for determining the amount of such payments; the amount of such payments for the years 1941, 1942, and, if available, so far in 1943;

(2) The amount and conditions of fees, if any, paid by your members in addition to the invoice price of commodities;

(3) Your profit and loss statement for your fiscal years 1941 and 1942, and so much of 1943 as is available, and balance sheets as of the end of each such accounting period;

(4) Your percentage mark-ups over invoice cost for sales during 1941 to your members for each commodity group listed in this regulation, and if sales were made to non-members, the same information with respect to such sales;

(5) Any evidence you may be able to furnish showing the difference between your operations and functions and those of the usual retailer-owned cooperative wholesaler, including a statement of any special service performed by you, any additional compensation received for such special services, and a reasonable basis for distinction or classification, if any, between you and other retailer-owned cooperative wholesalers.

(d) Such application must be filed in duplicate by July 20, 1943, with your nearest District OPA office. You may not use these requested mark-up figures until you have received specific authorization from your proper OPA office.

(e) If you filed an application under section 29 of Revised Maximum Price Regulation No. 237,[11] and such application has been denied, you are not eligible for adjustment under this section. If your application has been allowed, you may use the mark-up figures for the class of wholesaler to which you have been adjusted and you are subject to all of the provisions of this regulation applicable to such other class of wholesaler.

(f) *Applications for adjustment.* Any regional office of the OPA or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this section. Applications for adjustment are governed by Revised Procedural Regulation No. 1.[12]

[NOTE: Procedural Regulation No. 6 (Revised: 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, excepting 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; 8 F.R. 7256) 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.]

SEC. 25. *How service wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for institutional wholesalers.* If you are a service wholesaler (you must consider each warehouse as a separate wholesaler) you may file an application for permission to use the mark-up figures designated for institutional wholesalers if you can establish:

(a) The total gross margin on all sales made by you in your fiscal year 1941 was at least 20 percent; and

(b) During the years 1941 and 1944, your operations and functions differed substantially from those of the usual service wholesaler; for example, you regularly distributed grocery products over a much wider area and you offered for sale a substantially greater number of items of food than the usual service wholesaler.

(c) Your application must set forth the following for each warehouse for which the application for adjustment is filed:

(1) Profit and loss statements for the fiscal years 1941, 1942, 1943 and so much of 1944 as is available, and balance sheets as of the end of each such accounting period;

(2) Any evidence you may be able to furnish concerning the difference between your operations and functions and those of the usual service wholesaler, and a reasonable basis for distinction or classification between you and other service wholesalers;

(3) A list of the states to which you regularly distributed grocery products in 1941 and 1944, and an approximation of the volume of sales made by you in each of the states during 1941 and 1944; and

(4) The number of food items that you offered for sale in 1941.

(d) Such application must be filed in duplicate by February 22, 1945, with the Wholesale-Retail Branch, Food Price Division, OPA, Washington, D. C. You may not use these requested mark-up figures until you have received specific authorization from such OPA office. Applications for adjustment are governed by Revised Procedural Regulation No. 1.[12a]

If, prior to February 8, 1945, you filed an application under this section and your application has been allowed, you do not have to file another application, but shall continue to be subject to the order issued hereunder.

[Sec. 25 amended by Am. 10, 9 F.R. 5648, effective 5-25-44, and Am. 20, effective 2-8-45]

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 26. *Transfer of business and stock in trade.* If, after August 5, 1943, you acquire in any way the business, assets and stock in trade of any wholesaler covered by this regulation and you carry on the business, or continue to deal in the same type of food products in the same establishment, and you render the same service and sell to the same class of purchaser, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you or give you all the records of his transactions before you acquired the establishment which you need to comply with the record provisions of this regulation.

If, after the transfer, you fall into a class of wholesaler different from the former owner's, your ceiling prices shall be those for the class of wholesaler in which you fall. (For example; If you acquire the business, assets, and stock in trade of a service wholesaler and you decide to discontinue making deliveries, your ceiling prices must be figured as a cash-and-carry wholesaler, using as your "net cost" the same "net cost" the former owner used in fixing his ceiling prices.)

SEC. 27. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at wholesale of food covered by this regulation, if you state the tax separately, and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 28. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation,[13] as amended, issued by the OPA.

SEC. 29. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 421, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 237, Maximum Price Regulation No. 249,[14] Maximum Price Regulation No. 255,[15] the General Maximum Price

[10a] 9 F.R. 7938, 10048, 10876.

[11] 8 F.R. 6120, 6424, 7384, 7661, 8681, 9019, 9331.

[12] 9 F.R. 10476.

[12a] 9 F.R. 10476, 13715.

[13] 8 F.R. 4132, 5937, 7662, 9333, 15193; 9 F.R. 1036, 9835, 11273, 12919.

[14] 7 F.R. 8702, 9833, 10014, 10333; 8 F.R. 2673, 10533.

[15] 8 F.R. 2933, 3946, 5164, 7821.

Regulation, and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order No. 51,[16] with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 30. *Definitions*—(a) *Delivery.* Delivery of any item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(b) *Usual receiving point.* Your usual receiving point will be the warehouse at which you generally receive the particular item you are pricing under this regulation and from which you generally supply your customers.

(c) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, milling, bottling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations. Packaging as used in section 14 shall not be considered manufacturing or processing under this regulation.

(d) *Independent retail store.* Independent retail store shall mean one that is not one of four or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(e) *Wagon wholesaler* A "wagon wholesaler" is a wholesaler who distributes food products to retail stores or to commercial, industrial, or institutional users from an inventory stocked in trucks or other conveyances under the supervision of driver-salesmen who make deliveries at the time and point of sale. A wholesaler is a wagon wholesaler only of the food products he sells in this way.

(f) *Marine provisioners.* A "marine provisioner" is a person, the larger part of whose food sales are of food products which he purchases for resale and distributes from a warehouse, without materially changing their form, to boat and steamship companies and ship operators for the provisioning of boats and ships, with delivery from shore locations by the use of truck or launch facilities.

[Paragraph (f) amended by Am. 7, 9 F.R. 2562, effective 3-13-44]

(g) *Flour jobber* "Flour jobber" shall mean a "primary distributor" as defined in Maximum Price Regulation No. 296,[17] and also a person the larger part of whose business is the purchase and resale of flour made from wheat, semolina and farina without additional processing and in the original containers, to bakers and commercial, institutional or Governmental users. For sales to retail stores, "flour jobbers" other than "primary distributors" must figure their ceiling prices for flour under this regulation.

[Paragraph (g) amended by Am. 6, 8 F.R. 17368, effective 1-8-44]

(h) *Cookie and cracker wholesaler* A "cookie and cracker wholesaler" is a wholesaler the larger part of whose food sales were, prior to the effective date of the regulation, and still are of "cookies, crackers, toast and crumbs" which he purchases for resale and distributes from a warehouse, to independent retail stores, or to commercial, industrial or institutional users.

[Paragraph (h) added by Am. 11, 9 F.R. 9719, effective 8-14-44]

SEC. 31. *Geographical applicability.* The provisions of this regulation shall apply to the 48 States of the United States and the District of Columbia.

ARTICLE V—TABLE AND COMMODITY DEFINITIONS

SEC. 32. *Table of mark-up figures—(Table A.)*—(a) *Instructions.* Table A (printed below) lists the commodities and the mark-up figures for the four classes of wholesalers covered by this regulation. For a detailed list of the items included in each category of commodities, see "Commodity definitions", printed immediately after Table A. This regulation must not be used to determine ceiling prices for the commodities listed in paragraph (c) of this section.

The commodities covered by this regulation are listed in the column at the extreme left of Table A and the four classes of wholesalers are listed across the top of Table A. To find your proper mark-up figure for any item, first determine the class of wholesaler to which you belong; then find the commodity listed at the left of Table A which includes the item you are pricing. Directly opposite, in the column for your class of wholesaler, you will find the proper mark-up figure for the item. This is the figure by which you should multiply your "net cost" in order to determine your ceiling price. Drop any fraction of a cent which is less than ½ cent; take the next higher cent if the fraction is ½ cent, or more.

For example, you are a Service (Class 3) Wholesaler, and you want to figure your ceiling price for a case of 9-oz. packages of X Brand Spaghetti which you had in stock at the opening of business on August 5, 1943. The amount you paid your customary type of supplier for your last purchase of a customary quantity of this item prior to August 5, 1943, was $1.75 per case after deducting all discounts except the discount for prompt payment and swell and label allowances. In addition, you paid incoming freight, excluding local trucking charges, amounting to 9 cents per case. Your net cost is therefore $1.84 per case. Now refer to Table A. Check the list of commodities and you will find "Macaroni and spaghetti products." This category includes the item you are pricing. Directly opposite "Macaroni and spaghetti products", in the column headed "Class 3 Wholesaler", you will find the figure 1.15. Multiply your net cost by this mark-up figure; the resulting amount is $2.116. By rounding up the fraction of a cent, which is more than ½ cent, you will get your ceiling price of $2.12 per case.

TABLE A

MARK-UP FIGURES TO BE USED BY WHOLESALERS IN FIGURING CEILING PRICES FOR ITEMS COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Figures to be multiplied by net cost			
	Class 1	Class 2	Class 3	Class 4
	Retailer-owned cooperatives	Cash and carry	Service and delivery	Institutional
1. Baby foods	1.06	1.085	1.135	1.185
2. Cereals, breakfast	1.035	1.06	1.08	1.13
3. Cocoa, chocolate and cereal drink preparations	1.07	1.085	1.125	1.175
4. Coffee	1.055	1.065	1.09	1.14
5. Cookies, crackers, toast and crumbs	1.11	1.15	1.20	1.25
6. Corn meal and hominy	1.055	1.085	1.12	1.165
7. Dog and cat foods	1.06	1.09	1.105	1.15
8. Fish, processed	1.095	1.13	1.19	1.24
9. Flour and flour mixes	1.07	1.075	1.10	1.15
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	1.105	1.155	1.18	1.23
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices	1.06	1.085	1.135	1.185
12. Fruits, dried and dehydrated	1.055	1.125	1.165	1.215
13. Frozen foods	1.24	1.24	1.24	1.29
14. Gelatin and pudding mixtures	1.06	1.07	1.105	1.155
15. Jams, jellies, preserves, honey and peanut butter	1.115	1.14	1.19	1.24
16. Lard, pure	1.035	1.035	1.075	1.125
17. Macaroni and spaghetti products	1.09	1.115	1.15	1.20
18. Mayonnaise and salad dressing	1.08	1.12	1.16	1.21
19. Meat, canned	1.055	1.08	1.10	1.15
20. Milk, canned	1.035	1.035	1.045	1.095
21. Oils, cooking and salad	1.07	1.075	1.10	1.15
22. Oleomargarine	1.045	1.085	1.14	1.19
23. Pickles and relishes	1.115	1.14	1.19	1.24
24. Rice	1.075	1.095	1.13	1.18
25. Shortening, hydrogenated	1.045	1.045	1.06	1.06
26. Shortening, other	1.045	1.045	1.06	1.06
27. Soups, canned	1.045	1.07	1.09	1.14
28. Soups, dehydrated	1.06	1.105	1.13	1.18
29. Spices	1.15	1.27	1.28	1.33
30. Sugar	1.02	1.02	1.04	1.04
31. Syrups	1.07	1.10	1.115	1.165
32. Tea	1.06	1.095	1.115	1.165
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice	1.07	1.14	1.20	1.25
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned)	1.06	1.085	1.135	1.185
35. Vegetables, dried and dehydrated	1.08	1.09	1.12	1.17
36. Vinegar	1.12	1.16	1.23	1.23
37. Miscellaneous foods	1.11	1.15	1.20	1.25

[Item 3 amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Item 13 amended by Am. 4, 8 F.R. 15250, effective 11-24-43; Item 6 amended by Am. 9, 9 F.R. 4016, effective 5-1-44]

[16] Revised: 9 F.R. 408, 11982.

[17] Revised: 8 F.R. 16282, 17375; 9 F.R. 576, 2790, 5985, 9425.

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ and dry baby cereals. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

[Subparagraph (2) amended by Am. 10, 9 F.R. 5648, effective 5-25-44]

(3) "Cocoa, chocolate and cereal drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, cooking chocolate and packaged powdered skim milk (spray process) Excluded are chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger, powdered whole milks, powdered skim milk packaged in tin in an inert gas, malted milk, and any preparation containing 35 percent or more malted milk.

[Subparagraph (3) amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 4, 8 F.R. 15250, effective 11-24-43; and Am. 20, effective 2-8-45]

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zweiback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture.

[Subparagraph (5) amended by Am. 6, 8 F.R. 17368, effective 1-8-44]

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned."

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

[Subparagraph (7) amended by Am. 4, 8 F.R. 15250, effective 11-24-43]

(8) "Fish, processed" includes, but is not limited to, canned fish, canned seafood, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are "Iceland headless herring", "Matjes herring" "Matjes herring of the 1944-45 pack" (all as defined in Maximum Price Regulation No. 512 [18]) fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, and caviar.

[Subparagraph (8) amended by Am. 4, 8 F.R. 15250 effective 11-24-43; and Am. 19, 10 F.R. 457, effective 1-11-45]

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, bulk apple cider and pineapple juice. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears, and frozen fruits.

[Subparagraph (10) amended by Am. 10, 9 F.R. 5648, effective 5-25-44; and Am. 12, 9 F.R. 10257, effective 8-26-44]

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Subparagraph (11) amended by Am. 10, 9 F.R. 5648, effective 5-25-44]

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, dried dates and figs, pitted dates, and macerated dates. Excluded are fruit confections, candied or glaced fruits and peels, and date products.

NOTE: The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits, and you must figure separate ceiling prices for each item of the 1943 pack. The 1944 pack shall also be considered a different item from the 1943 and earlier packs, and you must figure separate ceiling prices for each item of the 1944 pack.

[Subparagraph (12) Amended by Am. 5, 8 F.R. 15607, effective 11-20-43; Am. 8, 9 F.R. 3647, effective 4-8-44; and Am. 16, 9 F.R. 11901, effective 9-27-44]

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods, including but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds) vegetables, vegetable juices and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, apple sauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (13) amended by Am. 4, 8 F.R. 15250, effective 11-24-43; corrected 8 F.R. 17367, effective 12-23-43; Am. 12, 9 F.R. 10257, effective 8-26-44; Am. 15, 9 F.R. 11711, effective 9-21-44; and Am. 18, 9 F.R. 15047, effective 1-2-45]

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

[Subparagraph (15) amended by Am. 8, 9 F.R. 3647, effective 4-8-44]

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other"

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, and spaghetti dinners. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

[Subparagraph (17) amended by Am. 4, 8 F.R. 15250, effective 11-24-43]

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glassed chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales and tripe. Excluded are mincemeat, frozen food products in which meat, chicken and turkey are combined with other ingredients, frozen meat gravies, and frozen meat stews.

[Subparagraph (19) amended by Am. 4, 8 F.R. 15250, effective 11-24-43 and Am. 8, 9 F.R. 3647, effective 4-8-44]

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

[18] 9 F.R. 1883.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, cooking fats other than shortening, and pure olive oil packaged in containers of one-half gallon or more but not exceeding one gallon. Excluded are prepared dressings and pure olive oil packaged in containers of less than one-half gallon.

[Subparagraph (21) amended by Am. 20, effective 2-8-45]

(22) "Oleomargarine" means any product labelled "oleomargarine"

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means all rice. Excluded are rice flour, rice flakes, popped rice, wild rice, and rice containing more than 50 percent broken kernels.

[Subparagraph (24) amended by Am. 6, 8 F.R. 17368, effective 1-8-44; and Am. 12, 9 F.R. 10257, effective 8-26-44]

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (27) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 4, 8 F.R. 15250, effective 11-24-43 and corrected, 8 F.R. 17367, effective 12-23-43]

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, candied ginger, raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States, and wooden or other type trays designed as permanent kitchen furniture containing sets of assorted spices.

[Subparagraph (29) amended by Am. 12, 9 F.R. 20257, effective 8-26-44]

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, cane, maple, and table corn syrups, and imitations and blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, sorghum syrup and unmixed corn syrup.

[Subparagraph (31) amended by Am. 6, 8 F.R. 17368, effective 1-8-44; and Am. 11, 9 F.R. 9719, effective 8-14-44]

(32) "Tea" includes all bulk or packaged tea, tea bags, and matte.

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas) tomatoes, tomato juice and frozen vegetables.

[Subparagraph (33) amended by Am. 12, 9 F.R. 10257, effective 8-26-44]

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)" Excluded are frozen vegetables and canned blackeye, crowder, cream, and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraphs (33) and (34) amended by Am. 5, 8 F.R. 15607, effective 11-20-43]

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

[Above paragraph amended by Am. 8, 9 F.R. 3647, effective 4-8-44]

Baking powder.
Baking soda.
Barley (pearl).
Caviar.
Cocoanut, shredded, desiccated, or moist.
Corn starch, edible or gloss, packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).
Date products.
Egg nog (non-alcoholic), bottled.
Extracts.
Flavorings.
Food colorings.
Fruit pectins.
Fruit syrups for making beverages. (Excluded are fruit syrups used by rectifiers, blenders, restaurants and bars for making alcoholic mixed drinks.)
Gift or holiday packages bought assembled, and containing one or more items covered by this regulation.
Glaced or candied fruits and peels.
Goat milk, canned.
Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger.
Meat flavorings.
Meat sauces, except catsup, cocktail sauce, and chili sauce.
Mincemeat.
Mustard, prepared.
Olives.
Olive oil, pure (packaged in containers of less than one-half gallon).
Pie filling.
Popcorn, not popped.
Potatoes, Julienne, packed in hermetically sealed containers.
Potatoes, shoestring, packed in hermetically sealed containers.
Pudding, date.
Pudding, fig.
Pudding, plum.
Spice oils.
Table salt packaged in cartons, bags or packets containing 100 pounds or less, Kosher salt in cartons, and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt, and meat-curing or smoked salt).
Tom and Jerry batter, bottled.
Yeast.

[Subparagraph (37) amended by Am. 1, 8 F.R. 10569; effective 7-27-43; Am. 4, 8 F.R. 15250, effective 11-24-43; Am. 6, 8 F.R. 17368, effective 1-8-44; Am. 8, 9 F.R. 3647, effective 4-8-44; Am. 10, 9 F.R. 5648, effective 5-25-44; Am. 11, 9 F.R. 9719, effective 8-14-44; Am. 14, 9 F.R. 11537, effective 9-16-44, and Am. 20, effective 2-8-45]

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked goods, fresh (except "cookies, crackers, toast and crumbs").
Beer.
Bird seed and gravel.
Bread.
Butter (except peanut butter, fruit butters, and smooth or crunch type nut butters).
Buttermilk, fresh.
Candied ginger.
Candy.

[2 items deleted by Am. 10, 9 F.R. 5648 effective 5-25-44]

Cheese.
Comb honey.
Corn starch, edible or gloss (packaged in containers of more than ten pounds).
Corn sugar.
Corn syrup, unmixed.
Cream.
Dry baby cereals.
Eggs.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables.
Frozen fruits, berries, fruit or berry juices and mixtures, in containers of a capacity of more than 50 pounds.
Fruit cake.
Fruit and vegetable powders for making beverages.
Ice cream cones.
Ice cream, sherbets, and frozen confections.
"Iceland headless herring", "Matjes herring", and "Matjes herring of the 1944-45 pack", all as defined in Maximum Price Regulation No. 512.
Laundry starching compounds, powdered prepared.
Liquors.

Malted milk and any preparation containing 35% or more malted milk.
Maple sugar.
Meat and fish (except "fish, processed" and "meat, canned").
Milk, fresh.
Mineral oil.
Nuts.
Olive oil, pure (packaged in containers of a capacity of more than one gallon).
Passover matzo, Passover matzo meal, and related Passover matzo products.
Peanuts.
Pet foods (except cat and dog foods or any frozen cat or dog foods.)
Popped popcorn.
Potato chips.
Poultry.
Powdered skim milk, bulk.
Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States.
Soft drinks.
Sorghum syrup.
Tamales, bulk.
Tortillas.
Vitamin concentrates.
Wheat germ.
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.
Wild rice and rice containing more than 50 percent broken kernels.
Wine.
[Paragraph (c) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 3, 8 F.R. 13293, effective 10-4-43; Am. 4, 8 F.R. 15250, effective 11-24-43; Am. 6, 8 F.R. 17368, effective 1-8-44, Am. 8, 9 F.R. 3647, effective 4-8-44; Am. 10, 9 F.R. 5648, effective 5-25-44; Am. 11, 9 F.R. 9719, effective 8-14-44; Am. 12, 9 F.R. 10257, effective 8-26-44; Am. 15, 9 F.R. 11711, effective 9-21-44; Am. 19, 10 F.R. 457, effective 1-11-45, and Am. 20, effective 2-8-45]

Effective date. This regulation shall become effective on the 26th day of July, 1943.. [MPR 421 originally issued July 8, 1943.]

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

NOTE: The 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 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2065; Filed, Feb. 3, 1945; 3:36 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422,[1] Incl. Amdts. 1-39]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

This compilation of Maximum Price Regulation 422 includes Amendment 39, effective February 8, 1945. The text added or amended by Amendment 39 is underscored.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 422 has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

[1] 8 F.R. 9395.

[2] Statements of consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, and will effectuate the purposes of said act and Executive orders.

§ 1351.361 *Ceiling prices of certain foods sold at retail in group 3 and group 4 stores.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, Maximum Price Regulation No. 422, which is annexed hereto and made a part hereof, is hereby issued.

MAXIMUM PRICE REGULATION 422—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. How you find out whether your store is covered by this regulation and what group it is in.

Dry Groceries

3. How and when you figure your ceiling prices for "dry groceries"
4. Directions for applying the rule for "dry groceries"
5. How you figure your ceiling prices for "new items" of "dry groceries"
6. When you may change a ceiling price.
6a. "Dry groceries" which you import.

Perishables

7. How and when you figure your ceiling prices for "perishables"
8. Directions for applying the rule for "perishables"
9. Prices which you must post.
10. Indirect price increases prohibited.
11. Sales slips and receipts.
12. Records.
13. Licensing.
14. Prohibitions.
15. Notice of dollars-and-cents ceiling prices.
16. Further provisions supplementing or explaining this regulation.

ARTICLE II—SPECIAL PRICING PROVISIONS

17. Additions allowed for deliveries made by you to your customers.
18. Additions for packaging.
18a. Gift and holiday packages assembled by you.
19. Special limitations in figuring your "net cost" in certain cases.
20. How you figure your "net cost" in certain cases.
21. Additional charges allowed for slaughtering and plucking poultry.
21a. [Revoked]
22. Additions for delivery from your warehouse to your store.
23. How you may figure your ceiling prices for "perishables" on a weighted-average basis.
24. How you figure your ceiling prices for "dry groceries" you purchase from wholesalers.
25. How you figure your ceiling prices for foods you "manufacture or otherwise process"
25a. Ceiling prices for sales of poultry pursuant to Food Distribution Order No. 91.
25b. Ceiling prices for sales of poultry to other retailers.
25c. Special pricing provisions for manufacturers selling some commodities at retail.
26. Mail order sales.

ARTICLE III—ADJUSTMENT PROVISIONS

27. How you may, under certain conditions, apply to use Group 1 mark-ups.
28. How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.
29. Applications for adjustment.
29a. Regional adjustment of poultry mark-ups.

ARTICLE IV—MISCELLANEOUS PROVISIONS

30. How you find the "annual gross sales" of your store.
31. How you determine your group in certain special cases.
32. Taxes.
33. Transfer of business and stock in trade.
34. Export sales.
35. Relation to other regulations.
36. Definitions.
37. Geographical applicability.

ARTICLE V—TABLES

38. Table of mark-ups for "dry groceries" (Table A.)
39. Table of mark-ups for "perishables" (Table B.)
40. Table of ceiling prices based on any given "net cost" and mark-up. (Table C.)

AUTHORITY: § 1351.361 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. 4031.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all retail stores, other than "independent" retail stores, doing an annual business of less than $250,000, and for all retail stores, whether "independent" or not, doing an annual business of more than $250,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA) except as otherwise provided in any order fixing dollars-and-cents ceiling prices which has been or which may be issued by the OPA pursuant to General Order No. 51.[3] All other retail stores (Group 1 and Group 2 stores) selling these food products are covered by Maximum Price Regulation No. 423.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 3 or 4 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. The provisions of this regulation apply to "retail route sellers"

[3] Revised: 9 F.R. 403, 11982.

only with respect to fresh fruits and vegetables. However, this regulation does not apply to "health food stores" or to automatic vending machines or farmers selling produce grown on their own farms.

[Paragraph (a) amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

(b) *What are Group 3 and 4 stores.* For the purpose of this regulation, Group 3 and 4 stores are defined as follows:

(1) *Group 3.* Your store is in Group 3 if its "annual gross sales" are less than $250,000, and if it is not an "independent" store. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(2) *Group 4.* Your store is in Group 4 if its "annual gross sales" are $250,000 or more.

(If you are not sure what group your store is in, use the directions in Section 30 for figuring its "annual gross sales" See section 36 for definitions of Group 1 and 2 stores.)

(c) *How to post a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation posted on a sign reading "OPA-3" or "OPA-4" whichever it is, or on a sign which the OPA may furnish to you, except that if under any order issued under General Order No. 51 [4] you are allowed to post the sign of another group, you may do so. The sign must be posted so that it can be clearly seen by your customers. (The word "group" as used in this regulation means the same thing as the word "class" meant in Revised Maximum Price Regulations No. 238 [5] and No. 268.[6])

(d) *When you may choose to treat your store as a group 4 store.* If your store is a Group 3 store, you may choose to treat it as a Group 4 store and post a sign in your store as a member of that group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a Group 4 store;

(2) Use the Group 4 ceiling prices fixed in Maximum Price Regulation No. 390 [7] for all the household soaps and cleansers it covers.

(3) Use all the dollars-and-cents ceiling prices fixed under the OPA community price orders issued for Group (or Class) 4 stores in your community and

(4) Notify your nearest OPA district office of these facts.

Dry Groceries

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before August 5, 1943, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "dry groceries" listed in Table A which you have in stock at that time. (See section 24 for an exception to this rule if you purchase an item from wholesalers.) Between July 26, 1943, and August 5, 1943, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than August 5, 1943. If you do not put the new price for an item into effect before August 5, 1943, you must continue to use your existing ceiling for that item until August 5. If you receive delivery of any item between July 26 and August 5 for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *"Net cost."* To figure your ceiling price, first find the "net cost" of the item based on its most recent delivery to you before August 5, 1943. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries"

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half-cent. Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(3) For items you "manufacture or otherwise process" use the special rules in section 25.

(b) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you can change it.)

[Paragraph (c) amended by Am. 17, 9 F.R. 5956, effective 5-25-44]

(d) *Invoices.* You must write your "net cost" per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items" of "dry groceries"* A "new item" of "dry groceries" is any item of "dry groceries" which you did not have in stock at the opening of business on August 5, 1943. You must figure and post your ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after August 5, 1943. In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner.

If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

SEC. 6. *When you may change a ceiling price*—(a) *Official notification.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you received later shipments with the same notice you must not change your ceiling price again.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal" In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal".

[4] Revised: 9 F.R. 408, 11982.
[5] Revoked: 8 F.R. 12468.
[6] Revised: 8 F.R. 6129, 7116, 7592, 8682, 9365, 9299, 9460, 10568.
[7] F.R. 6428, 8947, 9380, 13499.

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

[Sec. 6 amended by Am. 10, 8 F.R. 17370, effective as to paragraph (a), 1-8-44; as to paragraph (b), 12-29-43]

SEC. 6a. *Dry groceries which you import.* On and after September 11, 1944, this regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent (except as provided in section 20 (1)) for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with Order No. 38 under the Maximum Import Price Regulation[8] or the General Maximum Price Regulation[9] or any other applicable maximum price regulation covering the sale of the item by importers. If you have an existing ceiling price for any such item, you must, by the opening of business on September 11, 1944, refigure that ceiling price in accordance with the applicable maximum price regulation or order covering the sale of the item by importers.

[Sec. 6a added by Am. 25, 9 F.R. 10982, effective 9-11-44]

Perishables

SEC. 7. *How and when you figure your ceiling prices for "perishables"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the week before, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after August 5, 1943, and changed on Thursday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Thursday.

For items which you receive for the first time or which you have not had in stock for 30 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Thursday after that, you must treat the item as you would any other item of perishables covered under this regulation.

Stores under one ownership pricing from a central point may refigure ceiling prices for items so priced based on the net cost of deliveries received during the seven days preceding Tuesday of each week. These prices must not be put into effect until the following Thursday.

SEC. 8. *Directions for applying the rule for "perishables"*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven day period before the Thursday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing refrigeration, and ventilation, but which may not include costs for local trucking and local unloading.

[Paragraph (a) amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit" (for example, 5 lbs., 1 dozen, etc.) listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half-cent.

(3) If you have received no delivery of any item which you have in stock at the opening of business on August 5, 1943, during the week before, you shall, in figuring your first ceiling price for the item on August 5, 1943, base your net cost on its most recent delivery to you.

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups. Note that some mark-ups are percentage mark-ups, while others are dollars-and-cents additions per "selling unit" which you make to your net cost.

(c) *Ceiling price.*—(1) *Percentage mark-ups.* If the item has been given a percentage mark-up in Table B, turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(2) *Dollars-and-cents mark-ups.* If the item has been given a dollars-and-cents mark-up in Table B, instead of a percentage mark-up, do not use Table C to get your ceiling price. You will get your ceiling price for the item by adding the named dollars-and-cents mark-up in Table B to your "net cost" If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the "selling unit", charge the next higher cent.

(3) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

[Paragraphs (b) and (c) amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

SEC. 9. *Price which you must post.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this posted price must never exceed your ceiling price.

[Sec. 9 amended by Am. 17, 9 F.R. 5956, effective 5-25-44]

SEC. 10. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any stratagem, scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 8 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price.

SEC. 11. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and quantity and name of each food item sold, and the price you charged for it.

[Sec. 11 amended by Am. 23, 9 F.R. 9719, effective 8-14-44]

SEC. 12. *Records.* After July 26, 1943, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPA representative and to furnish on request of any OPA representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPA representative the records you used in deciding what group your store is in.

Stores under one ownership pricing from a central point must also keep available at all times in each store a list showing the current selling price, as set at the central point, of each item so priced. These price lists must be kept in each store for one year, or, in the alternative, must be kept in each store for 30 days and thereafter for a period of eleven months in the warehouse from which the food items are delivered to the

[8] 9 F.R. 2350, 7504, 8062, 10925, 12270.

[9] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

store. On request, such price lists must be shown to any OPA representative.

[Above paragraph amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

SEC. 13. *Licensing.* The provisions of Licensing Order No. 1,[10] 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.

[Sec. 13 amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

SEC. 14. *Prohibitions.* On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 15. *Notice of dollars-and-cents ceiling prices.* From time to time the OPA may, by order issued pursuant to General Order No. 51,[11] fix in your region or community dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price under this regulation for the item.

SEC. 16. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your group of retailers, you must, by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. However, in doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

If you have customarily made most of your purchases of any item affected from a wholesaler who is pricing under Maximum Price Regulation 421, and if you still customarily purchase such item from such a wholesaler, you must refigure your ceiling price in accordance with section 4, basing your "net cost" on the first delivery to you of such item after the effective date of the amendment.

[Paragraphs (a) and (b) added by Am. 6, 8 F.R. 15251, effective 11-9-43]

(c) Effective May 25, 1944, this regulation requires that the year 1943 be used as the basis for figuring your "annual gross sales" instead of the year 1942. If you find that as a result of that change your store is in a group different from the one it was in before, you must, by the opening of business on Thursday, June 15, 1944, refigure all of your ceiling prices. For "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 423 if you become a Group 1 or Group 2 store) If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 1 or Group 2 store, it is on and after June 15, 1944, subject to all other provisions of Maximum Price Regulation No. 423.

[Paragraph (c) added by Am. 17, 9 F.R. 5956, effective 5-25-44]

(d) If prior to August 14, 1944, your ceiling price for any item of "cookies, crackers, toast and crumbs" was based upon a delivery received from a "cookie and cracker wholesaler" as defined in Maximum Price Regulation No. 421, and you still purchase such item from such a wholesaler, you must refigure your ceiling price for any such item in accordance with the rules in sections 3 and 4, basing your "net cost" however, on the first delivery to you of the item from such a wholesaler on and after August 14, 1944.

[Paragraph (d) added by Am. 23, 9 F.R. 9719, effective 8-14-44]

(e) *1944 pack of "canned" and frozen fruits and vegetables.* Each item of the 1944 pack of "canned" fruits and vegetables and frozen fruits and vegetables shall be considered a different item from the 1943 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you from a person other than a wholesaler pricing the item under Maximum Price Regulation No. 421, before the date on which maximum prices are established by the OPA for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

That first delivery may be from a wholesaler (pricing under Maximum Price Regulation No. 421), whose ceiling price for the item is figured on the basis of a delivery received by him before the date on which maximum prices are established by the OPA for sales of the item by processors. In that event, and if you receive a later delivery of the item, you must refigure your ceiling price for such item; you must base your "net cost" upon the first delivery to you from your supplier after he has figured his ceiling price for the item on the basis of a delivery received by him after the date on which maximum prices are established by the OPA for sales by processors of the 1944 pack of the item.

The receipt of any of the above items of the 1944 pack, at a price to be adjusted after delivery in accordance with action to be taken by the OPA shall not be deemed a delivery, for the purpose of this section, until the receipt of an invoice or other written notice from your supplier showing the price after adjustment. Until the receipt of such an invoice or notice, you may not sell or deliver or offer to sell or deliver at a price higher than your ceiling price for the same item of the 1943 pack.

[Paragraph (e) added by Am. 28, 9 F.R. 11901, effective 9-27-44]

(f) Unless otherwise specifically provided, if your "net cost" of any item covered by this regulation is based upon a delivery from a person owned or controlled by (or owning or controlling) you, who is not subject to this regulation, and the item is not "manufactured or otherwise processed" by such person or by you, your "net cost" may not exceed the "net cost" which would result if such person had been subject to this regulation, plus transportation (not including local trucking or local unloading) to your usual receiving point. However, if such person performs, with respect to any item, any function described in section 20 of this regulation, you shall, for the purpose of figuring your "net cost" and ceiling price for that item under that section, consider that function as having been performed by you.

[Paragraph (f) added by Am. 31, 9 F.R. 12569, effective 10-16-44]

[10] 8 F.R. 13240.

[11] Revised; 9 F.R. 408, 11982.

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 17. *Additions allowed for deliveries made by you to your customers.* (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, whichever of the following amounts applies:

Value of delivery:	*Addition allowed*
$0.00–$1.99	No addition
$2.00–$2.99	10¢
$3.00–$4.49	15¢
$4.50–$5.49	20¢
Over $5.49	25¢

(b) If you make such deliveries and add such charges, you are required to keep for one month a copy of each sales slip, itemizing clearly your prices for the items delivered and the amount of the delivery charges permitted under the provisions of this section.

SEC. 18. *Additions for packaging.* (a) If you buy in bulk any item covered by this regulation (except shell eggs) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags, on which the name and weight of the commodity and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 1½ cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2 cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) ½ cent per pound for every such bag or container with a net weight of 5 pounds or more.

(b) If you buy shell eggs in bulk and then package and sell them in consumer cartons, you may add to your ceiling price whichever of the following allowances applies:

(1) 1 cent for each carton of a half-dozen eggs.

(2) 2 cents for each carton of a dozen eggs.

[Sec. 18 amended by Am. 1, 8 F.R. 10569, effective 7-27-43 and Am. 10, 8 F.R. 17370, effective 1-8-44]

SEC. 18a. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers (for example, "overseas" or "servicemen's" packages) your ceiling price will be the sum of the following, multiplied by 1.05:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable maximum price regulation. If you have no ceiling price for any item (or article) use your direct cost for that item.

(2) Your direct cost of the packaging materials used for the particular package, including the container.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.10:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable maximum price regulation. If you have no ceiling price for any item (or article), use your direct cost for that item.

(2) Your ceiling price for the container figured under the applicable maximum price regulation. If you have no ceiling price for the container, use your direct cost for the container.

(3) Your direct cost of the packaging materials used for the particular package.

[Paragraph (b) amended by Am. 33, 9 F.R. 12746, effective 10-23-44]

[Sec. 18a added by Am. 26, 9 F.R. 11537, effective 9-16-44]

SEC. 19. *Special limitations in figuring your "net cost" in certain cases*—(a) If you buy any of the following items of cheese f. o. b. manufacturer's plant, you may not, in figuring "net cost", include any freight costs above the lowest published carlot freight per pound of gross weight from the basing point for the item to your usual receiving point, multiplied by 1.15:

Item	*Basing point*
Cheddar cheese	Plymouth, Wisconsin
Brick cheese	Plymouth, Wisconsin
Munster cheese	Plymouth, Wisconsin
Limburger cheese	Monroe, Wisconsin
Swiss cheese	Monroe, Wisconsin

[Paragraph (a) amended by Am. 17, 9 F.R. 5956, effective 5-25-44]

(b) *Butter. When purchased f. o. b. seller's shipping point.* If you buy butter f. o. b. seller's shipping point, your "net cost" may not in any case exceed the ceiling price established under Maximum Price Regulation No. 289.[13] (Dairy Products) for sales of that particular grade (or score) and form of butter delivered to your usual receiving point.

(c) *Fresh fruits and vegetables.* Whenever there is an order in effect in your area or community fixing ceiling prices for sales of fresh fruits and vegetables by wholesalers, your net cost may not in any case exceed the highest ceiling price fixed for wholesalers in your area or community.

SEC. 20. *How you figure your "net cost" in certain cases*—(a) *Fresh bananas bought from importers f. o. b. port of entry, or imported directly by retailers.* If you import bananas directly, or if you buy fresh bananas directly from an importer f. o. b. port of entry, figure your "net cost" by the following procedure.

First, increase the importer's maximum price per hundredweight f. o. b. port of entry (as fixed by Maximum Price Regulation No. 285[14]) by either $1.25 or by 29 percent, whichever is greater. To the resulting figure add the cost of getting the bananas to your usual receiving point, which may include costs you have to pay for freight, icing, heating and messenger service, but which may not include costs for local trucking or local unloading (figure your freight costs at the lowest available common carrier rates, and if you import directly, these freight costs are to be figured from the United States port of entry) Divide this total by 100 and you will get your net cost per "selling unit" (1 pound) This is the net cost you will use in figuring your ceiling prices and to which you add the mark-up in Table B for your group of stores.

[Paragraph (a) amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

(b) *Fresh bananas bought at auction.* If you buy bananas at an auction market in New York, Philadelphia, or Baltimore, figure your cost the same way as in paragraph (a) of this section except that you can include freight costs only from the port of entry to the auction market. Costs for ferry service may not be included.

(c) *Butter printed by you.* If you package and print butter, you shall figure a ceiling price per pound for each resulting type of print and package and score (or grade) of butter. In figuring your ceiling price for butter of any particular score (or grade) in a print or package you shall use as your "net cost" the lowest ceiling price established under Maximum Price Regulation No. 289 which would apply to sales of that particular score (or grade) of butter in such print or package directly by a creamery to a primary distributor delivered to the city, town, village or hamlet in which your usual receiving point is located, plus ½¢ per pound. When you perform the printing and packaging functions in a butter print division apart from your warehouse or store and then deliver the printed or packaged butter to your warehouse, the warehouse shall be considered your usual receiving point, and when it is delivered directly from the butter print division to your store, the store shall be considered your usual receiving point.

(d) *Eggs candled and graded by you.* If you purchase eggs in other than retail (consumer) grades and sizes (or weight classes) and then candle and grade them into the retail (consumer) grades and sizes (or weight classes) set forth in Revised Maximum Price Regulation No. 333,[15] you shall figure a ceiling price

[13] Revised: 9 F.R. 5140, 5427, 5429, 5588, 5917, 5919, 5921, 6105, 7699, 10090, 10579, 10871, 11171.

[14] 8 F.R. 3050, 10659, 16623; 9 F.R. 219, 1121, 3038, 4016, 5893.

[15] 9 F.R. 11514, 12216.

weekly for each resulting grade and size (or weight class) using as your "net cost" the lowest ceiling price, fixed by Revised Maximum Price Regulation No. 333, which would apply to sales to you of eggs of that particular grade and size (or weight class) delivered to your usual receiving point on the Monday of the week in which calculations are made: *Provided, however* That before eggs which you grade as extra large or large AA may be sold as such, they must be so certified by the United States Department of Agriculture.

[Paragraph (d) amended by Am. 39, effective 2-8-45]

(e) *Eggs sold by you as "ungraded eggs"* If you purchase eggs in other than retail (consumer) grades and sizes (or weight classes) and do not candle and grade them into the retail (consumer) grades and sizes (or weight classes) set forth in Revised Maximum Price Regulation No. 333, you must sell them as "ungraded eggs" You shall figure a ceiling price weekly for such eggs using as your "net cost" the lowest ceiling price, fixed by Revised Maximum Price Regulation No. 333, which would apply to sales to you of large Grade C eggs delivered to your usual receiving point on the Monday of the week in which calculations are made.

[Paragraph (e) added by Am. 1, 8 F.R. 10569, effective 7-27-43, and amended by Am. 39 effective 2-8-45]

(f) *White potatoes purchased by you ungraded and unsacked.* If you purchase ungraded and unsacked white potatoes at a country shipping point (as defined in Revised Maximum Price Regulation 271 [16]) and you grade and sack such potatoes, you shall figure a separate ceiling price weekly for each grade and variety, using as your "net cost" per "selling unit" the lowest ceiling price per 100 pounds fixed by Revised Maximum Price Regulation 271 for sales by a country shipper f. o. b. country shipping point of such grade and variety, adjusted by the applicable packaging differential, during the month in which you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) to your usual receiving point, divided by 100, and multiplied by 5.

(g) *Dry onions purchased by you ungraded and unsacked.* If you purchase ungraded and unsacked dry onions at a country shipping point (as defined in Revised Maximum Price Regulation 271) and you grade and sack such onions, you shall figure a separate ceiling price weekly for each grade and variety, using as your "net cost" per "selling unit" the lowest ceiling price per 50 pounds fixed by Maximum Price Regulation 271 for sales by a country shipper f. o. b. country shipping point of such grade and variety, adjusted by the applicable packaging differentials, during the month in which you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) to your usual receiving point, divided by 50 and multiplied by 3.

[Paragraphs (f) and (g) added by Am. 4, 8 F.R. 12610, effective 9-11-43]

(h) *Citrus fruits purchased by you ungraded, unsized and unpacked.* If you purchase ungraded, unsized and unpacked citrus fruits and you grade, size and pack such citrus fruits, you shall figure on such purchases a separate ceiling price weekly for each variety, and size, and fruit from different areas, using as the basis of your "net cost" for each variety, and size, and fruit from different areas, the lowest ceiling price fixed in Maximum Price Regulation No. 292 [17] for sales by a packer of such variety, size, and fruit in the type of container in which each item is packed, in effect at the time when you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) to your usual receiving point. To get your ceiling price, reduce the resulting figure to the "net cost" of the "selling unit", and apply the mark-up for your group of retailer as set forth in section 8.

[Paragraph (h) added by Am. 6, 8 F.R. 15251, effective 11-9-43]

(i) *Poultry bought live or dressed and sold drawn.* If you buy poultry live or dressed, and you draw or eviscerate said poultry, you shall figure your ceiling price for such drawn or eviscerated poultry as though you had bought it drawn, using as your "net cost" the lowest ceiling price fixed by Revised Maximum Price Regulation 269 [18] which would apply to sales to you by your customary type of supplier delivered to your usual receiving point of a similar item of drawn poultry during the week in which you are figuring your ceiling price for the item. To that "net cost" you shall apply the mark-up applicable to that kind of poultry bought drawn and sold drawn. The resulting figure will be your ceiling price per pound of drawn weight.

[Paragraph (i) added by Am. 10, 8 F.R. 17370, effective 1-8-44]

(j) *Poultry bought live, dressed or drawn and sold in parts*—(1) *"Cut-up poultry"* If you buy poultry live, dressed or drawn, and you sell such poultry in parts which are "cut-up poultry" as defined in Revised Maximum Price Regulation No. 269, you shall figure your ceiling price for each item of such "cut-up poultry" as though you had bought it "cut-up", using as your "net cost" per pound the lowest ceiling price per pound fixed by Revised Maximum Price Regulation No. 269, which would apply to sales to you by your customary type of supplier delivered to your usual receiving point, of such "cut-up poultry" items during the week in which you are figuring your ceiling price for the item. To that "net cost", you shall apply the mark-up applicable to that kind of poultry bought cut-up and sold cut-up. The resulting figure will be your ceiling price per pound for that item of "cut-up poultry"

(2) *Poultry other than "cut-up poultry"* If you buy poultry live, dressed or drawn and you sell such poultry in parts (other than split or in quarters) which are not "cut-up poultry" as defined in Revised Maximum Price Regulation No. 269, you shall figure a separate ceiling price for each of such parts. You must use as your "net cost" per pound for each of such parts the lowest ceiling price per pound fixed by Revised Maximum Price Regulation No. 269 which would apply to sales to you by your customary type of supplier delivered to your usual receiving point, of such part, during the week in which you are figuring your ceiling price for the iteem. To that "net cost", you shall apply the mark-up applicable to that kind of poultry bought cut-up and sold cut-up. The resulting figure will be your ceiling price per pound for such parts.

[Paragraph (j) added by Am. 12, 9 F.R. 3510, effective 4-6-44]

(k) *Coconuts imported by you.* If you import coconuts, your "net cost" per pound may not exceed the ceiling price per pound ex dock any United States port of entry duty paid, as fixed by Maximum Price Regulation No. 505 [19] for sales by importers, plus transportation charges paid by you (except local trucking or local unloading) from the United States port of entry to your usual receiving point.

(l) *Pineapple which you import.* If you import any item of packed pineapple, or packed pineapple juice, (other than pineapple and pineapple juice packed in the Territory of Hawaii or Puerto Rico), your "net cost" for any such item may not in any case exceed the maximum price fixed in Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation for the item ex dock, any United States port of entry, duty paid, or ex railroad car or other type of carrier, any point of entry on the United States-Mexico border, duty paid, plus any allowable charges actually incurred in putting the items in the warehouse at port or point of entry, plus actual transportation charges from the port or point of entry to your usual receiving point.

If, prior to May 25, 1944, you had figured a ceiling price under this regulation for any of the above items of packed pineapple or packed pineapple juice which you imported, you must refigure your ceiling price for that item in accordance with the provisions of sections 3 and 4, basing your "net cost", however,

[16] 8 F.R. 15587, 15663; 9 F.R. 1532, 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783, 10089, 10199, 10981, 10778, 12270, 12475.

[17] 8 F.R. 135, 543, 2869, 8367, 6134, 10432, 13974, 15663, 16282, 17421.

[18] Revised: 8 F.R. 13813, 14016, 15258, 14854, 15190, 16793; 9 F.R. 95, 612, 902, 96, 1036, 1941, 3233, 3345, 4356, 5695, 7699, 8144, 8255.

[19] 9 F.R. 524, 1940.

on the first delivery to you of the item on or after May 25, 1944.

This section shall not apply to sales by you under the following conditions:

(1) If, prior to April 29, 1944, you figured a ceiling price for canned Cuban pineapple or canned Cuban pineapple juice for sales to industrial, institutional or commercial users under § 1341.155 (a) of Maximum Price Regulation No. 197,[20] or under this regulation for other packed pineapple or pineapple juice (other than pineapple or pineapple juice packed in the Territory of Hawaii or in Puerto Rico) and

(2) If you have entered into contracts with a foreign seller prior to April 29, 1944, at prices not in excess of such ceiling price for the item; and

(3) If you file a copy of each such contract with the Distribution Branch, Food Price Division, OPA, Washington, D. C., on or before September 9, 1944, together with a statement showing your cost for each item under such contract and your cost and ceiling prices for each item under Maximum Price Regulation No. 197 of this regulation.

In such cases, if your contracts are approved, the OPA will send you written notice permitting you to carry out such contracts at the contract price and setting forth the method you must use in figuring your ceiling prices for items delivered to you under the above contracts.

[Paragraph (l) added by Am. 17, 9 F.R. 5656, effective 5-25-44; amended by Am. 24, 9 F.R. 10258, effective 8-26-44]

(m) *Frozen fruits, berries, and vegetables.* After you have figured a ceiling price under this regulation for an item of frozen fruits, berries, fruit or berry juices, vegetables or vegetable juices which is covered by Supplement No. 6 to Food Products Regulation No. 1,[21] you must refigure your ceiling price on the fifteenth day of each month. In refiguring your ceiling price, add to the "net cost" on which your existing ceiling price is based, the amount of ⅛ cent per pound.

Furthermore, by the opening of business on January 2, 1945, you must have refigured your ceiling price for each item of frozen red sour cherries of the 1944 pack in accordance with the rules in sections 3 and 4, basing your net cost, however, upon the last delivery of the item to you before January 2, 1945. Thereafter, you must refigure your ceiling prices each month for such items in accordance with this paragraph.

[Paragraph (m) added by Am. 24, 9 F.R. 10258, effective 8-26-44 and amended by Am. 37, 9 F.R. 15047, effective 1-2-45]

(n) [Revoked.]

[Paragraph (n) added by Am. 24, 9 F.R. 10258, effective 8-26-44; and revoked by Am. 35, 9 F.R. 14600, effective 12-21-44]

(o) *Smoked fish which you process.* (1) If you buy smoked fish in the form of slabs (gutted, headed and halved) and sell it in slices, you shall multiply your "net cost" per pound for the item by 1.20. To get your ceiling price per pound for such slices, apply the mark-up for your group of retailer to the resulting figure.

(2) If, prior to offering for sale, you change the form of an item of smoked fish bought drawn (gutted) to dressed (headed, with fins off), and sell it whole, in chunks or in slices, you shall multiply your "net cost" per pound for the item by 1.10. To get your ceiling price per pound, apply the mark-up for your group of retailer to the resulting figure.

[Paragraph (o) added by Am. 24, 9 F.R. 10258, effective 8-26-44]

(p) *Fresh fruits or vegetables bought in carlot or trucklot quantities.* If you purchase any item of fresh fruits or vegetables listed in Table B, in "carlot" or "trucklot" quantities, from a "grower", "country shipper" "primary seller" or "grower-packer" (as those terms are defined in the applicable maximum price regulation covering the sale of the item except at retail), figure your ceiling price for that item in the following way: Start with the amount paid for the quantity of the item delivered, less all discounts except the discount for prompt payment. Add to that figure all transportation charges you paid to your usual receiving point, which may include costs for icing, refrigeration, and ventilation, but not costs for local trucking or local unloading. (If you perform, in connection with any item, any of the functions described in paragraphs (f), (g) or (h) of this section, start with the figure computed for that item under the applicable paragraph.) Increase that figure by 1½ percent. Reduce the resulting figure to the "net cost" per "selling unit" and apply the mark-ups for your group of retailer as set forth in section 8.

[Paragraph (p) added by Am. 32, 9 F.R. 12580, effective 10-16-44]

SEC. 21. *Additional charges allowed for slaughtering and plucking poultry.* You may add to your ceiling prices for poultry established by this regulation whichever of the following amounts apply.

(a) 10¢ for a bird killed in accordance with the Hebraic dietary laws, if such killing was done by your employee, or an agent or contractor engaged and paid by you.

(b) 10¢ for plucking a bird which you buy live and sell live, or buy kosher-killed and sell kosher-killed, if such plucking is done by your employee or an agent or contractor engaged and paid by you.

SEC. 21a. [Revoked.]

[Sec. 21a added by Am. 23, 9 F.R. 9719, effective 8-14-44 and revoked by Am. 35, 9 F.R. 14600, effective 12-21-44]

SEC. 22. *Additions for delivery from your warehouse to your store.* If your store is located at a distance of 125 miles or more from your warehouse which is your usual receiving point, you may, in determining your ceiling price for an item delivered from the warehouse to your store, use whichever of the following provisions applies:

(a) *In the case of percentage mark-ups.* Where a percentage mark-up is given for the item:

(1) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1 to your mark-up figure. (Example: If your mark-up figure on sugar in Table A is 7 percent, you change it to 8 percent.)

(2) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2 to your mark-up figure.

(3) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3 to your mark-up figure.

(4) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 to your mark-up figure.

(b) *In the case of dollars-and-cents mark-ups.* Where a dollars-and-cents mark-up is given for the item:

(1) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1 percent to the cost of the delivery or deliveries on which your net cost per "selling unit" is based. You must then figure the "net cost" on the basis of the "selling unit", in accordance with the rules in section 8. (Example: If you are figuring your ceiling price for green peas and your largest delivery during the preceding week was of 5 bushel baskets at $3.00 per basket, you may add 1 percent, that is, $0.15, to the $15.00 cost, and then reduce the resulting figure to the "net cost" of one pound, the "selling unit" for green peas.)

(2) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2 percent and figure your ceiling price in accordance with (1) above.

(3) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3 percent and figure your ceiling price in accordance with (1) above.

(4) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 percent and figure your ceiling price in accordance with (1) above.

[Sec. 22 amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

SEC. 23. *How you may figure your ceiling prices for "perishables" on a weighted average basis.* Section 7 of this regulation requires you to use in figuring your ceiling price for "perishables" the net cost of the largest delivery to you in the seven day period before the Thursday (or Tuesday for stores which price from a central point) for which you are figuring your price. If you desire to figure your ceiling prices for all items of "perishables" by using for each item, instead of the net cost of the largest delivery during this seven day period, the weighted average net cost of all deliveries of it to you during this seven day period, you may do so. However, you must apply in writing to the nearest district OPA office for permission. After receiving such permission, you may not use the net cost of the largest delivery during the seven day period to figure your ceiling price for any of the "perishables" listed in Table B. However, you shall continue to use all other provisions of section 8 in figuring your ceiling prices for these items.

[20] Revoked: 9 F.R. 5802.

[21] 9 F.R. 8057, 10194, 10045, 11901.

SEC. 24. *How you figure your ceiling prices for "dry groceries" you purchase from wholesalers.* If you have customarily made most of your purchases of any item of "dry groceries" listed in Table A from a wholesaler who is now pricing under Maximum Price Regulation No. 421, you may, if you still customarily purchase that item from such a wholesaler, figure your ceiling price for that item on the basis of the "net cost" of your first purchase after August 5, 1943, instead of your most recent purchase before August 5, 1943, as required by section 4. Such ceiling price shall not be changed except as required by section 6. Until you make such a purchase you shall keep your present ceiling price.

SEC. 25. *How you figure your ceiling prices for foods you "manufacture or otherwise process"* If you "manufacture or otherwise process" and sell at retail any item covered by this regulation, you will figure your "net cost" or ceiling price for such item under whichever of the following provisions applies:

(a) If the item is one for which the OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling at retail, the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost"

(b) If the item is one for which the OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling at retail, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(c) If the item is one for which the OPA has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering the sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up under his regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturer's regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed; you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you manufacture or otherwise process directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 25a. *Ceiling prices for sales of poultry pursuant to Food Distribution Order No. 91.* When the United States government or its agencies purchases or requisitions any poultry items set aside pursuant to Food Distribution Order No. 91, your ceiling price for such sales shall be the total of the following amounts:

(a) The amount you paid your supplier for the poultry items being priced (less all discounts except the discount for prompt payment), which may not exceed your supplier's ceiling price.

(b) Transportation charges actually paid by you (except local trucking or local unloading) which may not exceed the charges for deliveries of such poultry items purchased from a customary type of supplier delivered to your usual receiving point by a customary means of delivery.

(c) Charges actually paid by you or incurred by you for storage of such poultry items in a public warehouse.

(d) One and one-half cents per pound where transfers are requested by the purchaser in quantities of less than 10,000 pounds, or one cent per pound where transfers are requested by the purchaser in lots of 10,000 pounds or more (whether or not transferred by you at one time in such quantities) Sales or transfers from separate warehouses shall be considered as separate transfers.

[Sec. 25a added by Am. 11, 9 F.R. 95, effective 12-31-43]

SEC. 25b. *Ceiling prices for sales of poultry to other retailers.* Your ceiling price for a sale of any item of poultry to another retailer covered by Maximum Price Regulations Nos. 422 or 423 shall be the applicable ceiling price fixed by Revised Maximum Price Regulation No. 269 for sales by wholesalers.

[Sec. 25b added by Am. 36, 9 F.R. 14493, effective 12-14-44]

SEC. 25c. *Special pricing provisions for manufacturers selling some commodities at retail.* Any person, the larger part of whose business is the manufacturing or processing of foods, but

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users,

(c) Shall figure his ceiling prices for sales of such commodity to ultimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall, for such purposes, be considered a retailer covered by this regulation. In figuring his ceiling prices he shall substitute the date February 8, 1945 for the date August 5, 1943, wherever it appears in sections 3, 4 and 5.

[Sec. 25c added by Am. 39, effective 2-8-45]

SEC. 26. *Mail order sales.* When you make mail order sales, you may add to your ceiling prices determined under this regulation your actual express or mailing expense to the buyer's address.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 27. *How you may, under certain conditions, apply to use Group 1 mark-ups.* (a) If your store meets the gross margin requirements specified in this section and does business in the manner outlined below, you may apply under paragraph (b) of this section to use the mark-ups provided in Maximum Price Regulation No. 423 for Group 1 stores:

(1) Most of your sales in your grocery department are made by sales clerks who assist customers in selecting, collecting, and wrapping merchandise;

(2) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service;

(3) The general level of your prices for grocery products was during September 1942 at least as high as the level maintained by Group 1 stores, and was generally higher than that maintained by Group 3 and 4 stores, for such products in your community; and

(4) The total gross margin in your fiscal year 1941 was more than 25% on all sales in your food departments and also, if you are not an "independent" store, more than 25% on the combined sales of the food departments in all the stores in your organization. Do not count a restaurant as a food department. If not in business in 1941, use your most recent fiscal year (or fiscal period, if not in business a full fiscal year)

(b) Your application must be filed in duplicate on or before June 24, 1944, with your nearest District OPA office on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPA will tell you when to begin using the Group 1 mark-ups, and from such time on you shall post a sign in your store designating it as a "Group 1" store, and it shall be considered a Group 1 store for all orders issued under Revised General Order No. 51[22] and for the purpose of all "special pricing provisions" contained in Maximum Price Regulation No. 423.

(c) If you filed an application under section 26 of Revised Maximum Price Regulation No. 238[23] or section 25 of Revised Maximum Price Regulation No. 268 and such application has been denied, you are not eligible for adjustment under this section. If your application has been allowed, you may use the mark-ups for a Group 1 store in Tables A and B of Maximum Price Regulation No. 423 and may consider your store a Group 1 store for the purpose of all "special pricing provisions" contained in that regulation and you must post a Group 1 sign, but you are subject to all other provisions of this regulation.

[Paragraphs (b) and (c) amended by Am. 17, 9 F.R. 5656, effective 5-25-44]

[22] Revised: 9 F.R. 408, 11982.
[23] Revoked: 8 F.R. 12468.

SEC. 28. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation you may apply for an adjustment of such mark-ups by filing with your nearest district OPA office two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen) (4) the approximate number of its food customers; (5) the total number of stores selling food in its community (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

SEC. 29. *Applications for adjustment.* Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation, and may deny any application filed under section 27 or revoke any order granting adjustment under that section if denial of such application would not cause the applicant a substantial financial hardship. Applications for adjustment are governed by Revised Procedural Regulation No. 1.[23a]

[Sec. 29 amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

SEC. 29a. *Regional adjustment of poultry mark-ups.* Each Regional Administrator of the OPA is hereby authorized to reduce the mark-ups listed in Table B in section 39 (a) for retailers in any area or locality within his jurisdiction for sales of any poultry items in connection with adjustments made pursuant to § 1429.14 (e) of Revised Maximum Price Regulation No. 269, whenever such action is necessary to prevent an increase in the ceiling prices at which such poultry items may be sold by retailers.

[Sec. 29a added by Am. 1, 8 F.R. 10569, effective 7-27-43]

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 30. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales" take your total sales for the calendar year 1943. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1943 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1943, you must divide your total sales from the time you began operation up to May 25, 1944, by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales"

[Sec. 30 amended by Am. 17, 9 F.R. 5656, effective 5-25-44]

SEC. 31. *How you determine your group in certain special cases*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after May 25, 1944, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 1 store, you must figure your ceiling prices under Maximum Price Regulation No. 423) However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

[Above paragraph amended by Am. 17, 9 F.R. 5656, effective 5-25-44]

If you find that your store should now be in another group, you may continue to use the Group 1 or 3 mark-ups until the second Thursday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for your new group. For "dry grocery" items use the same "net cost" which you used in figuring your ceiling prices in effect at the end of the 3-month period. For "perishable" items, you shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8. If, under that section, you would not have been required to refigure your ceiling price for any item on that Thursday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

(d) *Discontinuance of stores.* (1) If you are not an "independent" store and you close one or more of your stores so that you now have less than 4 stores under one ownership, you may find your group for each of the remaining stores by determining the "annual gross sales" under section 30 (a), treating each store as an "independent" store.

(2) If you are not an "independent" store and you close one or more of your stores, but 4 or more stores continue under one ownership, you may refigure the combined "annual gross sales" under section 30 (a) for those remaining in operation. If the combined "annual gross sales" are not $500,000 or more, you may then determine your group for each store, treating each as an "independent" store.

(3) If you find that any store is now in another group, you may refigure all of your ceiling prices for that store before the opening of business on any Thursday. For "dry grocery" items, you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items, you must use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation if a Group 4 store (or under section 8 of Maximum Price Regulation No. 423 if a Group 1 or Group 2 store) If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store is now in Group 1 or Group 2, it is subject to all other provisions of Maximum Price Regulation No. 423.

[Paragraph (d) added by Am. 9, 8 F.R. 15607, effective 11-20-43]

SEC. 32. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 33. *Transfer of business and stock in trade.* If, after August 5, 1943, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

SEC. 34. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation[24] issued by the OPA.

[23a] 9 F.R. 10476.

SEC. 35. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 422, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 238,[25] Maximum Price Regulation No. 250,[26] Revised Maximum Price Regulation No. 256,[27] Revised Maximum Price Regulation No. 268 the General Maximum Price Regulation, and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order 51[28] with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 36. *Definitions.*—(a) *"Retail route seller"* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate-consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" is one whose sales to consumers consist principally of especially prepared vitamin-enriched foods customarily included in the trade term "health foods" which are usually sold for special dietary purposes.

(c) *Delivery.* Delivery of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type, and container-size, except for fresh fruits and vegetables. Separate fresh fruit and vegetable items shall be those defined as separate in the definitions accompanying Table B.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations.

Packaging as used in section 18, ripening of bananas, printing of butter, candling and grading of eggs, and killing and dressing of poultry shall not be considered manufacturing or processing under this regulation.

(g) *Group 1 retailer.* A retailer is in Group 1 if he is an "independent" retailer with an "annual gross sales" of less than $50,000.

(h) *Group 2 retailer* A retailer is in Group 2 if he is an "independent" retailer with an "annual gross sales" of $50,000 or more, but less than $250,000.

SEC. 37. *Geographical applicability.* The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

ARTICLE V—TABLES

SEC. 38. *Table of mark-ups for "dry groceries"* (Table A) (a) *Table A. Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over net cost	
	Group 3. Retailer other than independent, with annual volume under $250 000	Group 4 Any retailer with annual volume of $250 000 or more
	Percent	*Percent*
1. Baby foods	21	19
2. Cereals, breakfast	13	11
3. Cocoa, chocolate, and cereal drink preparations	22	21
4. Coffee	12	11
5. Cookies, crackers, toast and crumbs	25	25
6. Corn meal and hominy	25	21
7. Dog and cat foods	21	19
8. Fish, processed	21	21
9. Flour and flour mixes	23	15
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	24	22
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices	21	19
12. Fruits, dried and dehydrated	23	22
13. Frozen foods	27	27
14. Gelatin and pudding mixtures	21	13
15. Jams, jellies, preserves, honey and peanut butter	31	31
16. Lard, pure	13	10
17. Macaroni and spaghetti products	27	26
18. Mayonnaise and salad dressing	22	22
19. Meat, canned	15	14
20. Milk, canned	10	9
21. Oils, cooking and salad	24	16
22. Oleomargarine	14	14
23. Pickles and relishes	31	31
24. Rice	24	20
25. Shortening, hydrogenated	7	6
26. Shortening, other	13	9
27. Soups, canned	19	19
28. Soups, dehydrated	31	27
29. Spices	46	46
30. Sugar	7	6
31. Syrups	24	21
32. Tea	25	23
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice	26	23
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned)	21	19
35. Vegetables, dried and dehydrated	34	29
36. Vinegar	27	26
37. Miscellaneous foods	35	35

[Table amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Item 13 amended by Am. 6, 8 F.R. 15251, effective 11-24-43; and Item 6 amended by Am. 14, 9 F.R. 4017, effective 5-1-44; and corrected, 9 F.R. 6951, effective as of 5-25-44]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both un-cooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ and dry baby cereals. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

[Subparagraph (2) amended by Am. 17, 9 F.R. 5656, effective 5-25-44]

(3) "Cocoa, chocolate and cereal drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, cooking chocolate and packaged powdered skim milk (spray process) Excluded are chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger, powdered whole milks, powdered skim milk packaged in tin in an inert gas, malted milk, and any preparation containing 35 percent or more malted milk.

[Subparagraph (3) amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 6, 8 F.R. 15251, effective 11-24-43, and Am. 89, effective 2-8-45]

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

[Subparagraph (5) amended by Am. 2, 8 F.R. 10987, effective 8-5-43 and Am. 10, 8 F.R. 17370, effective 1-8-44]

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in

[24] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 9835, 11273, 12919.

[25] Revoked: 8 F.R. 12468.

[26] 7 F.R. 8705, 9898, 10014, 10994; 8 F.R. 2673, 10559.

[27] 7 F.R. 10473; 8 F.R. 1266, 2106, 2673, 3946, 5164, 7821.

[28] Revised: 9 F.R. 408, 11982.

"Vegetables and vegetable juices, canned"

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned seafood, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, and caviar.

[Subparagraphs (7) and (8) amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, bulk apple cider and pineapple juice. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice) peaches, pears, and frozen fruits.

[Subparagraph (10) amended by Am. 17, 9 F.R. 5656, effective 5-25-44; and Am. 24, 9 F.R. 10258, effective 8-26-44]

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Subparagraph (11) amended by Am. 17, 9 F.R. 5656, effective 5-25-44]

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, dried dates and figs, pitted dates, and macerated dates. Excluded are fruit confections, candied or glaced fruits and peels, and date products.

NOTE: The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits, and you must figure separate ceiling prices for each item of the 1943 pack. The 1944 pack shall also be considered a different item from the 1943 and earlier packs, and you must figure separate ceiling prices for each item of the 1944 pack.

[Subparagraph (12) amended by Am. 9, 8 F.R. 15607, effective 11-20-43; Am. 13, 9 F.R. 3648, effective 4-8-44; corrected 9 F.R. 6951, effective as of 5-25-44; and amended by Am. 28, 9 F.R. 11901, effective 9-27-44]

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods, sold from refrigerated cabinets or lockers, including but not limited to all fruits, berries, fruit or berry juices, and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, apple sauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (13) amended by Am. 6, 8 F.R. 15251, effective 11-24-43; corrected 8 F.R. 17369, effective 12-23-43; amended by Am. 24, 9 F.R. 10258, effective 8-26-44; Am. 27, 9 F.R. 11711, effective 9-21-44; and Am. 37, 9 F.R. 15047, effective 1-2-45]

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

[Subparagraph (15) amended by Am. 13, 9 F.R. 3648, effective 4-8-44]

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other"

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells," noodles, macaroni dinners, and spaghetti dinners. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

[Subparagraph (17) amended by Am. 6, 8 F.R. 15251, effective 11-24-43]

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glassed chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales and tripe. Excluded are mincemeat, any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts, frozen food products in which meat, chicken and turkey are combined with other ingredients, frozen meat gravies, and frozen meat stews.

[Subparagraph (19) amended by Am. 6, 8 F.R. 15251, effective 11-24-43]

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, cooking fats other than shortening, and pure olive oil packaged in containers of one-half gallon or more but not exceeding one gallon. Excluded are prepared dressings and pure olive oil packaged in containers of less than one-half gallon.

[Subparagraph (21) amended by Am. 39, effective 2-8-45]

(22) "Oleomargarine" means any product labelled "oleomargarine"

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means all rice. Excluded are rice flour, rice flakes, popped rice, wild rice, and rice containing more than 50 percent broken kernels.

[Subparagraph (24) amended by Am. 10, 8 F.R. 17370, effective 1-8-44; and Am. 24, 9 F.R. 10258, effective 8-26-44]

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (27) amended by Am. 1, 8 F.R. 10369, effective 7-27-43 and Am. 6, 8 F.R. 15251, effective 11-24-43. Corrected, 8 F.R. 17369, effective 12-23-43]

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic

salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, candied ginger, raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States, and wooden or other type trays designed as permanent kitchen furniture containing sets of assorted spices.

[Subparagraph (29) amended by Am. 24, 9 F.R. 10258, effective 8-26-44]

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, cane, maple, and table corn syrups and imitations and blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, sorghum syrup and unmixed corn syrup.

[Subparagraph (31) amended by Am. 10, 8 F.R. 17370, effective 1-8-44; and Am. 23, 9 F.R. 9719, effective 8-14-44]

(32) "Tea" includes all bulk or packaged tea, tea bags, and matte.

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato purée, pimientos, and Chinese style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

[Subparagraph (33) amended by Am. 9, 8 F.R. 15607, effective 11-20-43; and Am. 24, 9 F.R. 10258, effective 8-26-44]

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)" Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (34) amended by Am. 9, 8 F.R. 15607, effective 11-20-43]

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Baking powder.
Baking soda.
Barley (pearl)
Caviar.
Cocoanut, shredded, desiccated, or moist.
Cookies, crackers, toast and crumbs bought by you in bulk and sold loose.
Corn starch, edible or gloss, packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).
Date products.
Egg nog (non-alcoholic), bottled.
Extracts.
Flavorings.
Food colorings.
Fruit pectins.
Fruit syrups for making beverages. (Excluded are fruit syrups used by rectifiers, blenders, restaurants and bars for making alcoholic mixed drinks.)
Gift or holidays packages bought assembled, and containing one or more items covered by this regulation.
Glaced or candied fruits and peels.
Goat milk, canned.
Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or one-gallon containers or larger.
Meat flavorings.
Meat sauces, except catsup, cocktail sauce, and chili sauce.
Mincemeat.
Mustard, prepared.
Olives.
Olive oil, pure (packaged in containers of less than one-half gallon).
Pie filling.
Popcorn, not popped.
Potatoes, Julienne, packed in hermetically sealed containers.
Potatoes, shoestring, packed in hermetically sealed containers.
Pudding, date.
Pudding, fig.
Pudding, plum.
Salt, table, packaged in cartons, bags or pockets containing 100 pounds or less, kosher salt in cartons, and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt, and meat-curing or smoked salt).
Spice oils.
Tom and Jerry batter, bottled.
Yeast.

[Subparagraph (37) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 6, 8 F.R. 15251, effective 11-24-43; Am. 10, 8 F.R. 17370, effective 1-8-44; Am. 13, 9 F.R. 3648, effective 4-8-44; Am. 17, 9 F.R. 5656, effective 5-25-44; Am. 23, 9 F.R. 9719, effective 8-14-44; Am. 26, 9 F.R. 11537, effective 9-16-44, and Am. 39, effective 2-8-45]

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked beans, prepared by the retailer.
Baked goods, fresh (except cookies, crackers, toast and crumbs).
Beer.
Bird seed and gravel.
Bread.
Buttermilk, fresh.
Candied ginger.
Candy.
Comb honey.
Corn starch, edible or gloss (packaged in containers of more than ten pounds).
Corn sugar.
Corn syrup, unmixed.
Cream.
Dry baby cereals.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables (except as included in Table B)
Frozen fish and seafood.
Frozen fruits, berries, fruit or berry juices, and mixtures, in containers of a capacity of more than 50 pounds.
Fruit cake.
Fruit and vegetable powders for making beverages.
Ice cream cones.
Ice cream, sherbets, and frozen confections.
Laundry starching compounds, powdered prepared.
Liquors.
Malted milk and any preparation containing 35% or more malted milk.
Maple sugar.
Meat and fish (except "Fish, processed" and "Meat, canned").
Milk, fresh.
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.
Mineral oil.
Nuts.
Olive oil, pure (packaged in containers of a capacity of more than one gallon).
Passover matzo, Passover matzo meal, and related Passover matzo products.
Peanuts.
Pet foods (except cat and dog foods or any frozen cat or dog foods).
Popcorn, popped.
Potato chips.
Powdered skim milk, bulk.
Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States.
Salads and relishes prepared by the retailer.
Soft drinks.
Sorghum syrup.
Tamales, bulk.
Tortillas.
Vitamin concentrates.
Wheat germ.
Wild rice and rice containing more than 50 percent broken kernels.
Wine.

[Paragraph (c) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 5, 8 F.R. 13204, effective 10-4-43; Am. 6, 8 F.R. 15251, effective 11-24-43; Am. 10, 8 F.R. 17370, effective 1-8-44; Am. 13, 9 F.R. 3648, effective 4-8-44; Am. 17, 9 F.R. 5656, effective 5-25-44; Am. 23, 9 F.R. 9719, effective 8-14-44; Am. 24, 9 F.R. 10258, effective 8-26-44; Am. 27, 9 F.R. 11711, effective 9-21-44; Am. 35, 9 F.R. 14600, effective 12-21-44, and Am. 39, effective 2-8-45]

SEC. 39. *Table of mark-ups for "perishables" (Table B)*—(a) *Table B: Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for "perishables" covered by this regulation by commodities.*

TABLE B—MARK-UPS OVER "NET COSTS" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

I. Food commodities	Allowed mark-ups over net cost: Group 3. Retailer other than independent with annual volume under $250,000	Allowed mark-ups over net cost: Group 4. Any retailer with annual volume of $250,000 or more	"Selling unit" in which ceiling price must be calculated
	Percent	*Percent*	
(1) Dairy products:			
Butter	8	8	1 pound.
Cheese	24	22	1 pound or 1 package.
Eggs, shell	14	12	1 dozen.
(2) Fresh fruits:			
Apples	33	33	2 pounds.
Bananas, bought on the stem	34	34	1 pound.
Bananas, bought in hands	25	25	1 pound.
Berries	34	34	1 quart, 1 pint or 1 pound.
Citrus fruits	36	36	1 dozen or 5 pounds (Grapefruit, 1 grapefruit or 1 pound).
Red sour cherries	34	34	1 quart or 1 pound.
(3) Fresh vegetables:			
Cabbage	40	40	2 pounds.
Lettuce	40	40	1 head or 1 pound.
Onions, dry	40	35	3 pounds.
Potatoes, sweet	40	40	2 pounds.
Potatoes, white	30	23	5 pounds.
Tomatoes	40	40	1 pound or 1 package.
Vegetables in unbroken packages	40	40	1 package.
(4) Poultry:			
Poultry (except turkey) sold as purchased: Bought live and sold live, bought dressed and sold dressed, bought drawn and sold drawn, bought frozen and sold frozen, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought split or cut-up and sold split or cut-up (boxed and other pack).	20	20	1 pound.
Poultry (including turkey) bought live and sold dressed weight basis. (Multiply live cost per pound by applicable figure in table. This establishes selling price per pound, dressed weight.)	36	36	1 pound.
Turkey bought live and sold live	20	20	1 pound.
Turkey bought dressed and sold dressed, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought drawn and sold drawn, bought frozen and sold frozen, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).	17	15	1 pound.

II. Food commodities	Allowed dollars-and-cents mark-ups per "selling unit": Group 3. Retailer other than independent with annual volume under $250,000	Allowed dollars-and-cents mark-ups per "selling unit": Group 4. Any retailer with annual volume of $250,000 or more	"Selling unit" in which ceiling price must be calculated
	Cents	*Cents*	
(1) Dairy products:			
(2) Fresh fruits:			
Apricots	4½	4½	1 pound.
Cherries, sweet	9	9	1 pound.
Coconuts	1½	1½	1 pound.
Cranberries	10	10	1 pound.
Melons, except watermelons	2½	2½	1 pound.
Peaches	3½	3½	1 pound.
Pears	4	4	1 pound.
Plums	4½	4½	1 pound.
Prunes, Italian	3	3	1 pound.
Watermelons	1	1	1 pound.
(3) Fresh vegetables:			
Beans, green and wax	4	4	1 pound.
Carrots, bunched	2½	2½	1 bunch.
Carrots, other than bunched	2	2	1 pound.
Cucumbers, except hothouse cucumbers	2½	2½	1 pound.
Cucumbers, hothouse	6½	6½	1 pound.
Eggplant	3	3	1 pound.
Peas, green	5	5	1 pound.
Peppers, sweet	4½	4½	1 pound.
Spinach	3	3	1 pound.
(4) Poultry:			

[Table B amended by Am. 1, 8 F.R. 10569, effective 8-5-43; Am. 3, 8 F.R. 12443, effective 9-16-43; Am. 5, 8 F.R. 13294, effective 10-4-43; Am. 7, 8 F.R. 14853, effective 11-4-43; Am. 10, 8 F.R. 12370, effective 1-8-44; Am. 15, 9 F.R. 4214, effective 4-27-44; Am. 18, 9 F.R. 6823, effective 6-22-44; Am. 19, 9 F.R. 7339, effective 7-5-44; Am. 20, 9 F.R. 7520, effective 7-13-44; Am. 21, 9 F.R. 7937, effective 7-20-44; Am. 22, 9 F.R. 9354, effective 8-10-44; Am. 29, 9 F.R. 12343, effective 10-10-44; Am. 30, 9 F.R. 12593, effective 10-26-44; Am. 34, 9 F.R. 12972, effective 11-2-44; Am. 35, 9 F.R. 14600, effective 12-21-44, and Am. 88, 10 F.R. 200, effective 1-11-45]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) *Dairy products.* "Butter" (packaged or bulk) means only butter from milk, including, but not limited to, processed, salted, unsalted, and whipped butter. Excluded are peanut, nut, fruit or honey butters.

[Above definition amended by Am. 13, 9 F.R. 3648, effective 4-8-44]

"Cheese" shall include all bulk or packaged cheese and products composed of more than fifty per cent cheese.

"Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size (or weight class) of eggs, and the grade and size (or weight class) shall be posted separately with the selling price, except that "ungraded eggs" are to be designated only as "ungraded eggs" Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price Regulation No. 333,[29] or as "ungraded eggs" which may contain no inedible eggs.

[Above definition amended by Am. 1, 8 F.R. 10569, effective 8-5-43]

(2) *Fresh fruits.* "Fresh fruits" means all the fresh fruits listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, or crating, shall not be considered processing.

"Apples" means all varieties of fresh apples including, but not limited to, Baldwin, Delicious, Grimes Golden, Winesap, Northern Spy, York Imperial, McIntosh and Rome Beauty. Each variety shall be considered a separate item and priced separately. Each variety of Northwestern grown and similar quality apples shall also be considered a separate item and priced separately.

[Above definition amended by Am. 39, effective 2-8-45]

"Apricots" means all varieties of fresh apricots. All apricots shall be considered a single item and priced as such. Excluded are dried apricots.

[Above definition added by Am. 18, 9 F.R. 6823, effective 6-22-44]

"Bananas." Bananas, from different countries of origin such as, but not limited to, Costa Rica, Honduras, Guatemala, and Mexico, shall be considered different "kinds" of bananas, and must be priced separately. "Bananas, bought in hands", means those which have been sold after being cut away from the stem.

"Berries" means blackberries, boysenberries, gooseberries, loganberries, black raspberries, red raspberries, strawberries and youngberries. Each of these eight kinds of berries shall be treated as a separate item and priced separately. Whenever fresh berries are sold in quarts or pints, they must have a minimum net

[29] Revised: 9 F.R. 11514, 12216.

weight of 20 ounces per quart or 10 ounces per pint. If you purchase berries on the basis of a price per pound and sell them in pints or quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart, and by 10/16 to figure your "net cost" per pint.

[Above definition amended by Am. 16, 9 F.R. 4434, effective 4-27-44.]

"Cherries, sweet" means all fresh cherries except "red sour cherries" and "ground cherries." Separate ceiling prices shall be figured for each variety. Varieties shall be Tartarian, Bing, Royal Ann, Lambert, and all other varieties.

[Above definition added by Am. 18, 9 F.R. 6828, effective 6-22-44]

"Citrus fruits" means all fresh citrus fruits including, but not limited to, oranges, lemons, limes, grapefruit and tangerines. Separate ceiling prices shall be figured for each variety, each size, and for fruit from different areas. Varieties shall be oranges, lemons, limes, temple oranges, tangerines (including tangelos) white seeded grapefruit, pink seeded grapefruit, white seedless grapefruit, pink seedless grapefruit, and ruby red grapefruit. Different areas are California, Arizona, Texas, Indian River Citrus Area of Florida, and the rest of the State of Florida.

"Coconuts" means all fresh whole coconuts, imported and domestic. Coconuts in husks and coconuts in shells shall be considered separate items and priced separately. Coconuts in husks means the fruit of the coco palm enclosed in thick, fibrous outer coats commonly called husks. Coconuts in shells means the fruit of the coco palm with the outer husks removed.

"Cranberries" means all varieties of fresh cranberries including, but not limited to, Early Blacks, Searls Jumbos and Howes. All varieties shall be considered a single item and priced as such. Cranberries bought and sold in cellophane-wrapped packages weighing one pound shall be considered a separate item and priced separately.

[Above definition added by Am. 30, 9 F.R. 12593, effective 10-26-44]

"Melons, except watermelons" means all melons except watermelons and citron-melon. Separate ceiling prices shall be figured for each variety. Varieties shall be cantaloupes and muskmelons, Honeyball, Honey Dew, Persian, Casaba, Cranshaw, and all other varieties.

[Above definition added by Am. 19, 9 F.R. 7339, effective 7-5-44]

"Peaches" means all varieties of fresh peaches including, but not limited to, Carmen, Early Rose, Triumph, Cumberland, Elberta, Eclipse, and Salway. Each variety shall be considered a separate item and priced separately.

[Above definition added by Am. 21, 9 F.R. 7937, effective 7-20-44]

"Pears" means all varieties of fresh pears, including, but not limited to, Bartlett, Hardy, Keiffer, Comice, Anjou, Bosc, and Winter Nelis. Excluded are Forelle and Seckel varieties. Each variety shall be considered a separate item and priced separately.

[Above definition added by Am. 22, 9 F.R. 9354, effective 8-10-44]

"Plums" means all fresh plums, including damsons, green-gages, and fresh prunes. Excluded are fresh Italian prunes. Varieties include but are not limited to Santa Rosa, Tragedy, Duarte, President, Beauty, Kelsey, Wickson and Burbank. Each variety shall be considered a separate item and priced separately.

"Prunes, Italian" means all grades of fresh Italian prunes. All fresh Italian prunes shall be considered a single item and priced as such.

[Above two definitions added by Am. 18, 9 F.R. 6828, effective 6-22-44]

"Red sour cherries." All red sour cherries shall be considered one item. When you sell red sour cherries by the quart, they must have a minimum net weight of 20 ounces per quart. When you purchase red sour cherries on the basis of a price per pound and sell them in quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart.

"Watermelons" means all grades, sizes, and varieties of watermelons. All grades, sizes, and varieties shall be considered a single item and priced as such. Excluded are citron-melons.

[Above definition added by Am. 20, 9 F.R. 7520, effective 7-13-44]

[Subparagraph (2) amended by Am. 1, 8 F.R. 10569, effective 8-5-43; Am. 3, 8 F.R. 12443, effective 9-16-43; Am. 8, 8 F.R. 15586, effective 11-19-43; and Am. 15, 9 F.R. 4214, effective 4-27-44 and as otherwise noted.]

(3) *Fresh vegetables.* "Fresh vegetables" means all the fresh vegetables listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, shelling, shall not be considered processing.

"Beans, green and wax" means all varieties of green and wax beans, but shall not include limas and English, Fava, and Italian broad beans. Green beans and wax beans shall be considered separate items and priced separately.

"Cabbage" means all solid headed cabbage, including Red and Savoy. Excluded are Chinese cabbage, collards, cauliflower, and brussels sprouts. Red cabbage shall be considered as a separate item and priced separately.

"Carrots, bunched" means all fresh carrots with tops, bought and sold in bunches weighing not less than one pound. California and similar quality bunched carrots shall be considered as a separate item.

"Carrots, other than bunched" means clipped carrots (carrots with tops not more than 4 inches long), topped carrots (carrots without tops), and all other carrots including bunches weighing less than one pound. Separate ceiling prices shall be figured for each kind. Kinds of "carrots, other than bunched" shall be clipped carrots, topped carrots and all other carrots.

"Cucumbers" means all types and varieties of cucumbers. Field-grown cucumbers and gherkins shall be considered separate items and priced separately. Excluded are hothouse cucumbers.

[Above definition added by Am. 38, 10 F.R. 200, effective 1-11-45]

"Cucumbers, hothouse" means all hothouse cucumbers bought in containers labelled "hothouse" or cucumbers bought individually labelled "hothouse"

[Above definition added by Am. 19, 9 F.R. 7339, effective 7-5-44]

"Eggplants" means all varieties of eggplants. All eggplants shall be considered a single item and priced as such.

"Lettuce" means all head or leaf lettuce including, but not limited to Iceberg, Big Boston and Romaine. Excluded are escarole, chicory and endive. Head lettuce and leaf lettuce shall be considered separate items and priced separately. California and similar quality Iceberg shall also be considered a separate item.

[Above definition amended by Am. 18, 9 F.R. 6828, effective 6-22-44, and Am. 39, effective 2-8-45]

"Onions, dry" means all dry onions used for human consumption. Each grade and variety shall be considered separate items and priced separately.

"Peas, green" shall not include Chinese peas. California and similar quality peas shall be considered a separate item and shall be priced as such.

"Peppers, sweet" means all grades and varieties of sweet peppers. All sweet peppers shall be considered a single item and priced as such. Excluded are hot peppers and pimientos.

[Above definition added by Am. 19, 9 F.R. 7339, effective 7-5-44]

"Potatoes, sweet" means all varieties of sweet potatoes. All dry flesh sweet potatoes shall be considered one item, and moist flesh sweet potatoes shall be considered a separate item, and priced separately. Dry flesh sweet potatoes include varieties such as Big Stem Jersey, Little Stem Jersey, and Triumph. Moist flesh sweet potatoes (sometimes called

yams) include varieties such as Porto Rico and Nancy Hall.

"Potatoes, white" means all white potatoes used for human consumption or for seed (except foundation stock, certified and war approved seed potatoes) Each grade and variety of white potatoes shall be considered a separate item and priced separately.

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or other greens. Also excluded is spinach bought "washed and packaged" and sold "washed and packaged" All spinach shall be considered a single item and priced as such.

[Above definition amended by Am. 19, 9 F.R. 7339, effective 7-5-44]

"Tomatoes." Hothouse, field-run and packaged tomatoes shall be considered separate items and priced separately.

"Vegetables in unbroken packages" means the fresh vegetables listed in Table B, excluding tomatoes, which are purchased and sold in packages not exceeding one pound net weight (and not exceeding five pounds net weight in the case of spinach), and which have been trimmed, cleaned, washed or otherwise prepared for sale to the consumer ready for consumption without further preparation other than cooking. Each such listed vegetable in unbroken packages and each size package shall be considered separate items and priced separately.

[Above definition added by Am. 19, 9 F.R. 7339, effective 7-5-44]

[Subparagraph (3) added by Am. 15, 9 F.R. 4214, effective 4-27-44; amended by Am. 34, 9 F.R. 12972, effective 11-2-44. Former (3) and (4) redesignated (4) and (5)]

(4) *Poultry.* "Poultry" means all chickens, ducks, geese and turkeys in any form, excluding "started" poultry sold for breeding purposes, canned poultry and cooked or smoked poultry. Poultry which is drawn by a retailer shall be priced in accordance with the provisions of section 20 (i) Poultry which is bought live, dressed or drawn and is sold by the retailer "cut-up" or in parts, shall be priced in accordance with the provisions of section 20 (j). "Frozen poultry" is as defined in Revised Maximum Price Regulation No. 269, except that the first sentence of § 1429.19 (i) (4) (ix) shall not apply. Unless the context otherwise requires, the definitions set forth in §§ 1429.17, 1429.19, 1429.20 and 1429.21 of Revised Maximum Price Regulation No. 269 shall apply to terms used herein wherever applicable.

[Subparagraph (4), formerly (3), amended by Am. 7, 8 F.R. 14853, effective 11-4-43; Am. 10, 8 F.R. 17370, effective 1-8-44; and Am. 12, 9 F.R. 3510, effective 4-6-44]

(5) [Revoked]

[Subparagraph (5) amended by Am. 23, 9 F.R. 9719, effective 8-14-44 and revoked by Am. 35, 9 F.R. 14600, effective 12-21-44]

SEC. 40. *Table of ceiling prices based on any given "net cost" and mark-up (Table C)*—(a) *Table C: Retail ceiling prices obtained by applying any given mark-up to any given net cost items.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
15	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	10	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
18	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
19	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
20	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
21	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
22	1	2	2	3	3	4	4	5	5	6	7	7	8	9	9	10	10	11	12	12
23	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	10	11	12	12
24	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	11	12	12
25	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
26	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
27	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	11	12	13
28	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	12	12	13
29	1	2	2	3	3	4	5	5	6	6	7	8	8	9	10	10	11	12	12	13
30	1	2	2	3	3	4	5	5	6	7	7	8	8	9	10	10	11	12	12	13
31	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	10	11	12	12	13
32	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
33	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
34	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
35	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	14
36	1	2	2	3	3	4	5	5	6	7	7	8	9	10	10	11	12	12	13	14
37	1	2	2	3	3	4	5	5	6	7	8	8	9	10	10	11	12	12	13	14
38	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	12	13	14
39	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	13	13	14
40	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
41	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
42	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	13	14
43	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	14	14
44	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	12	12	13	14	14
45	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
46	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
47	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	12	13	14	15
48	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
49	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
50	1	2	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	19
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	20
14	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	20	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	21
20	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	21	22
23	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	22
24	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22	22
25	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
26	13	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23
28	13	14	15	15	16	17	17	18	19	19	20	20	21	22	22	23
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23
30	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23	23
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
36	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
37	14	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25
38	14	15	16	17	17	18	19	19	20	21	21	22	23	23	24	25
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25
40	15	15	16	17	18	18	19	20	20	21	22	22	23	24	25	25
41	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25	25
42	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25	26
43	15	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26
44	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25	26
45	15	16	17	17	18	19	20	20	21	22	22	23	24	25	25	26
46	15	16	17	18	18	19	20	20	21	22	23	23	24	25	26	26
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	26
48	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	25	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	28
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	29
14	21	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	29	30
16	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	30
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31
20	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	31
22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23	23	23	24	25	25	26	26	27	28	28	29	30	30	31	31	32
24	23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	32
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33
29	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	35
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	35
37	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	34	35	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	35	36
40	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36	36
41	26	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37
42	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43	26	27	28	29	29	30	31	31	32	33	34	34	35	36	36	37
44	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37	37
45	27	28	28	29	30	30	31	32	33	33	34	35	36	36	37	38
46	27	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	35	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	36
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	36	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37
11	29	30	31	31	32	32	33	33	34	34	35	35	36	36	37	37
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37	38
13	30	31	31	32	32	33	33	34	34	35	35	36	37	37	38	38
14	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40	40
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	41
23	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42
24	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	42
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
27	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	43
28	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
29	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
30	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	45
34	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	45	46
36	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	46
37	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
40	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47	48
41	37	38	39	39	40	41	42	42	43	44	44	45	46	47	47	48
42	38	38	39	40	40	41	42	43	43	44	45	45	46	47	48	48
43	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	48	48	49
45	38	39	40	41	41	42	43	44	44	45	46	46	47	48	49	49
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	49	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	44
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	45
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	46
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	46	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	47
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	47	48
15	40	40	41	41	42	43	43	44	44	45	45	46	47	47	48	48
16	40	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	49
18	41	41	42	42	43	44	44	45	45	46	47	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	48	48	49	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	49	49	50	50
21	42	42	43	44	44	45	45	46	47	47	48	48	49	50	50	51
22	42	43	43	44	45	45	46	46	47	48	48	49	49	50	51	51
23	42	43	44	44	45	46	46	47	47	48	49	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	51	52
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	53
28	44	45	45	46	47	47	48	49	49	50	51	51	52	52	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	54
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	56
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	55	55	56	57	57	58
39	48	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60	60
45	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60	61
46	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	61
47	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	61	61	62
49	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	57
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	58
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	59
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	57	57	58	58	59	60
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	60	60	61	61	62
25	53	54	54	55	56	56	57	58	58	59	59	60	61	61	62	63
26	54	54	55	55	56	57	57	58	59	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	64
28	54	55	56	56	57	58	58	59	60	60	61	61	62	63	63	64
29	55	55	56	57	57	58	59	59	60	61	61	62	63	63	64	65
30	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
35	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	68
36	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	69
38	59	59	60	61	61	62	63	63	64	65	66	66	67	68	68	69
39	59	60	60	61	62	63	63	64	65	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	67	67	68	69	69	70
41	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	67	68	69	70	70	71
43	61	61	62	63	64	64	65	66	66	67	68	69	69	70	71	72
44	61	62	63	63	64	65	66	66	67	68	68	69	70	71	71	72
45	62	62	63	64	65	65	66	67	67	68	69	70	70	71	72	73
46	62	63	64	64	65	66	66	67	68	69	69	70	71	72	72	73
47	62	63	64	65	65	66	67	68	68	69	70	71	71	72	73	74
48	63	64	64	65	66	67	67	68	69	70	70	71	72	73	73	74
49	63	64	65	66	66	67	68	69	69	70	71	72	72	73	74	75
50	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Note that some mark-ups are percentage mark-ups and some are dollars-and-cents mark-ups. Table C is included to assist you in determining ceiling prices without burdensome calculations, where the mark-up given is a percentage mark-up.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 3 and Group 4 retailers in figuring their ceiling prices. Table B gives the same information for "perishables" However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables" For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find either a percentage mark-up or a dollars-and-cents mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.) For perishables, it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 50¢, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

If the mark-up specified for an item is a dollars-and-cents mark-up, you cannot use Table C to get your ceiling price. In those cases, you simply add the stated amount of mark-up to your "net cost" If your ceiling price so figured results in a fraction of a cent you may, in making sales of the "selling unit", charge the next higher cent.

Example (1). A Group 3 retailer wishes to figure a new ceiling price for "xx" Brand, No. 2 can tomatoes, 1942 pack, which he must put into effect by August 5, 1943, in accordance with section 3. His most recent purchase of a customary quantity of this item from a customary type of supplier delivered to his usual receiving point was a carload purchased from a packer and delivered at a cost of $2.00 a case (24 cans) on July 20, 1943. He must first figure, to the nearest half-cent, his "net cost" on a single unit basis (sec. 4 (a) (2)), that is, for a single can. He therefore divides the cost for the case, $2.00, by the number of single units in the case, 24, and gets a result of $0.0833, before rounding. Rounding to the nearest half-cent, this becomes $0.085. (If the figure had been $0.0821 before rounding, he would have rounded to $0.080.) He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomatoes this group is "Corn, green and wax beans, peas, tomatoes, and tomato juice, canned" Going across the page on that line, he will find his mark-up for the item in the column for Group 3 retailers. In this case, his mark-up is 21 percent. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost, $0.085. Going down this $0.085 column until he comes to the figure on the same line as his percentage mark-up of 21 percent listed in the column at the extreme left of Table C he will find his ceiling price for the item to be 10 cents per can.

Example (2). A Group 3 retailer wishes to figure a ceiling price for California yellow globe dry onions, U. S. #1, which he must use during the period, August 19, 1943, (Thursday) to August 26, 1943 (Wednesday), inclusive. He must first find the net cost of his selling unit based on his largest purchase during the seven days preceding Thursday, August 19. During the preceding week he made a purchase of 250 bags of 50 pounds each of California yellow globe dry onions, U. S. #1, at a delivered cost of $2.98 per bag, a purchase of 150 bags of the same grade and variety of onions at a delivered cost of $3.02 a bag, and another purchase of the same item

of 200 bags at a delivered cost of $2.97 a bag. His largest purchase, therefore, was the purchase of the 250 bags. He must figure his net cost on the basis of the selling unit listed in Table B, which for onions is 3 pounds. He divides his cost per 50-pound bag in his largest purchase, $2.98, by 50, to get a result of $0.0596, which would be his cost per pound. Multiplying this by 3 he gets, before rounding, a figure of $0.1788, his cost for 3 pounds. Since net cost is to be figured to the nearest half-cent, he would then round this figure to $0.180. Having his net cost and his mark-up (obtained from Table B) he finds his ceiling price in Table C in the same way as he did in Example (1) above. Going to Table C, he will find that 25 cents is the ceiling price for an item with a net cost of $0.180 and a mark-up of 40 percent.

Example (3). A Group 3 retailer wishes to figure his ceiling price for California green peas for the period May 4th through May 10th. His largest purchase during the preceding week was a purchase of ten bushel baskets at $4.05 per basket. His selling unit for green peas, given in Table B, is 1 pound. He therefore divides his cost per basket ($4.05) in his largest purchase during the preceding week, by 28 (the minimum net weight of a bushel basket of green peas). This results in $0.144, which is rounded to 14½ cents. He then looks in Table B for the mark-up for green peas, which is $0.050. This mark-up, 5 cents, added to the net cost per selling unit of 1 pound, 14½ cents, gives him 19½ cents. Therefore his ceiling price per pound of California green peas for the period May 4th through May 10th is 19½ cents. In selling 1 pound, he may charge 20 cents. However, if he sells 2 pounds, he may charge no more than 39 cents (2×19½¢).

[Paragraph (b) amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

Effective date. This regulation shall become effective on the 26th day of July 1943. [MPR 422 originally issued July 8, 1943]

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

NOTE: The 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 3d day of February, 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2066; Filed, Feb. 3, 1945; 3:36 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[1] Incl. Amdts. 1-38]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

This compilation of Maximum Price Regulation 423 includes Amendment 38, effective February 8, 1945. The text added or amended by Amendment 38 is underscored.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 423 has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

[1] 8 F.R. 9407.

[2] Statements of consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, and will effectuate the purposes of said act and Executive orders.

§ 1351.362 *Ceiling prices of certain foods sold at retail in independent stores doing an annual business of less than $250,000 (Group 1 and Group 2 stores)* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, Maximum Price Regulation No. 423, which is annexed hereto and made a part hereof, is hereby issued.

ARTICLE I—GENERAL PROVISIONS

Sec.
1. What this regulation does.
2. How you find out whether your store is covered by this regulation and what group it is in.
3. How and when you figure your ceiling prices for "dry groceries."
4. Directions for applying the rule for "dry groceries"
5. How you figure your ceiling prices for items of "dry groceries" not kept in stock.
6. When you may change a ceiling price.
6a. Dry groceries which you import.
7. How and when you figure your ceiling prices for "perishables"
8. Directions for applying the rule for "perishables"
9. Price which you must post.
10. Additions allowed for deliveries made by you to your customers.
11. Indirect price increases prohibited.
12. Sales slips and receipts.
13. Records.
14. Licensing.
15. Prohibitions.
16. Notice of dollars-and-cents ceiling prices.
17. Further provisions supplementing or explaining this regulation.

ARTICLE II—SPECIAL PRICING PROVISIONS

18. Sections in Maximum Price Regulation No. 422 which you must use if they apply to your method of doing business.
18a. How you figure ceiling prices for items if you are also a wholesaler and receive such items from a warehouse owned or controlled by you.
18b. Gift and holiday packages assembled by you.
18c. Special pricing provisions for manufacturers selling some commodities at retail.

ARTICLE III—MISCELLANEOUS PROVISIONS

19. How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.
19a. Regional adjustment of poultry mark-ups.
20. How you find the "annual gross sales" of your store.
21. How you determine your group in certain special cases.
22. Taxes.
23. Transfer of business and stock in trade.
24. Relation to other regulations.
25. Definitions.
26. Geographical applicability.

ARTICLE IV—TABLES

Sec.
27. Table of mark-ups over "net cost" for "dry groceries" (Table A)
28. Table of mark-ups over "net cost" for "perishables" (Table B)
29. Table of ceiling prices based on any given "net cost" and mark-up. (Table C)

AUTHORITY: § 1351.362 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. 4631.

ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all "independent" retail stores doing an annual business of under $250,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA) except as otherwise provided in any order fixing dollars-and-cents ceiling prices which has been or which may be issued by the OPA pursuant to General Order No. 51.[3] All other retail stores (Group 3 and Group 4 stores) selling these food products are covered by Maximum Price Regulation No. 422.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 1 or 2 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. The provisions of this regulation apply to "retail route sellers" only with respect to fresh fruits and vegetables. However, this regulation does not apply to "health food stores", or to automatic vending machines or farmers selling produce grown on their own farms.

[Paragraph (a) amended by Am. 16, 9 F.R. 4217, effective 4-27-44.]

(b) *What are Group 1 and 2 stores.* For the purpose of this regulation, Group 1 and 2 stores are defined as follows:

(1) *Group 1.* Your store is in Group 1 if it is an "independent" store with "annual gross sales" of less than $50,000. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(2) *Group 2.* Your store is in Group 2 if it is an "independent" store with "annual gross sales" of $50,000 or more, but less than $250,000.

(If you are not sure what group your store is in, use the directions in section 20 for figuring the "annual gross sales" of your store. See section 25 for definitions of Group 3 and Group 4 retailers.)

(c) *How to post a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation posted on a sign reading "OPA-1" or "OPA-2" whichever it is, or on a sign which the OPA may furnish

[3] Revised: 9 F.R. 403, 11932.

to you. The sign must be posted so that it can be clearly seen by your customers. (The word "Group" as used in this regulation means the same thing as the word "Class" meant in Revised Maximum Price Regulation No. 238,[4] and in Revised Maximum Price Regulation No. 268.[5]

(d) *When you may choose to treat your store as a Group 3 or 4 store.* You may choose to treat your store as either a Group 3 or Group 4 store under Maximum Price Regulation 422 and post a sign in your store as a member of such other group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a member of the group you choose;

(2) Use the ceiling prices fixed for that group in Maximum Price Regulation No. 390[6] for all the household soaps and household cleansers it covers;

(3) Use the ceiling prices for "Group 3 and 4" stores fixed in Maximum Price Regulation Nos. 336[7] and 355[8] for all the meat items they cover;

(4) Use all the dollars-and-cents ceiling prices fixed under the OPA community price orders issued for stores in the group you choose; and

(5) Notify your nearest OPA District Office of these facts.

Dry Groceries

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you have to pay for the first delivery to you of the item on or after August 5, 1943, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices for "dry groceries."* You must figure and put into effect a new ceiling price for each item of "dry groceries" listed in Table A not later than 5 days after receiving the first delivery of the item on or after August 5, 1943. Until then keep your present ceiling prices. Figure your new ceiling price by following the directions in section 4.

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *Old prices.* Keep your old ceiling price until you put into effect your new ceiling price based on the first delivery of the item to you on or after August 5, 1943. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries"

(b) *Net cost.* To figure your new ceiling price, first find the "net cost" of the item based on its first delivery to you on or after August 5, 1943. Your net cost will be the amount you pay your supplier less all discounts except the discount for prompt payment plus all transportation charges you pay except local trucking and local unloading.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. If the first delivery of an item to you on or after August 5, 1943, is not one of this type, you shall not use the net cost of that purchase as the basis for figuring your ceiling price. Instead, in that case, you must find out what your net cost would have been if that purchase had been of a customary quantity from your customary type of supplier delivered to your usual receiving point by a customary means of delivery, and use that figure as your net cost in figuring your ceiling price for the item. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.) to the nearest half-cent. Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can, or other unit you sell. Find the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(c) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of stores. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(d) *Ceiling prices.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you can change it.)

(e) *Invoices.* You must write your "net cost" per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for items of "dry groceries" not kept in stock.* If you have already figured a ceiling price under this regulation for an item of "dry groceries" which you have not had in stock for 60 days, you may, if you wish, figure a new ceiling price when next you purchase it. Do this by following directions in section 4, using, however, the "net cost" you had to pay for your new purchase.

SEC. 6. *When you may change a ceiling price*—(a) *Official notification.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you received later shipments with the same notice you must not change your ceiling price again.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal" In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal"

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

[Sec. 6 amended by Am. 11, 8 F.R. 17371, effective 1-8-44, except that paragraph (b) shall be effective 12-29-43]

SEC. 6a. *Dry groceries which you import.* On and after September 11, 1944, this regulation shall not apply to you for sales of any dry grocery item purchased by you directly from a foreign seller or his agent (except as provided in section 18 (c) for certain items of packed pineapple and packed pineapple juice) for importation into the continental United States. Your ceiling price for such items shall be determined by you in accordance with Order No. 38 under the Maximum Import Price Regulation,[9] or the General Maximum Price Regulation[10] or any other applicable maximum price regulation covering the sale of the item by importers. If you have an existing ceiling price for any such item, you must, by the opening of business on September 11, 1944, refigure that ceiling price in accordance with the applicable maximum price regulation or order covering the sale of the item by importers.

[Sec. 6a added by Am. 26, 9 F.R. 10982, effective 9-11-44]

Perishables

SEC. 7. *How and when you figure your ceiling prices for "perishables"* — (a) *General rule.* Your ceiling price for each

[4] Revoked: 9 F.R. 12468.

[5] Revised: 8 F.R. 6129, 7116, 7661, 7592, 8682, 9365, 9299, 9460, 10568.

[6] 9 F.R. 7061.

[7] 8 F.R. 2859, 4253, 5317, 5634, 6212, 7682, 8944, 9366, 12480, 13181, 15670; 9 F.R. 167, 2212, 3709, 4359, 5589, 8334, 9834, 12210.

[8] 9 F.R. 5504, 8794, 10585, 12128.

[9] 9 F.R. 2350, 7504, 8062, 10925, 12270.

[10] 9 F.R. 1385, 5169, 6106, 8150, 10193, 11274.

item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the week before, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after August 5, 1943, and changed on Thursday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Thursday.

For items which you receive for the first time or which you have not had in stock for 30 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Thursday after that you must treat the item as you would any other item of perishables covered under this regulation.

SEC. 8. *Directions for applying the rule for "perishables"*—(a) *"Net cost"* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven day period before the Thursday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading. Of course, you must never figure your net cost on a purchase made at price higher than your supplier's ceiling.

[Paragraph (a) amended by Am. 7, 8 F.R. 15252, effective 11-9-43]

(1) Your net cost must be based on purchases delivered to your usual receiving point.

(2) Figure the net cost on the basis of the "selling unit" (for example, 5 lbs., 1 dozen, etc.) listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half cent.

(3) If you have received no delivery of any item which you have in stock at the opening of business on August 5, 1943, during the week before, you shall, in figuring your first ceiling price for the item on August 5, 1943, base your net cost on its most recent delivery to you.

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups. Note that some mark-ups are percentage mark-ups, while others are dollars-and-cents additions per "selling unit" which you make to your net cost.

(c) *Ceiling price*—(1) *Percentage mark-ups.* If the item has been given a percentage mark-up in Table B, turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(2) *Dollars-and-cents mark-ups.* If the item has been given a dollars-and-cents mark-up in Table B, instead of a percentage mark-up, do not use Table C to get your ceiling price. You will get your ceiling price for the item by adding the named dollars-and-cents mark-up in Table B to your "net cost" If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the "selling unit", charge the next higher cent.

(3) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. (For example, if your ceiling price for an item of potatoes is 20 cents for 5 pounds, the "selling unit", and you make a sale of 3 pounds of these potatoes, take three-fifths of your ceiling price for 5 pounds, 20 cents, and the resulting figure of 12 cents would be your ceiling price for the 3-pound sale. If you make a sale of 10 pounds, multiply 20 cents by 2, and the resulting figure of 40 cents would be your ceiling price for the 10-pound sale.) If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

[Paragraphs (b) and (c) amended by Am. 16, 9 F.R. 4217, effective 4-27-44.]

SEC. 9. *Price which you must post.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this posted price must never exceed your ceiling price.

[Sec. 9 amended by Am. 18, 9 F. R. 5671, effective 5-25-44]

SEC. 10. *Additions allowed for deliveries made by you to your customers.* (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, whichever of the following amounts applies:

Value of delivery:	*Addition allowed*
$0.00–$1.99	No addition
$2.00–$2.99	10¢
$3.00–$4.49	15¢
$4.50–$5.49	20¢
Over $5.49	25¢

(b) If you make such deliveries and add such charges, you are required to keep for one month a copy of each sales slip or invoice, itemizing clearly your prices for the items delivered and the amount of the delivery charges permitted under the provisions of this section.

SEC. 11. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any stratagem, scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You must not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 8 would be and use that net cost to figure your ceiling price. You may never use the "net cost" of a purchase from another retailer to figure a ceiling price.

SEC. 12. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, the quantity and name of each food item sold and the price you charged for it.

[Sec. 12, amended by Am. 24, 9 F.R. 9720, effective 8-14-44]

SEC. 13. *Records.* After August 5, 1943, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPA representative and to furnish on request of any OPA representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPA representative the records you used in deciding what group your store is in.

SEC. 14. *Licensing.* The provisions of Licensing Order No. 1,[11] 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.

[Sec. 14 amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

SEC. 15. *Prohibitions.* On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 16. *Notice of dollars-and-cents ceiling prices.* From time to time the

[11] 8 F.R. 13240.

OPA may, by order issued pursuant to General Order No. 51,[12] fix in your region or community dollars-and-cents ceiling prices for some or all of the dry groceries or perishables under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and these orders may also provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price under this regulation for the item.

SEC. 17. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your group of retailers, you must refigure your ceiling prices for the items affected by such amendment in accordance with section 4, basing your "net cost" on the first delivery to you of such items after the effective date of the amendment.

[Paragraph (a) and (b) added by Am. 7, 8 F.R. 15252, effective 11-9-43]

(c) Effective May 25, 1944, this regulation requires that the year 1943 be used as the basis for figuring your "annual gross sales" instead of the year 1942. If you find that, as a result of that change, your store is in a group different from the one it was in before, you must, by the opening of business on Thursday, June 15, 1944, refigure all of your ceiling prices. For "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 422 if you become a Group 3 or Group 4 store) If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 3 or Group 4 store, it is on and after June 15, 1944, subject to all other provisions of Maximum Price Regulation No. 422.

[Paragraph (c) added by Am. 18, 9 F.R. 5671, effective 5-25-44]

(d) If prior to August 14, 1944, your ceiling price for any item of "cookies, crackers, toast and crumbs" was based upon a delivery received from a "cookie and cracker wholesaler" as defined in Maximum Price Regulation No. 421, and you still purchase such item from such a wholesaler, you must refigure your ceiling price for any such item in accordance with the rules in sections 3 and 4, basing your "net cost" however, on the first delivery to you of the item from such a wholesaler on and after August 14, 1944.

[Paragraph (d) added by Am. 24, 9 F.R. 9720, effective 8-14-44]

(e) *1944 pack of "canned" and frozen fruits and vegetables.* Each item of the 1944 pack of "canned" fruits and vegetables and frozen fruits and vegetables shall be considered a different item from the 1943 and earlier packs, and you shall figure a separate ceiling price for each item. You must figure your ceiling price for each such item in accordance with the provisions in sections 3, 4 and 5, basing your "net cost" on the first delivery to you of the item.

However, if that first delivery is received by you from a person other than a wholesaler pricing the item under Maximum Price Regulation No. 421, before the date on which maximum prices are established by the OPA for sales of the item by processors, and another delivery is received by you after that date, you shall refigure your ceiling price for such item, basing your "net cost" on the first delivery of the item to you after that date.

That first delivery may be from a wholesaler (pricing under Maximum Price Regulation No. 421) whose ceiling price for the item is figured on the basis of a delivery received by him before the date on which maximum prices are established by the OPA for sales of the item by processors. In that event, and if you receive a later delivery of the item, you must refigure your ceiling price for such item; you must base your "net cost" upon the first delivery to you from your supplier after he has figured his ceiling price for the item on the basis of a delivery received by him after the date on which maximum prices are established by the OPA for sales by processors of the 1944 pack of the item.

The receipt of any of the above items of the 1944 pack, at a price to be adjusted after delivery in accordance with action to be taken by the OPA shall not be deemed a delivery, for the purpose of this section, until the receipt of an invoice or other written notice from your supplier showing the price after adjustment. Until the receipt of such an invoice or notice, you may not sell or deliver or offer to sell or deliver at a price higher than your ceiling price for the same item of the 1943 pack.

[Paragraph (e) added by Am. 29, 9 F.R. 11902, effective 9-27-44]

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 18. *Sections in Maximum Price Regulation No. 422 which you must use if they apply to your method of doing business.* Maximum Price Regulation No. 422, which covers the same food items as this regulation, but for Group 3 and 4 stores, contains a number of special pricing provisions which you are required to follow if you perform the operations they cover. (You may obtain a copy of Maximum Price Regulation No. 422 from your nearest OPA District Office.) The sections of that regulation which you must follow if they apply to you are as follows:

(a) Section 18. *Additions for packaging.* (Applies to you if you package any item under this regulation in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or certain Kraft bags or similar type bags, or if you carton eggs.)

[Paragraph (a) amended by Am. 11, 8 F.R. 17371, effective 1-8-44]

(b) Section 19. *Special limitations in figuring your "net cost" in certain cases.* (Applies to you if you purchase butter or cheese f. o. b. shipping point and not on a delivered basis, and if you buy fresh fruits and vegetables from others than wholesalers.)

(c) Section 20. *How you figure your "net cost" in certain cases.* (Applies to you if you import fresh bananas or purchase fresh bananas from importers f. o. b. port of entry or at auction; if you package and print butter; if you candle and grade eggs; if you sell "ungraded eggs"; if you purchase white potatoes or dry onions ungraded and unsacked; if you purchase ungraded, unsized and unpacked citrus fruits and you grade, size and pack such citrus fruits, if you buy poultry live or dressed, and you sell it drawn; if you buy poultry live, dressed or drawn and sell it "cut-up" or in parts; if you import coconuts; if you import packed pineapple, or packed pineapple juice, other than pineapple and pineapple juice packed in the Territory of Hawaii or in Puerto Rico; if you buy frozen fruits, berries, or vegetables from a seller pricing such items under Supplement 6 to Food Products Regulation No. 1;[13] or if you process smoked fish prior to offering it for sale.)

[Paragraph (c) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; Am. 4, 8 F.R. 12011, effective 9-11-43; Am. 7, 8 F.R. 15252, effective 11-9-43; Am. 11, 8 F.R. 17371, effective 1-8-44; Am. 13, 9 F.R. 3510, effective 4-6-44; Am. 16, 9 F.R. 4217, effective 4-27-44; Am. 18, 9 F.R. 5671, effective 5-25-44; Am. 25, 9 F.R. 10259, effective 8-26-44, and Am. 34, 9 F.R. 14600, effective 12-21-44.]

(d) Section 21. *Additional charges allowed for slaughtering and plucking poultry.* (Applies to you if you slaughter or pluck poultry for your customers.)

(e) Section 22. *Additions for delivery from your warehouse to your store.* (Ap-

[12] Revised: 9 F.R. 408, 11982.

[13] 9 F.R. 8057, 10194, 10045, 11901.

plies to you if your usual receiving point is a warehouse over 125 miles from your store.)

(f) Section 23. *How you figure your ceiling prices for perishables on a weighted average basis.* (Allows you to apply to use a weekly weighted average as a basis for figuring net cost of perishables instead of the largest single delivery.)

(g) Section 25. *How you figure your ceiling prices for foods you "manufacture or otherwise process."* (Applies to you if you manufacture or process any of the foods covered by this regulation.)

(h) Section 26. *Mail order sales.* (Applies to you if you make mail order sales.)

(i) Section 34. *Export sales.* (Applies to you if you make export sales.)

(j) Section 25a. *Ceiling prices for sales of poultry pursuant to Food Distribution Order No. 91.* (Applies to you if the United States Government or its agencies purchases or requisitions any poultry items set aside pursuant to Food Distribution Order No. 91.)

[Paragraph (j) added by Am. 12, 9 F.R. 95, effective 12-31-43]

(k) [Revoked]

[Paragraph (k) added by Am. 24, 9 F.R. 9720, effective 8-14-44 and revoked by Am. 34, 9 F.R. 14600, effective 12-21-44]

(l) Section 25b. *Ceiling prices for sales of poultry to other retailers.* (Applies to you if you sell any item of poultry to another retailer covered by Maximum Price Regulation Nos. 422 or 423.)

[Paragraph (l) added by Am. 35, 9 F.R. 14600, effective 12-21-44]

SEC. 18a. *How you figure ceiling prices for items if you are also a wholesaler and receive such items from a warehouse owned or controlled by you.* (a) If, prior to March 1942, you owned or controlled a warehouse physically separate and apart from your retail store, and you acted as a wholesaler distributing from such warehouse, food products to independent retail stores not owned or controlled by you, and you still own or control such a warehouse, you may, in figuring your ceiling price for each item customarily obtained by you from such warehouse and sold by you from your retail store to the ultimate consumer other than commercial, industrial or institutional users, use as the basis of your "net costs" the net cost you used in figuring your ceiling prices for your wholesale sales under Maximum Price Regulation No. 421, plus the mark-up allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling prices, reduce the resulting figure to the "net cost" of a single unit and apply the mark-up for your group of retailer as set forth in section 4.

(b) For any item so obtained for which you have already figured a ceiling price under this regulation, you must refigure your ceiling price on or before October 14, 1943, using as the basis of your "net cost" the same "net cost" you used in figuring your present ceiling prices for your wholesale sales under Maximum Price Regulation No. 421, plus the mark-up allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling price, reduce the resulting figure to the "net cost" of a single unit and apply the mark-up for your group of retailer as set forth in section 4.

(c) Within 10 days after you first figure your prices in accordance with the provisions of this section, you must notify your nearest district office in writing that you have so figured your prices.

[Sec. 18a added by Am. 5, 8 F.R. 13294, effective 10-4-43]

SEC. 18b. *Gift and holiday packages assembled by you.* If you assemble, into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers (for example, "overseas" or "servicemen's" packages) your ceiling price will be the sum of the following, multiplied by 1.05:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable maximum price regulation. If you have no ceiling price for any item (or article), use your direct cost for that item.

(2) Your direct cost of the packaging materials used for the particular package, including the container.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.10:

(1) Your ceiling price for each item (or article) being packed, figured under this regulation or any other applicable maximum price regulation. If you have no ceiling price for any item (or article), use your direct cost for that item.

(2) Your ceiling price for the container figured under the applicable maximum price regulation. If you have no ceiling price for the container, use your direct cost for the container.

(3) Your direct cost of the packaging materials used for the particular package.

[Paragraph (b) amended by Am. 32, 9 F.R. 12746, effective 10-23-44]

[Sec. 18b added by Am. 27, 9 F.R. 11537, effective 9-16-44]

SEC. 18c. *Special pricing provisions for manufacturers selling some commodities at retail.* Any person, the larger part of whose business is the manufacturing or processing of foods, but

(a) His entire business in connection with a particular commodity consists of the purchase and resale of such commodity without materially changing its form, and

(b) The larger part of his sales of such commodity are made to ultimate consumers other than commercial, industrial or institutional users,

(c) Shall figure his ceiling prices for sales of such commodity to ultimate consumers other than commercial, industrial or institutional users in accordance with the provisions of this regulation, and shall, for such purposes, be considered a retailer covered by this regulation. In figuring his ceiling prices he shall substitute the date February 8, 1945, for the date August 5, 1943, wherever it appears in sections 3, 4 and 5.

[Sec. 18c added by Am. 38, effective 2-8-45]

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 19. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* (a) If your store is necessary to provide an adequate supply of food products in a locality and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation you may apply for an adjustment of such mark-ups by filing with your nearest District OPA office two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry, service, delicatessen) (4) the approximate number of its food customers; (5) the total number of stores selling food in its community (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

(b) Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation. Applications for adjustment are governed by Revised Procedural Regulation No. 1.[14]

SEC. 19a. *Regional adjustment of poultry mark-ups.* Each Regional Administrator of the OPA is hereby authorized to reduce the mark-ups listed in Table B in section 23 (a) for retailers in any area or locality within his jurisdiction for sales of any poultry items in connection with adjustments made pursuant to § 1429.14 (e) of Revised Maximum Price Regulation No. 269,[15] whenever such action is necessary to prevent an increase in the ceiling prices at which such poultry items may be sold by retailers.

[Sec. 19a added by Am. 1, 8 F.R. 10570, effective 8-5-43]

[14] 9 F.R. 10476.

[15] 8 F.R. 13013, 14016, 15253, 14854, 15190, 16793; 9 F.R. 95, 612, 932, 96, 1036, 1241, 3233, 3245, 4350, 6295, 7693, 8144, 8255.

SEC. 20. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales" take your total sales for the calendar year 1943. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1943 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1943, you must divide your total sales from the time you began operation up to May 25, 1944, by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales"

[Sec. 20 amended by Am. 18, 9 F.R. 5671, effective 5-25-44]

SEC. 21. *How you determine your group in certain special cases*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after May 25, 1944, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Maximum Price Regulation No. 422.) However, after you have been in business for 3 months, you must determine again what group your store is in. To do this, take your total sales in the new store for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

Furthermore, if by reason of the new store you now are one of 4 or more stores under one ownership, you must at the end of the 3-month period refigure the combined "annual gross sales" for all your stores. If the combined "annual gross sales" are $500,000 or more, all of your stores must then be considered as Group 3 or Group 4 stores. You may continue to use the existing ceiling prices in each store until the second Thursday following the end of the 3-month period, by which time you must have refigured all of your ceiling prices in each store, using the mark-ups for its proper group.

If you find that only the new store should now be in another group, you may continue to use the Group 1 mark-ups until the second Thursday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for the new group in which this store falls.

In refiguring your ceiling prices as required above, for "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable items" you must use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation if a Group 1 store (or under section 8 of Maximum Price Regulation No. 422 if a Group 3 store) If, under that section, you would not have been required to refigure your ceiling price for any item on that Thursday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

[Paragraph (c) amended by Am. 10, 8 F.R. 15608, effective 11-20-43; and Am. 18, 9 F.R. 5671, effective 5-25-44]

SEC. 22. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation, if you state the tax separately, and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 23. *Transfer of business and stock in trade.* If, after August 5, 1943, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail store to another, your ceiling prices shall be those for the group of retailers to which you belong under this regulation.

SEC. 24. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 423, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 238, Maximum Price Regulation No. 250,[16] Revised Maximum Price Regulation No. 256,[17] Revised Maximum Price Regulation No. 268, the General Maximum Price Regulation, and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order 51,[18] with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 25. *Definitions*—(a) *Retail route seller* A "retail route seller" is a retailer who distributes food products to ultimate consumers other than commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" is one whose sales to consumers consist principally of especially prepared vitamin-enriched foods customarily included in the trade term "health foods" which are usually sold for special dietary purposes.

(c) *Delivery.* Delivery of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type, and container-size, except for fresh fruits and vegetables. Separate fresh fruit and vegetable items shall be those defined as separate in the definitions accompanying Table B.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations.

Packaging as referred to in section 18, ripening of bananas, printing of butter, candling and grading of eggs, and killing and dressing of poultry shall not be considered manufacturing or processing under this regulation.

(g) *Group 3 retailer* A retailer is in Group 3 if he has an "annual gross sales" of less than $250,000 and he is not an "independent" retailer.

(h) *Group 4 retailer* A retailer is in Group 4, whether "independent" or not, if he has an "annual gross sales" of $250,000 or more.

SEC. 26. *Geographical applicability.* The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

[16] 7 F.R. 8705, 9898, 10014, 10994; 8 F.R. 2673, 10559.

[17] 7 F.R. 10473; 8 F.R. 1266, 2106, 2673, 3946, 5164, 7821.

[18] Revised: 9 F.R. 408, 11982.

ARTICLE IV—TABLES

SEC. 27. *Table of mark-ups for "dry groceries" (Table A)*—(a) *Table A. Mark-ups over "net cost" allowed to Group 1 & Group 2 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over "net cost"	
	Independent retailers with annual volumes	
	Group 1—under $50,000	Group 2—$50,000 but less than $250,000
	Percent	*Percent*
1. Baby foods	25	23
2. Cereals, breakfast	22	20
3. Cocoa, chocolate, and cereal drink preparations	29	29
4. Coffee	17	17
5. Cookies, crackers, toast and crumbs	25	25
6. Corn meal and hominy	29	23
7. Dog and cat foods	27	27
8. Fish, processed	27	27
9. Flour and flour mixes	27	27
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	26	26
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices	25	23
12. Fruits, dried and dehydrated	27	25
13. Frozen Foods	27	27
14. Gelatin and pudding mixtures	28	25
15. Jams, jellies, preserves, honey and peanut butter	32	32
16. Lard, pure	20	18
17. Macaroni and spaghetti products	32	32
18. Mayonnaise and salad dressing	24	24
19. Meat, canned	21	21
20. Milk, canned	20	20
21. Oils, cooking and salad	28	23
22. Oleomargarine	17	15
23. Pickles and relishes	32	32
24. Rice	28	28
25. Shortening, hydrogenated	9	9
26. Shortening, other	18	18
27. Soups, canned	27	25
28. Soups, dehydrated	34	34
29. Spices	46	46
30. Sugar	17	12
31. Syrups	28	28
32. Tea	26	26
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice	31	31
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned)	25	23
35. Vegetables, dried and dehydrated	36	36
36. Vinegar	39	34
37. Miscellaneous foods	40	40

[Table amended by Am. 2, 8 F.R. 10988, effective 8-5-43. Item 13 amended by Am. 7, 8 F.R. 15252, effective 11-24-43; and Item 6 amended by Am. 15, 9 F.R. 4017, effective 5-1-44.]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both un-cooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ, and dry baby cereals. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

[Subparagraph (2) amended by Am. 18, 9 F.R. 5671, effective 5-25-44]

(3) "Cocoa, chocolate and cereal drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup packed in consumer sizes, chocolate bits, cooking chocolate and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger, powdered whole milks, powdered skim milk packaged in tin in an inert gas, malted milk, and any preparation containing 35 percent or more malted milk.

[Subparagraph (3) amended by Am. 2, 8 F.R. 10988, effective 8-5-43; Am. 7, 8 F.R. 15252, effective 11-24-43; and Am. 38, effective 2-8-45]

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

[Subparagraph (5) amended by Am. 2, 8 F.R. 10988, effective 8-5-43; and Am. 11, 8 F.R. 17371, effective 1-8-44]

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned"

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned sea food, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, and caviar.

[Subparagraphs (7) and (8) amended by Am. 7, 8 F.R. 15252, effective 11-24-43]

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, corn, rice, buckwheat, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries and fruit juices, canned" includes, but is not limited to apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, bulk apple cider and pineapple juice. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears, and frozen fruits.

[Subparagraph (10) amended by Am. 18, 9 F.R. 5671, effective 5-25-44; and Am. 25, 9 F.R. 10239, effective 8-26-44]

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Subparagraph (11) amended by Am. 18, 9 F.R. 5671, effective 5-25-44]

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, dried dates and figs, pitted dates, and macerated dates. Excluded are fruit confections, candied or glaced fruits and peels, and date products.

NOTE: The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits, and you must figure separate ceiling prices for each item of the 1943 pack. The 1944 pack shall also be considered a different item from the 1943 and earlier packs, and you must figure separate ceiling prices for each item of the 1944 pack.

[Subparagraph (12) amended by Am. 10, 8 F.R. 15803, effective 11-20-43; Am. 14, 9 F.R. 3048, effective 4-8-44; and Am. 29, 9 F.R. 11802, effective 9-27-44]

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods, sold from refrigerated cabinets or lockers, including but not limited to all fruits, berries, fruit or berry juices and mixtures (except any of the foregoing in containers of a capacity of more than 50 pounds), vegetables, vegetable juices and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, apple sauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you

must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (13) amended by Am. 7, 8 F.R. 15252, effective 11-24-43; corrected 8 F.R. 17371, effective 12-23-43; amended by Am. 25, 9 F.R. 10259, effective 8-26-44; Am. 28, 9 F.R. 11711, effective 9-21-44, and Am. 36, 9 F.R. 15048, effective 1-2-45]

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

[Subparagraph (15) amended by Am. 14, 9 F.R. 3648, effective 4-8-44]

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other"

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, and spaghetti dinners. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

[Subparagraph (17) amended by Am. 7, 8 F.R. 15252, effective 11-24-43]

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glassed chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales and tripe. Excluded are mincemeat, any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts, frozen food products in which meat, chicken and turkey are combined with other ingredients, frozen meat gravies, and frozen meat stews.

[Subparagraph (19) amended by Am. 7, 8 F.R. 15252, effective 11-24-43]

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, cooking fats other than shortening, and pure olive oil packaged in containers of one-half gallon or more but not exceeding one gallon. Excluded are prepared dressings and pure olive oil packaged in containers of less than one-half gallon.

[Subparagraph (21) amended by Am. 38, effective 2-8-45]

(22) "Oleomargarine" means any product labelled "oleomargarine."

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means all rice. Excluded are rice flour, rice flakes, popped rice, wild rice, and rice containing more than 50 percent broken kernels.

[Subparagraph (24) amended by Am. 11, 8 F.R. 17371, effective 1-8-44; and Am. 25, 9 F.R. 10259, effective 8-26-44]

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (27) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; and Am. 7, 8 F.R. 15252, effective 11-24-43. Corrected, 8 F.R. 17371, effective 12-23-43]

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, candied ginger, raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States, and wooden or other type trays designed as permanent kitchen furniture containing sets of assorted spices.

[Subparagraph (29) amended by Am. 25, 9 F.R. 10259, effective 8-26-44]

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, cane, maple, and table corn syrups and imitations and blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, sorghum syrup and unmixed corn syrup.

[Subparagraph (31) amended by Am. 11, 8 F.R. 17371, effective 1-8-44; and Am. 24, 9 F.R. 9720, effective 8-14-44]

(32) "Tea" includes all bulk or packaged tea, tea bags, and matte.

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, rhubarb, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice, and frozen vegetables.

[Subparagraph (33) amended by Am. 10, 8 F.R. 15608, effective 11-20-43; and Am. 25, 9 F.R. 10259, effective 8-26-44]

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)" Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (34) amended by Am. 10, 8 F.R. 15608, effective 11-20-43]

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to; dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Baking powder
Baking soda
Barley (pearl)
Caviar
Cocoanut, shredded, desiccated, or moist
Cookies, crackers, toast, and crumbs bought by you in bulk and sold loose.
Corn starch, edible or gloss, packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).
Date products
Egg nog (non-alcoholic), bottled
Extracts
Flavorings
Food colorings
Fruit pectins
Fruit syrups for making beverages. (Excluded are fruit syrups used by rectifiers, blenders, restaurants and bars for making alcoholic mixed drinks.)
Gift or holiday packages bought assembled, and containing one or more items covered by this regulation.
Glaced or candied fruits and peels
Goat milk, canned
Ice cream sundae syrups, including chocolate syrup packed in No. 10 tins or larger or one gallon containers or larger.
Meat flavorings

Meat sauces except catsup cocktail sauce, and chili sauce
Mincemeat
Mustard prepared
Olives
Olive oil, pure (packaged in containers of less than one half gallon).
Pie filling
Popcorn not popped.
Potatoes, Julienne packed in hermetically sealed containers
Potatoes, shoestring packed in hermetically sealed containers
Pudding date
Pudding fig
Pudding plum
Salt table packaged in cartons bags or pockets containing 100 pounds or less, Kosher salt in cartons and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion celery or garlic salt and meat-curing or smoked salt)
Spice oils
Tom and Jerry batter, bottled
Yeast

[Subparagraph (37) amended by Am 1 8 F.R 10570, effective 8-5-43; Am 2 8 F.R 10988, effective 8-5-43; Am 7 8 F.R 15252 effective 11-24-43; Am 11 8 F R 17371 effective 1-8-44; Am 14, 9 F.R 3648 effective 4-8-44; Am. 18, 9 F.R 5671, effective 5-25-44; Am 24 9 F.R 9720 effective 8-14-44; Am 27 9 F.R 11537 effective 9-16-44; and Am 36, effective 2-8-45]

(c) *Commodities not included in this regulation* Excluded from this regulation are:

Baked beans prepared by the retailer
Baked goods, fresh (except cookies, crackers, toast and crumbs)
Beer
Bird seed and gravel
Bread
Buttermilk, fresh.
Candied ginger
Candy
Comb honey
Corn starch edible or gloss (packaged in containers of more than ten pounds)
Corn sugar
Corn syrup, unmixed
Cream
Dry baby cereals
Feed animal or poultry (other than pet food)
Fresh fruits and vegetables (except as included in Table B)
Frozen fish and seafood
Frozen fruits berries, fruit or berry juices, and mixtures, in containers of a capacity of more than 50 pounds
Fruit cake
Fruit and vegetable powders for making beverages
Ice cream cones
Ice cream sherbets and frozen confections
Laundry starching compounds powdered prepared
Liquors
Malted milk and any preparation containing 35% or more malted milk
Maple sugar
Meat and fish (except Fish processed and 'Meat, canned')
Milk, fresh
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas
Mineral oil
Nuts
Olive oil pure (packaged in containers of a capacity of more than one gallon)
Passover matzo, Passover matzo meal and related Passover matzo products
Peanuts
Pet foods (except cat and dog foods or any frozen cat and dog foods)
Popcorn, popped
Potato chips
Powdered skim milk, bulk
Raw spices and spice seeds in containers of the customary unit and weight in which they are imported into the United States
Salads and relishes prepared by the retailer
Soft drinks
Sorghum syrup
Tamales, bulk.
Tortillas
Vitamin concentrates
Wheat germ
Wild rice and rice containing more than 50 percent broken kernels
Wine

[Paragraph (c) amended by Am 1, 8 F.R 10570, effective 8-5-43; Am 2 8 F.R 10988 effective 8-5-43; Am 6 8 F R 13294, effective 10-4-43; Am 7 8 F R 15252 effective 11-24-43; Am 11, 8 F R. 17371, effective Am. 18, 9 F.R 5671 effective 5-25-44; Am. 24, 9 F R. 9720, effective 8-14-44; Am 25, 9 F.R 10259, effective 8-26-44; Am 28, 9 F R 11711, effective 9-21-44; Am 34, 9 F.R 14600 effective 12-21-44; and Am 38 effective 2-8-45]

SEC. 28 *Table of mark-ups for 'perishables" (Table B)*—(a) *Table B Mark-ups over "net cost' allowed to Group 1; and Group 2 retailers for perishables covered by this regulation by commodities*

TABLE B—MARK UPS OVER NET COST' ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLE COVERED BY THIS REGULATION BY COMMODITIES

I Food commodities	Allowed mark ups over net cost: Independent retailers with annual volumes: Group 1 Under $50 000	Group 2. $50,000 but less than $250 000	Selling unit ' in which ceiling price must be calculated
	Percent	*Percent*	
(1) Dairy products:			
Butter	10	10	1 pound
Cheese	27	27	1 pound or 1 package.
Eggs, shell	17	15	1 dozen.
(2) Fresh fruits:			
Apples	33	33	2 pounds
Bananas bought on the stem	43	43	1 pound
Bananas bought in hands	34	34	1 pound
Berries	34	34	1 quart, 1 pint or 1 pound
Citrus fruits	39	39	1 dozen or 5 pounds (grapefruit, 1 grapefruit or 1 pound)
Red sour cherries	34	34	1 quart or 1 pound
(3) Fresh vegetables:			
Cabbage	40	40	2 pounds
Lettuce	40	40	1 head or 1 pound
Onions, dry	40	40	3 pounds
Potatoes sweet	40	40	2 pounds.
Potatoes, white	33	30	5 pounds.
Tomatoes	40	40	1 pound or 1 package
Vegetables in unbroken packages	40	40	1 package
(4) Poultry:			
Poultry (except turkey) sold as purchased: Bought live and sold live, bought dressed and sold dressed, bought drawn and sold drawn, bought frozen and sold frozen, bought kosher killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought split or cut up and sold split or cut-up (boxed and other pack).	21	21	1 pound
Poultry (including turkey) bought live and sold dressed weight basis. (Multiply live cost per pound by applicable figure in table. This establishes ceiling price per pound, dressed weight)	33	36	1 pound
Turkey bought live and sold live	21	21	1 pound
Turkey bought dressed and sold dressed bought kosher killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought drawn and sold drawn, bought frozen and sold frozen, bought split and sold split, bought cut-up and sold cut up (boxed and other pack)	17	17	1 pound

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES—Continued.

II. Food commodities	Allowed dollars-and-cents mark-ups per "selling unit" Independent retailers with annual volumes		"Selling unit" in which ceiling price must be calculated
	Group 1.—Under $50,000	Group 2.—$50,000 but less than $250,000	
(1) Dairy products:			
(2) Fresh fruits:	*Cents*	*Cents*	
Apricots	5	5	1 pound.
Cherries, sweet	10	10	1 pound.
Coconuts	2	2	1 pound.
Cranberries	10½	10½	1 pound.
Melons, except watermelons.	2½	2½	1 pound.
Peaches	4	4	1 pound.
Pears	4½	4½	1 pound.
Plums	5	5	1 pound.
Prunes, Italian	3½	3½	1 pound.
Watermelons	1½	1½	1 pound.
(3) Fresh vegetables:			
Beans, green and wax.	4½	4½	1 pound.
Carrots, bunched	2½	2½	1 bunch.
Carrots, other than bunched.	2	2	1 pound.
Cucumbers, except hothouse cucumbers.	2½	2½	1 pound.
Cucumbers, hothouse.	7	7	1 pound.
Eggplant	3½	3½	1 pound.
Peas, green	5½	5½	1 pound.
Peppers, sweet	5	5	1 pound.
Spinach	3½	3½	1 pound.
(4) Poultry:			

[Table B amended by Am. 1, 8 F.R. 10570, effective 8-5-43; Am. 3, 8 F.R. 12443, effective 9-16-43; Am. 6, 8 F.R. 13294, effective 10-4-43; Am. 8, 8 F.R. 14854, effective 11-4-43; Am. 11, 8 F.R. 17371, effective 1-8-44; Am. 16, 9 F.R. 4217, effective 4-27-44; Am. 19, 9 F.R. 6829, effective 6-22-44; Am. 20, 9 F.R. 7340, effective 7-5-44; Am. 21, 9 F.R. 7520, effective 7-13-44; Am. 22, 9 F.R. 7937, effective 7-20-44; Am. 23, 9 F.R. 9354, effective 8-10-44; Am. 30, 9 F.R. 12340, effective 10-10-44; Am. 31, 9 F.R. 12593, effective 10-26-44; Am. 33, 9 F.R. 12972, effective 11-2-44; Am. 34, 9 F.R. 14600, effective 12-21-44; and Am. 37, 10 F.R. 200, effective 1-11-45]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) *Dairy products.* "Butter" (packaged or bulk) means only butter from milk, including, but not limited to, processed, salted, unsalted, and whipped butter. Excluded are peanut, nut, fruit or honey butters.

[Above definition amended by Am. 14, 9 F.R. 3648, effective 4-8-44]

"Cheese" shall include all bulk or packaged cheese and products composed of more than fifty per cent cheese.

"Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size (or weight class) of eggs, and the grade and size (or weight class) shall be posted separately with the selling price, except that "ungraded eggs" are to be designated only as "ungraded eggs" Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price Regulation No. 333,[19] or as "ungraded eggs" which may contain no inedible eggs.

[Above definition amended by Am. 1, 8 F.R. 10570, effective 8-5-43]

(2) *Fresh fruits.* "Fresh fruits" means all the fresh fruits listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, or crating, shall not be considered processing.

"Apples" means all varieties of fresh apples including, but not limited to, Baldwin, Delicious, Grimes Golden, Winesap, Northern Spy, York Imperial, McIntosh and Rome Beauty. Each variety shall be considered a separate item and priced separately. Each variety of Northwestern grown and similar quality apples shall also be considered a separate item and priced separately.

[Above definition amended by Am. 38, effective 2-8-45]

"Apricots" means all varieties of fresh apricots. All apricots shall be considered a single item and priced as such. Excluded are dried apricots.

[Above definition added by Am. 19, 9 F.R. 6829, effective 6-22-44]

"Bananas." Bananas, from different countries of origin such as, but not limited to, Costa Rica, Honduras, Guatemala, and Mexico, shall be considered different "kinds" of bananas, and must be priced separately. "Bananas, bought in hands," means those which have been sold after being cut away from the stem.

"Berries" means blackberries, boysenberries, gooseberries, loganberries, black raspberries, red raspberries, strawberries and youngberries. Each of these eight kinds of berries shall be treated as a separate item and priced separately. Whenever fresh berries are sold in quarts or pints, they must have a minimum net weight of 20 ounces per quart or 10 ounces per pint. If you purchase berries on the basis of a price per pound and sell them in pints or quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart, and by 10/16 to figure your "net cost" per pint.

[Above definition amended by Am. 17, 9 F.R. 4434, effective 4-27-44.]

"Cherries, sweet" means all fresh cherries except "red sour cherries" and "ground cherries" Separate ceiling prices shall be figured for each variety. Varieties shall be Tartarian, Bing, Royal Ann, Lambert, and all other varieties.

[Above definition added by Am. 19, 9 F.R. 6829, effective 6-22-44]

"Citrus fruits" means all fresh citrus fruits including, but not limited to, oranges, lemons, limes, grapefruit and tangerines. Separate ceiling prices shall be figured for each variety, each size, and for fruit from different areas. Varieties shall be oranges, lemons, limes, temple oranges, tangerines (including tangelos), white seeded grapefruit, pink seeded grapefruit, white seedless grapefruit, pink seedless grapefruit, and ruby red grapefruit. Different areas are California, Arizona, Texas, Indian River Citrus Area of Florida, and the rest of the State of Florida.

"Coconuts" means all fresh whole coconuts, imported and domestic. Coconuts in husks and coconuts in shells shall be considered separate items and priced separately. "Coconuts in husks" means the fruit of the coco palm enclosed in thick, fibrous outer coats commonly called husks. "Coconuts in shells" means the fruit of the coco palm with the outer husks removed.

"Cranberries" means all varieties of fresh cranberries including, but not limited to, Early Blacks, Searls Jumbos and Howes. All varieties shall be considered a single item and priced as such. Cranberries bought and sold in cellophane-wrapped packages weighing one pound shall be considered a separate item and priced separately.

[Above definition added by Am. 31, 9 F.R. 12593, effective 10-26-44]

"Melons, except watermelons" means all melons except watermelons and citron-melon. Separate ceiling prices shall be figured for each variety. Varieties shall be cantaloupes and muskmelons, Honeyball, Honey Dew, Persian, Casaba, Cranshaw, and all other varieties.

[Above definition added by Am. 20, 9 F.R. 7340, effective 7-5-44]

"Peaches" means all varieties of fresh peaches including, but not limited to, Carmen, Early Rose, Triumph, Cumberland, Elberta, Eclipse, and Salway. Each variety shall be considered a separate item and priced separately.

[Above definition added by Am. 22, 9 F.R. 7937, effective 7-20-44]

"Pears" means all varieties of fresh pears, including, but not limited to, Bartlett, Hardy, Keiffer, Comice, Anjou, Bosc, and Winter Nelis. Excluded are Forelle and Seckel varieties. Each variety shall be considered a separate item and priced separately.

[Above definition added by Am. 23, 9 F.R. 9354, effective 8-10-44]

[19] Revised, 9 F.R. 11514, 12216.

"Plums" means all fresh plums, including damsons, green-gages, and fresh prunes. Excluded are fresh Italian prunes. Varieties include but are not limited to Santa Rosa, Tragedy, Duarte, President, Beauty, Kelsey, Wickson and Burbank. Each variety shall be considered a separate item and priced separately.

"Prunes, Italian" means all grades of fresh Italian prunes. All fresh Italian prunes shall be considered a single item and priced as such.

[Above two definitions added by Am. 19, 9 F.R. 6829, effective 6-22-44]

"Red sour cherries." All red sour cherries shall be considered one item. When you sell red sour cherries by the quart, they must have a minimum net weight of 20 ounces per quart. When you purchase red sour cherries on the basis of a price per pound and sell them in quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart.

"Watermelons" means all grades, sizes, and varieties of watermelons. All grades, sizes, and varieties shall be considered a single item and priced as such. Excluded are citron-melons.

[Above definition added by Am. 21, 9 F.R. 7520, effective 7-13-44]

[Subparagraph (2) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; Am. 3, 8 F.R. 12443, effective 9-16-43; Am. 9, 8 F.R. 15587, effective 11-19-43; Am. 16, 9 F.R. 4217, effective 4-27-44; and Am. 30, 9 F.R. 12340, effective 10-10-44, and as otherwise noted]

(3) *Fresh vegetables.* "Fresh vegetables" means all the fresh vegetables listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, shelling, shall not be considered processing.

"Beans, green and wax" means all varieties of green and wax beans, but shall not include limas and English, Fava, and Italian broad beans. Green beans and wax beans shall be considered separate items and priced separately.

"Cabbage" means all solid headed cabbage, including Red and Savoy. Excluded are Chinese cabbage, collards, cauliflower, and brussels sprouts. Red cabbage shall be considered as a separate item and priced separately.

"Carrots, bunched" means all fresh carrots with tops, bought and sold in bunches weighing not less than one pound. California and similar quality bunched carrots shall be considered a separate item.

"Carrots, other than bunched" means clipped carrots (carrots with tops not more than 4 inches long) topped carrots (carrots without tops), and all other carrots including bunches weighing less than one pound. Separate ceiling prices shall be figured for each kind. Kinds of "carrots, other than bunched" shall be clipped carrots, topped carrots and all other carrots.

"Cucumbers" means all types and varieties of cucumbers. Field-grown cucumbers and gherkins shall be considered separate items and priced separately. Excluded are hothouse cucumbers.

[Above definition added by Am. 37, 10 F.R. 200, effective 1-11-45]

"Cucumbers, hothouse" means all hothouse cucumbers bought in containers labelled "hothouse", or cucumbers bought individually labelled "hothouse"

[Above definition added by Am. 20, 9 F.R. 7340, effective 7-5-44]

"Eggplants" means all varieties of eggplants. All eggplants shall be considered a single item and priced as such.

"Lettuce" means all head or leaf lettuce including, but not limited to Iceberg, Big Boston and Romaine. Excluded are escarole, chicory and endive. Head lettuce and leaf lettuce shall be considered separate items and priced separately. California and similar quality Iceberg shall also be considered a separate item.

[Above item amended by Am. 19, 9 F.R. 6829, effective 6-22-44; and Am. 38, effective 2-8-45]

"Onions, dry" means all dry onions used for human consumption. Each grade and variety shall be considered separate items and priced separately.

"Peas, green" shall not include Chinese peas. California and similar quality peas shall be considered a separate item and shall be priced as such.

"Peppers, sweet" means all grades and varieties of sweet peppers. All sweet peppers shall be considered a single item and priced as such. Excluded are hot peppers and pimientos.

[Above definition added by Am. 20, 9 F.R. 7340, effective 7-5-44]

"Potatoes, sweet" means all varieties of sweet potatoes. All dry flesh sweet potatoes shall be considered one item, and moist flesh sweet potatoes shall be considered a separate item, and priced separately. Dry flesh sweet potatoes include varieties such as Big Stem Jersey, Little Stem Jersey, and Triumph. Moist flesh sweet potatoes (sometimes called yams) include varieties such as Porto Rico and Nancy Hall.

"Potatoes, white" means all white potatoes used for human consumption or for seed (except foundation stock, certified and war approved seed potatoes) Each grade and variety of white potatoes shall be considered a separate item and priced separately.

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or other greens. Also excluded is spinach bought "washed and packaged" and sold "washed and packaged" All spinach shall be considered a single item and priced as such.

[Above definition amended by Am. 20, 9 F.R. 7340, effective 7-5-44]

"Tomatoes." Hothouse, field-run and packaged tomatoes shall be considered separate items and priced separately.

"Vegetables in unbroken packages" means the fresh vegetables listed in Table B, excluding tomatoes, which are purchased and sold in packages not exceeding one pound net weight (and not exceeding five pounds net weight in the case of spinach) and which have been trimmed, cleaned, washed or otherwise prepared for sale to the consumer ready for consumption without further preparation other than cooking. Each such listed vegetable in unbroken packages and each size package shall be considered separate items and priced separately.

[Above definition added by Am. 20, 9 F.R. 7340, effective 7-5-44]

[Subparagraph (3) added by Am. 16, 9 F.R. 4217, effective 4-27-44; amended by Am. 33, 9 F.R. 12372, effective 11-2-44, and as otherwise noted. Former subparagraphs (3) and (4) redesignated (4) and (5)]

(4) *Poultry.* "Poultry" means all chickens, ducks, geese and turkeys in any form, excluding "started" poultry sold for breeding purposes, canned poultry and cooked or smoked poultry. Poultry which is drawn by a retailer and poultry which is bought live, dressed or drawn and is sold by the retailer "cut-up" or in parts, shall be priced in accordance with the provisions of section 18 (c). "Frozen poultry" is as defined in Revised Maximum Price Regulation No. 269, except that the first sentence of § 1429.19 (i) (4) (ix) shall not apply. Unless the context otherwise requires, the definitions set forth in §§ 1429.17, 1429.19, 1429.20, and 1429.21 of Revised Maximum Price Regulation No. 269 shall apply to terms used herein wherever applicable.

[Subparagraph (4), formerly (3), amended by Am. 8, 8 F.R. 14834, effective 11-4-43; Am. 11, 8 F.R. 17371, effective 1-8-44; and Am. 13, 9 F.R. 3510, effective 4-6-44.]

(5) [Revoked.]

[Subparagraph (5) amended by Am. 24, 9 F.R. 9720, effective 8-14-44, and revoked by Am. 34, 9 F.R. 14600, effective 12-21-44]

SEC. 29. *Table of ceiling prices based on any given "net cost" and mark-up. (Table C)—(a) Table C: Retail ceiling prices obtained by applying any given mark-up to any given net cost.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
15	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	10	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
18	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
19	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
20	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
21	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
22	1	2	2	3	3	4	4	5	5	6	7	7	8	9	9	10	10	11	12	12
23	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	10	11	12	12
24	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	11	12	12
25	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
26	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
27	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	11	12	13
28	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	12	12	13
29	1	2	2	3	3	4	5	5	6	6	7	8	8	9	10	10	11	12	12	13
30	1	2	2	3	3	4	5	5	6	7	7	8	8	9	10	10	11	12	12	13
31	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	10	11	12	12	13
32	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
33	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
34	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
35	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	14
36	1	2	2	3	3	4	5	5	6	7	7	8	9	10	10	11	12	12	13	14
37	1	2	2	3	3	4	5	5	6	7	8	8	9	10	10	11	12	12	13	14
38	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	12	13	14
39	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	13	13	14
40	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
41	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
42	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	13	14
43	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	14	14
44	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	12	12	13	14	14
45	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
46	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
47	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	12	13	14	15
48	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
49	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
50	1	2	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	19
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	20
14	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	20	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	21
20	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	21	22
23	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	22
24	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22	22
25	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
26	13	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23
28	13	14	15	15	16	17	17	18	19	19	20	20	21	22	22	23
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23
30	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23	23
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
36	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
37	14	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25
38	14	15	16	17	17	18	19	19	20	21	21	22	23	23	24	25
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25
40	15	15	16	17	18	18	19	20	20	21	22	22	23	24	25	25
41	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25	25
42	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25	26
43	15	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26
44	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25	26
45	15	16	17	17	18	19	20	20	21	22	22	23	24	25	25	26
46	15	16	17	18	18	19	20	20	21	22	23	23	24	25	26	26
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	26
48	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	25	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 25¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28
7	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	24	25	25	26	27	27	28	28
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	29
14	21	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	29	30
16	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	30
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31
20	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	31
22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31	32
23	23	23	24	25	25	26	26	27	28	28	29	29	30	30	31	32
24	23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	32
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	29	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33
29	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	30	30	31	31	32	33	33	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	35
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	35
37	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	34	35	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	35	36
40	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36	36
41	26	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37
42	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43	26	27	28	29	29	30	31	31	32	33	34	34	35	36	36	37
44	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37	37
45	27	28	28	29	30	30	31	32	33	33	34	35	36	36	37	38
46	27	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34½¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	35	36	37	37
11	29	30	31	31	32	32	33	33	34	34	35	35	36	36	37	38
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	35	36	37	37	38	38
14	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	36	37	37	38	39	39
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40	40
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	41
23	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42
24	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	42
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
27	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	43
28	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
29	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
30	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	45
34	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	45	46
36	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	46
37	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
40	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47	48
41	37	38	39	39	40	41	42	42	43	44	44	45	46	47	47	48
42	38	38	39	40	40	41	42	43	43	44	45	45	46	47	48	48
43	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	48	48	49
45	38	39	40	41	41	42	43	44	44	45	46	46	47	48	49	49
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	49	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Markup (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	45
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	46
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	46	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	47
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	47	48
15	40	40	41	41	42	43	43	44	44	45	45	46	47	47	48	48
16	40	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	49
18	41	41	42	42	43	44	44	45	45	46	47	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	48	48	49	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	49	49	50	50
21	42	42	43	44	44	45	45	46	47	47	48	48	49	50	50	51
22	42	43	43	44	45	45	46	46	47	48	48	49	49	50	51	51
23	42	43	44	44	45	46	46	47	47	48	49	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	51	52
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	53
28	44	45	45	46	47	47	48	49	49	50	51	51	52	52	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	54
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	55
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	55	55	56	57	57	58
39	48	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60	60
45	50	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61
46	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	61
47	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	61	61	62
49	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	57
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	58
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	59
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	57	57	58	58	59	60
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	60	60	61	61	62
25	53	54	54	55	56	56	57	58	58	59	59	60	61	61	62	63
26	54	54	55	55	56	57	57	58	59	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	64
28	54	55	56	56	57	58	58	59	60	60	61	61	62	63	63	64
29	55	55	56	57	57	58	59	59	60	61	61	62	63	63	64	65
30	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
35	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	68
36	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	69
38	59	59	60	61	61	62	63	63	64	65	66	66	67	68	68	69
39	59	60	60	61	62	63	63	64	65	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	67	67	68	69	69	70
41	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	67	68	69	70	70	71
43	61	61	62	63	64	64	65	66	66	67	68	69	69	70	71	72
44	61	62	63	63	64	65	66	66	67	68	68	69	70	71	71	72
45	62	62	63	64	65	65	66	67	67	68	69	70	70	71	72	73
46	62	63	64	64	65	66	66	67	68	69	69	70	71	72	72	73
47	62	63	64	65	65	66	67	68	68	69	70	71	71	72	73	74
48	63	64	64	65	66	67	67	68	69	70	70	71	72	73	73	74
49	63	64	65	66	66	67	68	69	69	70	71	72	72	73	74	75
50	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Note that some mark-ups are percentage mark-ups and some are dollars-and-cents mark-ups. Table C is included to assist you in determining ceiling prices without burdensome calculations, where the mark-up given is a percentage mark-up.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 1 and Group 2 retailers in figuring their ceiling prices. Table B gives the same information for "perishables." However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables" For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find either a percentage mark-up or a dollars-and-cents mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups over net costs are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.) For perishables, it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 50¢, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

If the mark-up specified for an item is a dollars-and-cents mark-up, you cannot use Table C to get your ceiling price. In those cases, you simply add the stated amount of mark-up to your "net cost" If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the "selling unit", charge the next higher cent.

Example 1. A Group 1 retailer wishes to figure a new ceiling price for "xx" Brand, No. 2 can, golden bantam cream style corn, 1942 pack. Section 3 requires a Group 1 or 2 retailer to keep his present ceiling price for a "dry grocery" item until he puts into effect a new ceiling price for the item based on the first delivery of the item to him after August 5, 1943. This new ceiling price must be put into effect not later than 5 days after receiving such delivery. In figuring this new ceiling price, his "net cost" must be based on a purchase of a customary quantity from a customary type of supplier delivered to his "usual receiving point" by a customary means of delivery. Therefore, if on August 7, 1943, a Group 1 retailer receives at his usual receiving point 5 cases of "xx" Brand, No. 2 can, golden bantam cream style corn, 1942 pack, which he has purchased from a wholesaler (his customary type of supplier), at a delivered cost of $2.37 a case (24 cans) he must under Sections 3 and 4 figure and put into effect a new ceiling price for the item by August 12, 1943. This is the first delivery of a customary quantity of the item he has received since August 5, 1943 (from his customary type of supplier delivered to his usual receiving point by a customary means of delivery). He must first figure, to the nearest half-cent, his "net cost" on a single unit basis, Sec. 4 (b) (2), that is, for a single can. He therefore divides the cost for the case, $2.37, by the number of single units in the case, 24, and gets a result of $0.0987, before rounding. Rounding to the nearest half-cent, this becomes $0.10. (If the figure had been $0.0967 before rounding, he would have rounded to $0.095.)

He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned corn, this group is "Corn, green and wax beans, peas, tomatoes, and tomato juice, canned" Going across the page on that line, he will find his mark-up for the item in the column for Group 1 retailers. In this case his mark-up is 25%. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost, $0.10. Going down this $0.10 column until he comes to the figure on the same line as the 25% mark-up listed in the column at the extreme left of Table C, he will find his ceiling price for the item to be 13¢ per can.

Example 2. A Group 1 retailer wishes to figure a ceiling price for round white potatoes to use during the period August 19, 1943, (Thursday) to August 26, 1943, (Wednesday) inclusive. He must first find the net cost of his selling unit based on his largest purchase during the seven days preceding Thursday, August 19. During the preceding week he made a purchase of 3 bags of 100 pounds each of white round U. S. No. 1 potatoes at a delivered cost of $4.12 per bag, and another purchase of the same item of 1 bag at a delivered cost of $4.33 per bag. His largest purchase, therefore, was the purchase of the 3 bags. He must figure his net cost on the basis of the selling unit listed in Table B, which for potatoes is 5 pounds. He divides his net cost per 100 pound bag in his largest purchase, $4.12, by 100 to get a result of $0.0412, which would be his net cost per pound. Multiplying this by 5 he gets, before rounding, a figure of $0.2060, his cost for 5 pounds. Since net cost is to be figured to the nearest half-cent, he would then round this figure to $.205. Having his net cost and his mark-up (obtained from Table B) he finds his ceiling price in Table C the same way as he did in example (1) above. Going to Table C, he will find that 27 cents is the ceiling price for an item with a net cost of $.205 and a mark-up of 33 percent.

Example 3. A Group 1 retailer wishes to figure his ceiling price for California green peas for the period May 4th through May 10th. His largest purchase during the preceding week was a purchase of ten bushel baskets at $4.45 per basket. His selling unit for peas, given in Table B, is 1 pound. He therefore divides his cost per basket ($4.45) in his largest purchase during the preceding week, by 23 (the minimum net weight of a bushel basket of green peas). This results in $0.159, which is rounded to 16 cents. He then looks in Table B for the mark-up for green peas, which is $0.05½. This mark-up, 5½ cents, added to the net cost per selling unit of 1 pound, 16 cents, gives him 21½ cents. Therefore, his ceiling price per pound of California green peas for the period May 4th through May 10th is 21½ cents. In selling 1 pound, he may charge 22 cents. However, if he sells 2 pounds, he may charge no more than 43 cents (2 x 21½¢).

[Paragraph (b) amended by Am. 16, 9 F.R. 4217, effective 4-27-44]

Effective date. This regulation shall become effective on the 5th day of August 1943. [MPR 423 originally issued July 8, 1943]

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

NOTE: The 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 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2067; Filed, Feb. 3, 1945; 3:36 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[2d Rev. RO 3,[1] Amdt. 6]

SUGAR

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

Second Revised Ration Order 3 is amended in the following respects:

1. Section 3.16 (b) (12) is added to read as follows:

(12) The amount of any overdraft which an industrial user has failed to make good at the time his account or accounts are closed under section 3.26.

2. Section 3.20 (d) is added to read as follows:

(d) If an industrial user who has more than one establishment registered together and who has more than one account for those establishments, overdraws any one of those accounts, he may not draw checks on any of those other accounts except for deposit in the overdrawn account, until he repays the amount of that overdraft.

---

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

[1] 9 F.R. 1433, 1534, 2233, 2826, 2823, 3031, 3513, 3579, 3847, 3944, 4039, 4350, 4474, 4830, 5220, 5254, 5220, 5166, 5426, 5346.

3. Section 3.26 is added to read as follows:

SEC. 3.26 *Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.* (a) Where a District Office is notified by a ration bank that an industrial user has overdrawn his ration bank account, it shall send him a notice in writing. The notice shall be delivered personally or sent by registered mail. The notice shall state:

(1) The amount of the overdraft on the industrial user's ration bank account, as shown by the records of the bank;

(2) That if the account is not overdrawn, the user must satisfy the District Office of that fact within five days after receipt of the notice; otherwise, the overdraft will be deemed to be admitted by the user;

(3) That if the account is overdrawn, the user may not draw any checks against the account until he repays the amount of the overdraft in accordance with (4)

(4) That his account will be closed and his ration banking privileges withdrawn unless he repays the amount of all overdrafts on that account before the sixteenth day after the beginning of the allotment period after the one in which he received the notice of the overdraft;

(5) That he must give to the District Office, as proof of payment of the overdraft, a duplicate deposit slip showing receipt by the bank of a deposit of ration evidences at least equal to the amount of the overdraft.

(b) If an industrial user fails to repay all overdrafts on the account in question within the time specified in the notice, the District Office shall instruct the bank to close the user's account. If the user has more than one establishment registered together and has more than one account for those establishments, the District Office shall instruct each of the banks where such an account is kept to close it. The District Office shall notify the user and his Board (if he is registered with a Board) of the closing of the account or accounts and of the amount of the remaining overdraft on the account at the time it was closed. Upon receipt of such instructions and notices:

(1) The bank shall close the industrial user's account and shall notify the District Office of the balance in the account as of the time it was closed;

(2) The user must give up the District Office all ration checks and check books he has;

(3) The District Office or Board with which the industrial user is registered shall charge the amount of the remaining overdraft to the industrial user as excess inventory.

(c) If an industrial user whose account is overdrawn, after receiving a notice of that fact, draws another check before he satisfies the conditions in paragraph (a) (4), his account shall be closed by the District Office in the way described in paragraph (b) If an industrial user who has repaid the amount of an overdraft, after receiving the notice described in paragraph (a), again overdraws the account the District Office shall send him a notice in writing (to be delivered personally or by registered mail) of the amount of the overdraft. (If he has more than one establishment registered together and has more than one account for those establishments, the same rule applies whether or not his latter overdraft is on the same account.) If he does not satisfy the District Office within five days after receipt of this notice that his account is not overdrawn, the District Office shall close the account, and if he has more than one account for a group of establishments registered together, all those accounts, in the way described in paragraph (b)

(d) When an industrial user's ration bank account has been closed under this section, the District Office may take any steps which it deems reasonably necessary to inform the user's present and prospective suppliers that the account has been closed, so that they will know that he has no longer the right to draw ration checks.

(e) Nothing in this section shall be considered to waive or exclude any other action which may be taken by the Office of Price Administration with respect to any violations by any industrial user of this order or Revised General Ration Order 3A.

This amendment shall become effective February 7, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2059; Filed, Feb. 3, 1945; 3:34 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 73]

PROCESSED FOODS

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

Revised Ration Order 13 is amended in the following respects:

1. The headnote of section 8.3 is amended to read as follows:

SEC. 8.3 *Use of ration bank accounts.*

2. Section 8.3 (b) is added to read as follows:

(b) If an industrial user who has more than one establishment registered together and who has more than one ration bank account for those establishments, overdraws any one of those accounts, he may not draw checks on any of those other accounts except for deposit in the overdrawn account, until he repays the amount of that overdraft.

3. Section 8.6 is added to read as follows:

SEC. 8.6 *Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.* (a) Where a district office is notified by a ration bank that an industrial user has overdrawn his ration bank account, it shall send him a notice in writing. The notice shall be delivered personally or sent by registered mail. The notice shall state:

(1) The amount of the overdraft on the industrial user's ration bank account, as shown by the records of the bank;

(2) That if the account is not overdrawn, the user must satisfy the district office of that fact within five days after receipt of the notice; otherwise, the overdraft will be deemed to be admitted by the user;

(3) That if the account is overdrawn, the user may not draw any checks against the account until he repays the amount of the overdraft in accordance with (4)

(4) That his account will be closed and his ration banking privileges withdrawn unless he repays the amount of all overdrafts on that account before the sixteenth day after the beginning of the allotment period after the one in which he received the notice of the overdraft;

(5) That he must give to the district office, as proof of payment of the overdraft, a duplicate deposit slip showing receipt by the bank of a deposit of points at least equal to the amount of the overdraft.

(b) If an industrial user fails to repay all overdrafts on the account in question within the time specified in the notice, the district office shall instruct the bank to close the user's account. If the user has more than one establishment registered together and has more than one account for those establishments, the district office shall instruct each of the banks where such an account is kept to close it. The district office shall notify the user and his board (if he is registered with a board) of the closing of the account or accounts. The industrial user shall also be notified that he must thereafter give up points for his acquisitions of processed foods at or before the time they are transferred to him, notwithstanding the provisions of section 9.5 (c) (2) and (3) of this order. The board (if he is registered with a board) shall also be notified of the amount of the remaining overdraft on the account at the time it was closed. Upon receipt of such instructions and notices;

(1) The bank shall close the industrial user's account and shall notify the district office of the balance in the account as of the time it was closed;

(2) The user must give up to the district office all ration checks and check books he has;

(3) The district office or board with which the industrial user is registered

---

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

[1] 9 F.R. 3, 104, 695, 574, 765, 848, 1297, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3073, 3513, 3579, 3708, 3710, 3944, 3947, 4026, 4351, 4476, 4604, 4818, 4876, 5074, 5254, 5436, 5695, 5829, 6234, 6235, 6647, 6951, 7080, 7081, 7202, 7257, 7345, 7345, 7437, 7773, 8793.

shall charge the amount of the remaining overdraft to the industrial user as excess inventory.

(c) If an industrial user whose account is overdrawn, after receiving a notice of that fact, draws another check before he satisfies the conditions in paragraph (a) (4), his account shall be closed by the district office in the way described in paragraph (b) If an industrial user who has repaid the amount of an overdraft, after receiving the notice described in paragraph (a) again overdraws the account the district office shall send him a notice in writing (to be delivered personally or by registered mail) of the amount of the overdraft. (If he has more than one establishment registered together and has more than one account for those establishments, the same rule applies whether or not his latter overdraft is on the same account.) If he does not satisfy the district office within five days after receipt of this notice that his account is not overdrawn, the district office shall close the account, and if he has more than one account for a group of establishments registered together, all those accounts, in the way described in paragraph (b)

(d An industrial user whose ration bank account has been closed pursuant to paragraph (b) or (c) must thereafter give up points for acquisitions of processed foods at or before the time they are transferred to him, notwithstanding the provisions of section 9.5 (c) (2) and (3) of this order. (Nothing in this section shall be construed to prohibit the surrender of points for a transfer of processed foods subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender points at the time required.)

(e) When an industrial user's ration bank account has been closed under this section, the district office may take any steps which it deems reasonably necessary to inform the user's present and prospective suppliers that the account has been closed, so that they will know that his right to use ration checks, and to surrender points after he acquires processed foods, is restricted in the way provided in this section.

(f) Nothing in this section shall be considered to waive or exclude any other action which may be taken by the Office of Price Administration with respect to any violations by any industrial user of this order or Revised General Ration Order 3A.

4. The first sentence of section 15.8 (a) is amended by substituting a comma for a period at the end of the sentence and by adding the following: "or whose ration bank account has been closed under section 8.6 of this order."

This amendment shall become effective February 7, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 43190; and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2060; Filed, Feb. 3, 1945; 3:34 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 39]

MEAT, FATS, FISH AND CHEESES

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

Revised Ration Order 16 is amended in the following respects:

1. The title to section 9.3 is amended to read as follows:

SEC. 9.3 *Use of ration bank accounts.*

2. Section 9.3 (b) is added to read as follows:

(b) If an industrial user who has more than one establishment registered together and who has more than one ration bank account for those establishments, overdraws any one of those accounts, he may not draw checks on any of those other accounts except for deposit in the overdrawn account, until he repays the amount of that overdraft.

3. Section 9.6 is added to read as follows:

SEC. 9.6. *Withdrawal of ration banking privileges because of overdrafts on ration bank accounts.* (a) Where a district office is notified by a ration bank that an industrial user has overdrawn his ration bank account, it shall send him a notice in writing. The notice shall be delivered personally or sent by registered mail. The notice shall state:

(1) The amount of the overdraft on the industrial user's ration bank account, as shown by the records of the bank;

(2) That if the account is not overdrawn, the user must satisfy the district office of that fact within five days after receipt of the notice; otherwise, the overdraft will be deemed to be admitted by the user;

(3) That if the account is overdrawn, the user may not draw any checks against the account until he repays the amount of the overdraft in accordance with (4),

(4) That his account will be closed and his ration banking privileges withdrawn unless he repays the amount of all overdrafts on that account before the sixteenth day after the beginning of the allotment period after the one in which he received the notice of the overdraft;

(5) That he must give to the district office, as proof of payment of the overdraft, a duplicate deposit slip showing receipt by the bank of a deposit of points at least equal to the amount of the overdraft.

(b) If an industrial user fails to repay all overdrafts on the account in question within the time specified in the notice, the district office shall instruct the bank to close the user's account. If the user has more than one establishment registered together and has more than one account for those establishments, the district office shall instruct each of the banks where such an account is kept to close it. The district office shall notify the user and his board (if he is registered with a board) of the closing of the account or accounts. The industrial user shall also be notified that he must thereafter give up points for his acquisitions of foods covered by this order at or before the time they are transferred to him, notwithstanding the provisions of section 10.5 (d) (2) and (3) of this order. The board (if he is registered with a board) shall also be notified of the amount of the remaining overdraft on the account at the time it was closed. Upon receipt of such instructions and notices:

(1) The bank shall close the industrial user's account and shall notify the district office of the balance in the account as of the time it was closed;

(2) The user must give up to the district office all ration checks and check books he has;

(3) The district office or board with which the industrial user is registered shall charge the amount of the remaining overdraft to the industrial user as excess inventory.

(c) If an industrial user whose account is overdrawn, after receiving a notice of that fact, draws another check before he satisfies the conditions in paragraph (a) (4), his account shall be closed by the district office in the way described in paragraph (b). If an industrial user who has repaid the amount of an overdraft, after receiving the notice described in paragraph (a), again overdraws the account the district office shall send him a notice in writing (to be delivered personally or by registered mail) of the amount of the overdraft. (If he has more than one establishment registered together and has more than one account for those establishments, the same rule applies whether or not his latter overdraft is on the same account.) If he does not satisfy the district office within five days after receipt of this notice that his account is not overdrawn, the district office shall close the account, and if he has more than one account for a group of establishments registered together, all those accounts, in the way described in paragraph (b).

(d) An industrial user whose ration bank account has been closed pursuant to paragraph (b) or (c) must thereafter give up points for acquisitions of foods covered by this order at or before the time they are transferred to him, not-

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

[1] 9 F.R. 6731, 7060, 7081, 7082, 7167, 7203, 7258, 7267, 7344, 7438, 7578, 7774.

withstanding the provisions of section 10.5 (d) (2) and (3) of this order. (Nothing in this section shall be construed to prohibit the surrender of points for a transfer of foods covered by this order subsequent to the time at which they are required to be surrendered. However, such late surrender shall not relieve the transferor or the transferee of the consequences of the failure to receive or surrender points at the time required.)

(e) When an industrial user's ration bank account has been closed under this section, the district office may take any steps which it deems reasonably necessary to inform the user's present and prospective suppliers that the account has been closed, so that they will know that his right to use ration checks, and to surrender points after he acquires foods covered by this order, is restricted in the way provided in this section.

(f) Nothing in this section shall be considered to waive or exclude any other action which may be taken by the Office of Price Administration with respect to any violations by any industrial user of this order or Revised General Ration Order 3A.

4. The first sentence of section 16.8 (a) is amended by substituting a comma for a period at the end of the sentence and by adding the following: "or whose ration bank account has been closed under section 9.6 of this order."

This amendment shall become effective February 7, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. 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, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; WFO 56, 8 F.R. 2005, 9 F.R. 4319; WFO 58, 8 F.R. 2251, 9 F.R. 4319; WFO 59, 8 F.R. 3471, 9 F.R. 4319; WFO 61, 8 F.R. 3471, 9 F.R. 4319)

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2058; Filed, Feb. 3, 1945; 3:34 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 81]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

Section 15, Appendix K is amended in the following respects:

1. At the end of paragraph (d) (4) (ii) the following sentence is added:

However, no person is required to mark a container a second time with information that is already on it.

2. In paragraph (i) (2) (v) the second paragraph is amended to read as follows:

"Grower-packer" means a person (including a grower or a grower's cooperative) (1) who grows the fruit being priced, or who has bought the fruit being priced on the tree (tree-run) or in bulk, (2) who sizes, grades, packs or otherwise prepares the fruit being priced for shipment or has it so prepared by others, and (3) who sells the fruit being priced at or from the shipping point on an f. o. b. or delivered basis but does not fit the definition of a "shipping point distributor"

3. In paragraph (k) (2) (iv) the second paragraph is amended to read as follows:

"Shipping point distributor" means a person who performs all the functions of a grower-packer as to the fruit being priced and (1) who is regularly engaged in the business of selling fruit at country shipping points, terminal markets and other wholesale receiving points, and shipping it to terminal markets and other wholesale receiving points, either in person or through salaried representatives, brokers, auctions or other agents and (2) who does not make more than 25% (by volume) of his sales to any one person other than to a government procurement agency during the 1944 season.

This amendment shall become effective February 8, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

Approved: January 26, 1945.

GROVER B. HILL,
First Assistant War Food Administrator

[F. R. Doc. 45-2069; Filed, Feb. 3, 1945; 3:37 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,[1] Amdt. 82]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

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

Section 15, Appendix H, paragraph (b) Table 14 is amended in the following respects:

1. The words "1944 Crop" are deleted from its title.

2. The words "or in bulk" are deleted from the first sentence in footnote 1 and the following sentence is added to that footnote:

For sweet potatoes in bulk, the maximum price per pound is ½¢ less than the appropriate maximum price figured according to this footnote for sweet potatoes in containers other than those specified in Column 2.

This amendment shall become effective February 8, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

Approved: January 27, 1945.

MARVIN JONES,
War Food Administrator

For the reasons set forth in the accompanying statement of considerations, I find that the retention of the 1944 crop ceiling prices for sweet potatoes for the 1945 crop is necessary to aid in the effective prosecution of the war.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 45-2062; Filed, Feb. 3, 1945; 3:35 p. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14F Amdt. 1]

LINSEED REPLACEMENT OIL

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 10 (c) is amended by substituting for the last sentence in the second paragraph and the invoice form immediately following that paragraph the following:

In no case may the extra charge be made for 55-gallon drums unless the buyer is furnished with a notice prior to delivery to him substantially in the following form, offering alternative prices and terms of sale:

(1) *Drum included basis.*

Linseed replacement oil	--------
Charge for 55-gallon drum	--------
Total price	--------

or

(2) *Deposit basis.*

Linseed replacement oil	--------
Deposit for 55-gallon drum to be refunded on return of drum	--------

This amendment shall become effective February 8, 1945.

Issued this 3d day of February 1945.

JAMES F BROWNLEE,
Acting Administrator

[F. R. Doc. 45-2061; Filed, Feb. 3, 1945; 3:35 p. m.]

---

[1] 8 F.R. 16409, 16294, 16519, 16423, 17372; 9 F.R. 790, 902, 1581, 2008, 2023, 2091, 2493, 4030, 4086, 4088, 4434, 4786, 4877, 5926, 5929, 6104, 6108, 6420, 6711, 7259, 7268, 7434, 7425, 7580, 7583, 7759, 7774, 7834, 8148, 9066, 9090, 9289, 9356, 9509, 9512, 9549, 9785, 9896, 9897, 10192, 10499, 10877, 10777, 10878, 11350, 11534, 11546, 12038, 12208, 12340, 12341, 12263, 12412, 12537, 12643, 12968, 12973, 13067, 13138, 13205, 13761, 13934, 14062, 13995, 14437, 14731, 15107; 10 F.R. 49, 256.

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

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[1] Amdt. 6 to Supp. 1]

FUEL OIL

1. Section 1394.9208 (b) (7) is added as follows:

(7) In Zones A-1, B-1, and C-1, and A-3, B-3 and C-3, the value of one unit represented by coupons numbered "4" on Class 4A coupon sheets, and the value of five units represented by coupons numbered "4" on Class 5A coupon sheets, and the value of twenty-five units represented by coupons numbered "4" on Class 6A coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

2. Section 1394.9208 (b) (8) is added as follows:

(8) In Zones A-2, B-2 and C-2, the value of one unit represented by coupons numbered "4" and "5" on Class 4A coupon sheets, and the value of five units represented by coupons numbered "4" and "5" on Class 5A coupon sheets, and the value of twenty-five units represented by coupons numbered "4" and "5" on Class 6A coupon sheets are hereby fixed at ten (10) gallons, fifty (50) gallons, and two hundred fifty (250) gallons of fuel oil, respectively.

This amendment shall become effective February 5, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2111; Filed, Feb. 3, 1945; 5:15 p. m.]

PART 1305—ADMINISTRATION

[Supp. Order 103]

PROHIBITION AGAINST WASTEPAPER PROCUREMENT PRACTICES

A statement of the considerations involved in the issuance of this supplementary order, issued simultaneously herewith, 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, including section 2 (d) thereof, it is hereby ordered, that:

§ 1305.132 *Restrictions on buying and selling wastepaper.* (a) Except as hereinafter provided, no manufacturer of paper and/or paperboard shall directly or indirectly buy, solicit or receive wastepaper from any purchaser of paper or paperboard other than a broker or dealer who buys wastepaper for resale, or a sales agent, and no purchaser of paper or paperboard other than a broker or dealer who buys wastepaper for resale, or a sales agent, shall directly or indirectly, sell, deliver or transfer wastepaper to any manufacturer of paper or paperboard.

(b) *Exceptions.* This provision shall not apply (1) to the sale of wastepaper accumulated by a purchaser of paper or paperboard in the course of his own converting or similar operation, or (2) to any person or his representative who accumulates wastepaper for sale with the intent of voluntarily devoting the proceeds to some public or charitable purpose and not for the private profit of such person or his representative, or (3) to any other purchaser of paper or paperboard who has been granted permission to sell wastepaper by the Office of Price Administration based on a written application showing:

(i) That the applicant is not collecting or causing to be collected wastepaper pursuant to any contract, agreement or understanding with any manufacturer whereby the delivery of paper or paperboard to the applicant is in any way contingent upon the applicant's furnishing or causing to be furnished wastepaper to any manufacturer of paper or paperboard, other than as provided in paragraph (b) (1) of this section.

(ii) That such wastepaper is not presently being collected for manufacturing into paper or paperboard.

(iii) That the provisions established by Maximum Price Regulation No. 30 or any other applicable price regulation will not be evaded.

(iv) The identity of the purchaser of such waste paper and of the sources from whom the applicant proposes to collect such wastepaper.

(v) The quantity of wastepaper to be so furnished to the manufacturer.

(c) Upon receipt of any such application, as set forth in (b) (3) above, the Administrator or his designated representative may by letter grant or deny the same, either in whole or in part, request further information by way of affidavit or otherwise, or take such other action as may be deemed appropriate. If, within 21 days after the receipt of such application the Office of Price Administration has taken no action, the application shall be deemed to have been granted subject to non-retroactive written disapproval by the Administrator at any time.

(d) The granting of such application, as set forth in (b) (3) above, to a purchaser of paper or paperboard shall operate to allow any manufacturer of paper and/or paperboard to purchase and accept delivery of such wastepaper specified in the application.

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

This Supplementary Order No. 103 (§ 1305.132) shall become effective February 10, 1945.

Issued this 5th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2137; Filed, Feb. 5, 1945; 11:42 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND OTHER LEATHER PRODUCTS

[MPR 141,[1] Amdt. 3]

RAW SHEARLINGS AND TANNED SHEARLINGS FOR THE ARMED FORCES

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 141 is amended in the following respects:

1. Section 1314.109 (a) (4) is amended to read as follows:

(4) "Raw shearling for import" means the untanned skin of a sheep or lamb, with a wool length of two inches or less, slaughtered outside the continental United States and purchased for importation into the continental United States.

2. Section 1314.113 is amended to read as follows:

§ 1314.113 *Appendix C: Maximum prices of raw shearlings for import.* The maximum price of raw shearlings for import into the United States shall be the price set forth in the applicable table below, before deduction of any discount, f. o. b. port of shipment. These prices include any commission paid to the seller or his agent or to a foreign agent of the importer or his agent, except that in the case of shearlings imported from Australia, a commission of not more than 3% may be paid to the seller or his agent or to the foreign agent of the importer in addition to the applicable maximum price.

TABLE I—RAW SHEARLINGS PRODUCED IN SOUTH AMERICA

District	Type	Produced from—	Cents per pound
Patagonia	Frigoriflcos	Sheep	24
Puntas Arenas	Frigoriflcos	Sheep	24
Buenos Aires	Frigoriflcos	Sheep	24
Entre Rios	Consumo's	Sheep	21
Corrientes	Consumo's	Sheep	21
Buenos Aires	Consumo's	Sheep	21
Patagonia	Consumo's	Sheep	21
Puntas Arenas	Consumo's	Sheep	21
Chubut	Consumo's	Sheep	19
Cordilleras	Consumo's	Sheep	19
Uruguay	Frigoriflcos	Sheep	24
Uruguay	Consumo's	Sheep	21
All Districts	Campo's	Sheep	17
All Districts	Frigoriflcos	Lamb	22

TABLE II—RAW SHEARLINGS PRODUCED IN AFRICA

District	Abattoir	Country
	Cents per pound	*Cents per pound*
Capetown	17½	15½
Mossel Bay	17½	15½
Port Elizabeth	16	14
East London	15	13
Durban	17	15
Johannesburg	16½	14½

The maximum prices stated in Table II above shall be reduced by one cent for each pound or fraction thereof of excessive weight per dozen skins. "Ex-

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

[1] 9 F.R. 2357.

[1] 7 F.R. 3250, 8948, 9812, 15522.

cessive weight per dozen skins" as used herein means weight per dozen skins in excess of 55 lbs. for wool lengths of ⅛" to ¼" 65 lbs. for wool lengths of ¼" to ½" or 85 lbs. for wool lengths of ½" to 1¼"

The maximum prices stated in Table II above are for first quality shearlings. Maximum prices for second quality abattoir shearlings (free of sun dried skins but containing "patchy" skins with not over one cut) shall be 1½ cents per lb. less than the prices for first quality abattoir shearlings. Maximum prices for second quality country shearlings (free of sun dried skins) shall be 1½ cents per lb. less than the prices for first quality country shearlings.

TABLE III—RAW SHEARLINGS PRODUCED IN AUSTRALIA

Type	Description	Wool length	Cents per pound		
			Sound	Light ribby seedy	Heavy ribby
7	Super, 64's and up	1"-1½"	16	14¾	14½
7B	Ordinary, 64's and up	1"-1½"	12	10½	10¼
8A	Ordinary, Merino	½" 1"	8¾	7¾	6¾
14A	Good, 60/64's	1"-1½"	14	12¾	12¼
19	Super, 58/60's	1"-1½"	15¼	14	13¼
24A	Good, 56/58's	1"-1½"	13½	12¾	12
28B	Ordinary, 50/56's	1"-2"	14½	12¼	10½
29A	Good, 50/58's	½"-1"	12¼	10¾	8
34	Super and good, 46/50's and under	½"-1"	12	9¾	7¼
47B	Ordinary, 60/64's	1"-1½"	12¾	12	10½
49	Super and good, 58/60's	½"-2"	13½	12¼	10½
47X	Super and good, 60/64's	½"-1"	11	10¼	8½
51	Super, 50/58's	½"-2"	16	14	12¾
54A	Ordinary, 46/50's	½"-2"	14½	12¼	10½
61	Super, 50/58's	1"-1½"	17	14½	13¼
62A	Ordinary, 50/58's	½"-1"	10¼	8¾	6¾
65A	Ordinary, 46/50's	½"-2"	14½	12¾	11
69	Super and good, 44's and under	½"-2"	15¼	13½	12
60A	Good, 50/58's	1½"-2"	17	14¾	13¼

This amendment shall become effective February 3, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2112; Filed, Feb. 5, 1945; 8:56 a. m.]

PART 1340—FUEL

[MPR 120,[1] Amdt. 129]

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.*

Maximum Price Regulation No. 120 is amended in the following respect:

1. In § 1340.210 (a) a new subparagraph (16) is added to read as follows:

(16) Notwithstanding anything to the contrary contained in this regulation, during periods set forth below there may be added to the maximum prices established by §§ 1340.218, 1340.219, and 1340.224 (b) (4) and (5) or by order issued under this regulation, for bituminous coal produced in Districts No. 7 and 8 and that part of Subdistricts No. 3, 4 and 5 of District No. 13 in the State of Tennessee the amounts set opposite the respective districts and size groups subject to the conditions concerning operation for seven consecutive days hereinafter set forth, if the amount of such increase is separately stated on the invoice and identified by the statement, "Extra for February Sunday work."

(i) The maximum price for bituminous coal produced during the period February 4 to 17, inclusive, from mines in the respective districts set forth below which have operated seven consecutive days ending February 4, 1945 may be increased during the period February 4 to 17, inclusive by the following amounts:

(*a*) District No. 7:

Low volatile coals—Size Group 1-7, Rail Shipment—5 cents per net ton
Low volatile coals—Size Group 1-4, Truck Shipment—5 cents per net ton
High volatile coals—Size Group 1-17, Rail Shipment—5 cents per net ton
High volatile coals—Size Group 1-4, Truck Shipment—5 cents per net ton
All other sizes by all methods of shipments—15 cents per net ton

(*b*) District No. 8—All sizes for all methods of shipment, 5 cents per net ton.

(*c*) That part of Subdistricts No. 3, 4 and 5 of District No. 13, in the State of Tennessee—Size Group 1-9 all methods of shipment—5 cents per net ton. All other sizes by all methods of shipment—15 cents per net ton.

(ii) The maximum price for bituminous coal produced during the period February 18 to March 3, 1945, inclusive, from mines in the respective districts set forth above which have operated seven consecutive days ending February 18, 1945, may be increased during the period February 18, to March 3, 1945, inclusive, by the amounts set forth in subdivision (i) above.

This Amendment No. 129 to Maximum Price Regulation No. 120 shall become effective February 3, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2109; Filed, Feb. 3, 1945; 5:14 p. m.]

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

[1] 9 F.R. 5042, 5375, 5587.

PART 1340—FUEL

[RMPR 122,[1] Amdt. 28]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

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

Revised Maximum Price Regulation No. 122 is amended in the following respects:

Section 1340.254 (d) is added to read as follows:

(d) *The maximum price rules with respect to charges authorized to be made to compensate for Sunday work performed at a mine during the month of February 1945.*

Rule 8: The charges made by a producer or distributor to compensate for Sunday work performed during the month of February 1945 are not to be considered as increases in a supplier's maximum price and may not be added to the dealer's maximum price under Rule 1 or any price established by order under this regulation. To the extent and in the manner provided below, such charges may be collected from the purchaser in addition to the dealer's maximum price if actually paid by the dealer, and if the charge is separately stated on the invoice and is identified by the statement "Extra for Sunday mine work"

On sales of industrial sizes of coal, a dealer may collect in addition to his maximum price for bituminous coal produced in Nos. 7, 8 and that part of Subdistricts Nos. 3, 4 and 5 of District No. 13 in the State of Tennessee, the amounts per net ton authorized to be charged by the producer or distributor during parts of February and March, 1945, on tonnages of coal on which the charge is actually incurred by the dealer. For the purposes of this rule the following shall be considered domestic sizes of coal rather than industrial, no matter what the use of the coal may be, and the charge in the amount of 5 cents per net ton authorized to be made f. o. b. the mine may not be added to the dealer's prices:

District No. 7 low volatile coal, Size Groups 1 through 7 inclusive, when shipped by rail and Size Groups 1 through 4 inclusive, when shipped by truck.

District No. 7 high volatile coal, Size Groups 1 through 17 inclusive, when shipped by rail and Size Groups 1 through 4 inclusive, when shipped by truck.

District No. 8 low volatile coal, Size Groups 1 through 7 inclusive, when shipped by rail and Size Groups 1 through 6, when shipped by truck.

District No. 8 high volatile coal, Size Groups 1 through 17 inclusive, when shipped by rail and Size Groups 1 through 6, when shipped by truck.

District No. 13, that part of Subdistricts Nos. 3, 4 and 5 in the State of Tennessee—Size Groups 1 through 9, all methods of shipment.

Amendment No. 28 to Revised Maximum Price Regulation No. 122 shall become effective February 3, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2110; Filed, Feb. 3, 1945; 5:14 p. m.]

[1] 9 F. R. 2128, 2477, 3966, 4438.

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

[RMPR 357]

INDIA, IRAQ AND IRAN TANNED GOATSKINS AND SHEEPSKINS

Maximum Price Regulation 357 is redesignated Revised Maximum Price Regulation 357 and is revised and amended to read as herein:

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

Sec.
1. Sales of skins at higher than maximum prices prohibited.
2. Products, transactions, persons and geographical areas covered.
3. Relation of this regulation to other regulations.
4. Maximum prices for importation of skins.
5. Maximum prices for skins resold after arrival in United States.
6. Maximum prices for skins which cannot be priced under section 4 or section 5.
7. Invoices.
8. Records.
9. Prohibitions.
10. Licensing.
11. Enforcement.
12. Petitions for amendment.

AUTHORITY: § 1314.201 issued under 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.

SECTION 1. *Prohibition against dealing in India, Iraq and Iran tanned goatskins and sheepskins at prices above the maximum.* (a) On and after February 7, 1945, regardless of any contract or other obligation, no person shall sell, deliver, or offer for sale, and no person, in the course of trade or business, shall buy or receive, any India, Iraq or Iran tanned goatskins or sheepskins at prices higher than the maximum prices established by this regulation; and no person shall agree, offer or attempt to do any of these things.

(b) Prices lower than the maximum prices may be charged and paid.

SEC. 2. *Products, transactions, persons and geographical areas covered by this regulation*—(a) *Products and transactions covered.* This regulation applies to all purchases, sales and deliveries within the continental United States and to all purchases for importation into the continental United States of India, Iraq and Iran tanned goatskins and sheepskins: i. e., skins removed from goats or sheep originating in, and semitanned or otherwise treated with a vegetable or other tanning agent, in India, Iraq or Iran.

(b) *Persons covered.* Any person who imports, sells or purchases (in the course of trade or business) the skins described in paragraph (a) above, is subject to this regulation. The term "person" includes an individual; corporation or any organized groups, their legal successors or representatives; the United States or any government, or any of its political subdivisions; or any agency of the foregoing.

(c) *Geographical areas covered.* This regulation applies to the continental United States, but not to the territories and possessions of the United States.

SEC. 3. *Relation to other regulations.* This regulation shall apply and Maximum Price Regulation 61 (Leather) shall not apply to India, Iraq and Iran tanned goatskins and sheepskins. However, after such skins have been imported into the United States and have been further converted or processed into finished leather, sales or deliveries of such finished leather shall be subject to Maximum Price Regulation 61.

SEC. 4. *Maximum prices for importation of India, Iraq and Iran tanned goatskins and sheepskins.* (a) The maximum prices which may be paid by any purchaser for India, Iraq or Iran goatskins or sheepskins to be imported by him into the continental United States through a shipper's agent are the prices set forth in the applicable table below plus the amounts actually paid for duty and marine and war risk insurance: *Provided,* That such shipper's agent has previously filed with the Leather, Fur and Fibers Branch, Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C., a signed statement that he has an agreement with his shipper pursuant to which he is to receive a minimum commission of 2½% on all sales of such skins. In all other cases, the maximum prices which may be paid by any purchaser for such skins to be imported by him into the continental United States are the prices set forth in the applicable table below, reduced by 2½%, plus the amounts actually paid for duty and marine and war risk insurance.

TABLE I—EAST INDIA TANNED GOATSKINS

Prices per pound, c. and f., United States port of entry, on shipments from Bombay; on shipments from Madras these prices are to be reduced by $0.015 per pound. Shrinkage allowances in weight not to exceed 1% is permitted

Marks	Range (in pounds per dozen skins)	Selection		Average weight (in pounds per dozen skins)	Price
		Grades	Percent in each grade		
	3- 8	I-II-III-IV	10-20-35-35	5½- 6	$1.035
	3- 8	III-IV	40-60	5½- 6	1.03
	3- 8	V		5½- 6	.90
	3- 8	Inferior V		5½- 6	.8325
O. O.	7-11	I-II-III-IV	10-20-35-35	8- 9	1.00
S. A. T.	7-11	III-IV	40-60	8- 9	.9675
S. L. G.	7-11	V		8- 9	.85
MB Prime Trichy	7-11	Inferior V		8- 9	.7825
	10-16	I-II-III-IV	10-20-35-35	11-12	.9175
	10-16	III-IV	40-60	11-12	.8325
	10-16	V		11-12	.8325
	10-16	Inferior V		11-12	.765
		I-II-III	25-35-40	20-22	.765
	3- 8	I-II-III-IV	10-20-35-35	5½- 6	1.03
	3- 8	III-IV	40-60	5½- 6	1.0475
	3- 8	V		5½- 6	.9175
	3- 8	Inferior V		5½- 6	.85
S. P.	7-11	I-II-III-IV	10-20-35-35	8- 9	1.0175
H. R.	7-11	III-IV	40-60	8- 9	.935
S. C. L.	7-11	V		8- 9	.8675
D. M.	7-11	Inferior V		8- 9	.80
W. H. W.	10-16	I-II-III-IV	10-20-35-35	11-12	.935
W. T.	10-16	III-IV	40-60	11-12	.90
	10-16	V		11-12	.85
	10-16	Inferior V		11-12	.7825
	10-16	I-II-III	25-35-40	20-22	.7825
	3- 8	I-II	40-60	5½- 6	1.1825
S. P. A. K.	3- 8	I-II-III-IV	10-20-35-35	5½- 6	1.0975
R. H. H.	3- 8	III-IV	40-60	5½- 6	1.035
P. A. K.	3- 8	V		5½- 6	.935
S. P. D.	3- 8	Inferior V		5½- 6	.8675
S. P. O.	7-11	I-II-III-IV	10-20-35-35	8- 9	1.03
	7-11	III-IV	40-60	8- 9	1.00
	7-11	V		8- 9	.8325
S. S. O. L.	7-11	Inferior V		8- 9	.8175
P. T. G.	10-16	I-II-III-IV	10-20-35-35	11-12	.95
B. O. E.	10-16	III-IV	40-60	11-12	.9175
E. B. O.	10-16	V		11-12	.8675
S. H. A. Prime	10-16	Inferior V		11-12	.80
		I-II-III	25-35-40	20-22	.80
	3- 8	I-II-III-IV	10-20-35-35	5½- 6	1.115
	3- 8	III-IV	40-60	5½- 6	1.03
	3- 8	V		5½- 6	.95
	3- 8	Inferior V		5½- 6	.8325
	7-11	I-II-III-IV	10-20-35-35	8- 9	1.0475
L. S. S.	7-11	III-IV	40-60	8- 9	1.0175
W. E. V.	7-11	V		8- 9	.90
S. H. A. Superior	7-11	Inferior V		8- 9	.8325
	10-16	I-II-III-IV	10-20-35-35	11-12	.9675
	10-16	III-IV	40-60	11-12	.935
	10-16	V		11-12	.8325
	10-16	Inferior V		11-12	.8175
		I-II-III	20-30-50 or 25-35-40	22-24	.8175

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

TABLE I—EAST INDIA TANNED GOATSKINS—Continued

Prices per pound, c. and f., United States port of entry, on shipments from Bombay: on shipments from Madras these prices are to be reduced by $0 015 per pound Shrinkage allowances in weight not to exceed 1% is permitted

Marks	Range (in pounds per dozen skins)	Selection		Average weight (in pounds per dozen skins)	Price
		Grades	Percent in each grade		
M R. A	3- 8	I-II-III-IV	5-10-35-50	5½- 6	$1 0475
O C R M	3- 8	III-IV	40-60	5½- 6	1 0175
O C. R M L	3- 8	V		5½- 6	8825
R M L O C	3- 8	Inferior V		5½- 6	8175
	7-11	I-II-III-IV	10-20-35-35	8- 9	935
	7-11	III-IV	40-60	8- 9	95
	7-11	V		8- 9	8325
	7-11	Inferior V		8- 9	765
	10-16	I-II-III-IV	10-20-35-35	11-12	90
	10-16	III-IV	40-60	11-12	8675
	10-16	V		11-12	8175
	10-16	Inferior V		11-12	75
O C R M	22 24	I-II-III	25-35-40	22-24	75
O R	3- 8	I-II-III-IV	10-20-35-35	5½- 6	1 03
V O. R	3- 8	III-IV	40-60	5½- 6	1 00
R M L	3- 8	V		5½- 6	8675
P D. L	3- 8	Inferior V		5½- 6	80
R M	7-11	I-II-III-IV	10-20-35-35	8- 9	9675
T B B.	7-11	III-IV	40-60	8- 9	935
P A W	7-11	V		8- 9	8175
	7-11	Inferior V		8- 9	75
	10-16	I-II-III-IV	10-20-35-35	11-12	8825
	10-16	III-IV	40-60	11-12	85
	10-16	V		11-12	80
	10-16	Inferior V		11-12	7375
	20-22	I-II-III	25-35-40	20-22	7375
K. R M G	3- 8	I-II-III-IV	10-20-35-35	5½- 6	1 00
A R A	3- 8	III-IV	40-60	5½- 6	9675
B C G	3- 8	V		5½- 6	8325
	3- 8	Inferior V		5½- 6	765
	7-11	I-II-III-IV	10-20-35-35	8- 9	935
	7-11	III-IV	40-60	8- 9	90
	7-11	V		8- 9	7825
	7-11	Inferior V		8- 9	72
	10-16	I-II-III-IV	10-20-35-35	11-12	85
	10-16	III-IV	40-60	11-12	8175
	10-16	V		11-12	765
	10-16	Inferior V		11-12	7025
C O	3- 8	I-II-III-IV	10-20-35-35	5½- 6	85
	3- 8	V		5½- 6	7375
	3- 8	Inferior V		5½- 6	67
	10-16	V		11-12	7025
M B D. V H Hyderabad		I-II-III-IV	40% I-II 60% III-IV	17-18	67
H V	3- 8	I-II-III-IV	10-20-35-35	5½- 6	935
	3- 8	III-IV	40-60	5½- 6	90
	3- 8	V		5½- 6	8325
	3- 8	Inferior V		5½- 6	765
N D J	10-16	V		11-12	7025

NOTE: On all marks where the weight of skins average 13 to 14 lbs. per dozen, the price shall be 1¾ cents per pound less than the price per pound for skins averaging 11 to 12 pounds per dozen.

TABLE II—EAST INDIA TANNED SHEEPSKINS

Prices per pound, c and f. United States port of entry, on shipments from Bombay; on shipments from Madras these prices are to be reduced by $0 015 per pound Shrinkage allowance in weight not to exceed 1% is permitted

Marks	Selection		Average Wt (in lbs per doz skins)	Price
	Grades	Percent in each grade		
AKDS (Dindiguls)	I-II-III-IV	5-10-35-50	6½- 7	$0 985
	V		6½- 7	8825
	Inferior V		6½- 7	80
	I-II-III-IV	5-10-35-50	7- 8	9675
	I-II-III-IV	5-10-35-50	8- 9	95
	I-II-III-IV	5-10-35-50	9-10	935
	I-II-III-IV	5-10-35-50	12-14	90
BNDS (Dindiguls)	I-II-III-IV	5-10-35-50	6- 6½	7825
	V		6- 6½	72
	Inferior V		6- 6½	6525
BRB	I-II-III-IV	5-10-35-50	5½- 6½	8325
	V		5½- 6½	765
	Inferior V		5½- 6½	7025
CO	I-II-III-IV	10-20-35-35	6- 6½	8325
	V		6- 6½	765
	Inferior V		6- 6½	7025
DM	I-II-III-IV	5-10-35-50	6- 7	935
	V		6- 7	8825
	Inferior V		6- 7	80
	I-II-III-IV	5-10-35-50	7½- 8½	9675
	V		7½- 8½	8675
	Inferior V		7½- 8½	7825
	I-II-III	20-30-50	15-16	7825
DMS (Dindiguls)	I-II-III-IV	5-10-35-50	6- 6½	9675
	IV		6- 6½	9175
	V		6- 6½	8825
	I-II-III-IV	5-10-35-50	8- 9	935
	IV		8- 9	8825
	V		8- 9	85
F K D A S H G S	I-II-III-IV	5-10-35-50	6- 6½	935
	V		6- 6½	8825
	Inferior V		6- 6½	8325
	I-II-III-IV	5-10-35-50	7½- 8	96
	V		7½- 8	8675
	Inferior V		7½- 8	8175
	I-II-III-IV	5-10-35-50	8- 9	935
	V		8- 9	85
	Inferior V		8- 9	80
	I-II-III-IV	5-10-35-50	11-12	90
	I-II-III-IV	5-10-35-50	12-13	8825
	V		11-12	8175
	I-II-III-IV	5-10-35-50	16-18	7825
H. G M M H	All selections and weights 1¾ cents less than F K.			
GCOW	I-II-III-IV	10-20-35-35	6-6½	1.0175
J. K. K J S H A. Superior	I-II	40-60	6- 7	1.415
	I-II-III-IV	15-25-30-30	6- 7	1.315
	III-IV	40-60	6- 7	1.2475
	V		6- 7	1.03
	Inferior V		6- 7	1.0175
	III-IV	40-60	8- 9	1.1975
	I-II-III	25-35-40	12-13	1.115
		25-35-40	14-16	1.03
	I-II-III-IV	10-20-35-35	8-10	1.215
		10-20-35-35	11-12	1.1475
KRGS	I-II-III-IV	20-30-20-20	6- 6½	1.2275
	I-II-III-IV	15-25-30-30	6- 6½	1.2825
	III-IV	40-60	6- 6½	1.215
	V	40-60	6- 6½	1.03
	Inferior V		6½- 7	935

TABLE II—EAST INDIA TANNED SHEEPSKINS—Continued

Prices per pound c. and f., United States port of entry, on shipments from Bombay; on shipments from Madras these prices are to be reduced by $0 015 per pound Shrinkage allowance in weight not to exceed 1% is permitted

Marks	Selection		Average Wt (in lbs per doz skins)	Price
	Grades	Percent in each grade		
MNS NMS	I-II-III-IV	5-10-35-50	6-6½	$0 8325
	V		6-6½	75
	Inferior V		6-6½	6875
MO	I-II-III-IV	10-20-35-35	6½-7	1 315
	V		6½-7	1 08
	Inferior V		6½-7	1 0175
MRB	I-II-III-IV	5-10-35-50	5½-6½	9075
	V		5½-6½	8425
	Inferior V		5½-6½	775
MUT	I-II-III-IV	5-10-35-50	6-6½	8175
	V		6-6½	7375
	Inferior V		6-6½	6875
NAK	I-II-III-IV	10-20-35-35	6½-7	1.065
	III-IV	40-60	6½-7	1.03
	V		6½-7	95
	Inferior V		6½-7	8825
NDJ	I-II-III-IV-V	10-15-30-30-15	6-6½	8325
OO	I-II-III-IV	10-20-35-35	6-6½	1 115
	III-IV	40-60	6-6½	1.03
	V		6-6½	9075
	Inferior V		6-6½	.89
OORML	All selections and weights 1¾ cents less than OO			
OORM	V		6-6½	95
	Inferior V		6-6½	8325
OR	I-II-III-IV	10-20-35-35	6-6½	99
	III-IV	40-60	6-6½	85
	V		6-6½	8175
	Inferior V		6-6½	765
PAW	I-II-III-IV	10 20-35-35	6-6½	935
	III-IV	40-60	6-6½	95
	V		6-6½	9175
	Inferior V		6-6½	85
RALLI (Dindigul)	I-II-III-IV	5-10-35-50	6-6½	935
	III-IV	40-60	6-6½	99
	V		6-6½	8575
	Inferior V		6-6½	7825
	I-II-III-IV	5-10-35-50	(7-8) (8-9)	99
	III-IV	40 60	(7-8) (8-9)	8675
	V		(7-8) (8-9)	8175
RHH	I-II-III-IV	10-20-35-35	6-6½	1.1475
	III-IV	40-60	6-6½	1 115
	V		6-6½	1 09
	Inferior V		6-6½	935
RM RML	I-II-III-IV	10-20-35-35	6-6½	1 03
	III-IV	40-60	6-6½	1.0475
	V		6-6½	935
	Inferior V		6-6½	8675
S & Co	I-II	40-60	8-9	1.1475
	I-II-III-IV	5-10-35-50	6½-7	1.03
	V		6½-7	9175
	Inferior V		6½-7	85
	I-II-III-IV	5-10-35-50	8 9	9075
	V		8-9	8525
	Inferior V		8-9	8175
SOL	I-II-III-IV	10-20-35-35	6-6½	1 13
	III-IV	40-60	6-6½	1 0975
	V		6-6½	935
	Inferior V		6-6½	9175
	I-II-III-IV	15-25-30-30	14-15	935

TABLE II—EAST INDIA TANNED SHEEPSKINS—Continued

Prices per pound c. and f., United States port of entry on shipments from Bombay; on shipments from Madras these prices are to be reduced by $0 015 per pound Shrinkage allowance in weight not to exceed 1% is permitted

Marks	Selection		Average Wt. (in lbs per doz skins)	Price
	Grades	Percent in each grade		
SDB	I-II-III-IV	5-10-35-50	6½-7	$0 95
	V		6½-7	8825
	Inferior V		6½-7	7375
	I-II-III-IV	5-10-35-50	7-8	935
	V		7-8	8675
	Inferior V		7-8	72
	I-II-III-IV	10-20-35-35	10-11	8675
	I-II-III-IV	5-10-35-50	11-12	85
SMBO	I-II-III-IV	5-10-35-50	5½-6½	1 0175
	V		or 6-7	8675
	Inferior V			80
	I-II-III-IV	5-10-35-50	9-10	95
	V		9-10	80
	Inferior V		9 10	7375
SMPO	I-II-III-IV	10-20-35-35	6-7	1.03
	V		6-7	935
	Inferior V		6-7	8675
	I-II-III-IV	10-20-35-35	9-10	1 0175
	V		9-10	8675
	Inferior V		9-10	80
SMS	I-II-III-IV	5-10-35-50	6-6½	1 03
	V		7-8	8675
	Inferior V		7-8	8175
	I-II-III-IV	5-10-35-50	8-8½	935
SPAK S H A Prime	I-II-III-IV	15-25-30-30	6-7	1 2475
	V		6-7	1.03
	Inferior V		6-7	935
	I-II-III	25-35-40	14-15	9575
SPS S H A. Super Fine	I-II-III-IV	20-30-30-20	5½-6	1 4325
	III-IV	40-60	5½-6	1.335
	V		5½-6	1 1075
	Inferior V		6-6½	1.13
SSOL	I-II-III-IV	10-20-35-35	6½-7	1.1475
	III-IV	40-60	6½-7	1.115
	V		6½-7	1 09
	Inferior V		6½-7	935
SSM	I-II-III-IV	10-20-35-35	5½-6	1 315
	III-IV	40-60	5½-6	1 2325
	V		5½-6	1.0475
TBB	I-II-III-IV	10 20-35-35	6-6½	1 03
	III-IV	40-60	6-6½	1 0475
	V		6-6½	935
	Inferior V		6-6½	8575
VOR	I-II-III-IV	10-20-35-35	6-6½	1 0175
	III-IV	40-60	or 6-7	935
	V		"	9175
	Inferior V		"	85
VS & Co	I-II-III-IV	5-10-35-50	6½-7	99
	V		6½-7	89
	Inferior V		6½-7	73
	I-II-III-IV	5-10-35-50	7-8	99
	V		7 8	7825
	Inferior V		7-8	7025
WDS	I-II-III-IV	5-10-35-50	6-6½	7825
	V		6-6½	73
	Inferior V		6-6½	6525
	I-II-III-IV	10-20-35-35	8½-9	75
WHW D S (Dindigul)	I-II-III-IV	5-10-35-50	6½-7	935
	I-II-III-IV	5-10-35-50	7 8	9075
	I-II-III-IV	5-10-35-50	9-10	935

TABLE III—BOMBAY AND KARACHI TANNED GOATSKINS

Prices per pound, c. and f., United States port of entry, on shipments from Bombay; on shipments from Madras these prices are to be reduced by $0.015 per pound. Shrinkage allowance in weight not to exceed 1% is permitted.

Marks	Selection		Average weight (in pounds per dozen skins)	Price
	Grades	Percent in each grade		
B. K.	I-II-III	60-25-15	8-9	$0.7675
	I-II-III	50-25-25	8-9	.705

TABLE IV—BOMBAY AND KARACHI TANNED SHEEPSKINS

Prices per pound, c. and f., United States port of entry, on shipments from Bombay; on shipments from Madras these prices are to be reduced by $0.015 per pound. Shrinkage allowance in weight not to exceed 1% is permitted.

Marks	Selection		Average weight (in pounds per dozen skins)	Price
	Grades	Percent in each grade		
AAC	I-II-III-IV	5-15-45-35	8-9	$0.97
HVP	I-II-III-IV	5-20-45-30	8-9	.7675
MASSL	I-II-III-IV	10-15-45-30	8-9	.9775
PTGS	I-II-III-IV	5-10-50-35	9-10	.835
KARIM	I-II-III-IV	5-10-50-35	6½-7	.9025
	I-II-III-IV	5-10-50-35	10-11	.835
RMLFK	I-II-III-IV	5-10-50-35	7-8	.8675
	I-II-III-IV	5-10-50-35	8-9	.8525
	I-II-III-IV	5-10-50-35	9-10	.835
	I-II-III-IV	5-10-50-35	10-11	.8175
B. K.	I-II-III	55-25-20	7-8	.6725

TABLE V—IRAQ OR IRAN TANNED GOATSKINS

Prices per pound, c. and f., United States port of entry. Shrinkage allowance in weight not to exceed 1% is permitted.

Grade	Average weight (in pounds per dozen skins)	Price
I	18-20	$0.595
II	18-20	.535
III	18-20	.385

TABLE VI—IRAQ OR IRAN TANNED SHEEPSKINS

Prices per pound, c. and f., United States port of entry. Shrinkage allowance in weight not to exceed 1% is permitted.

Grade	Average weight (in pounds per dozen skins)	Price
I	12-14	$0.595
II	12-14	.535
III	12-14	.385

SEC. 5. *Maximum prices for India, Iraq and Iran tanned goatskins and sheepskins sold after arrival in the United States.* The maximum price, f. o. b. seller's point of shipment in the United States, for India, Iraq or Iran tanned goatskins or sheepskins resold after arrival in the United States is the maximum price determined under the applicable provisions of section 4, above, plus, in case of skins available for immediate delivery to the purchaser, a markup of 10% of such maximum price exclusive of duty and marine and war risk insurance.

SEC. 6. *Maximum prices for India, Iraq and Iran tanned goatskins and sheepskins which cannot be priced under section 4 or section 5.* The maximum price for India, Iraq or Iran tanned goatskins or sheepskins for which a maximum price cannot be determined in accordance with section 4 or section 5, above, shall be a price in line with the level of maximum prices established by this Revised Maximum Price Regulation 357 and shall be established by an order issued by the Office of Price Administration.

A person who seeks to establish a maximum price in accordance with this section 6 shall file with the Leather, Fur and Fibers Branch, Consumer Goods Price Division, Office of Price Administration, Washington 25, D. C., an application setting forth: (a) a description in detail of the skins, including tannage, shipper's mark, weight, grades and selection in each grade; (b) a statement of the reason why such skins cannot be priced under section 4 or section 5; (c) the most nearly comparable skins enumerated in section 4 and a statement of the characteristics which differentiate such skins from the skins for which a maximum price is sought; (d) the maximum price requested. No person shall buy, sell or deliver any goatskins or sheepskins covered by this regulation until maximum prices therefor have been established.

SEC. 7. *Invoices*—(a) *All sellers.* Every seller shall, in connection with each sale of India, Iraq and Iran tanned goatskins and sheepskins, furnish to the purchaser, within 5 days from the date of shipment, an invoice or similar document showing: (1) the names and addresses of the seller and purchaser; (2) the date of the invoice; (3) the date on which the sale or contract of sale was made; (4) the shipper's marks, the grades and percentages of the skins in each grade included in the shipment; (5) the weight and price charged per dozen skins for each shipper's mark and selection included in the shipment; (6) the amounts actually paid for duty and marine and war risk insurance; (7) the terms of sale; (8) the markup, if any.

SEC. 8. *Records.* (a) Every seller shall keep a duplicate copy of the invoice or similar document delivered, and every purchaser in the course of trade or business shall keep the invoice or similar document received, in conection with every sale or purchase of tanned goatskins or sheepskins.

(b) All records required to be kept under the provisions of this regulation shall be made available for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 9. *Prohibited practices.* The price limitations 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 India, Iraq or Iran tanned goatskins or sheepskins, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

SEC. 10. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price regulations. A person may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 11. *Enforcement.* Any person violating any provisions of this regulation, either by doing or failing to do an act, is subject to the criminal penalties, civil enforcement suits, suits for treble damages and proceedings for the suspension of license provided by the Emergency Price Control Act of 1942, as amended.

SEC. 12. *Petitions for amendment.* Any person seeking a modification of any provision of this Revised Maximum Price Regulation No. 357 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

Effective date. This regulation shall become effective February 7, 1945.

NOTE: The reporting and record-keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2032; Filed, Feb. 2, 1945; 4:39 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32,[1] Amdt. 20]

PAPERBOARD SOLD EAST OF ROCKY MOUNTAINS

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.*

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

[1] 7 F.R. 1264, 2000, 2132, 2740, 3182, 8948; 8 F.R. 3524, 4187, 5838, 11291, 14811, 15607, 17415; 9 F.R. 67, 1571, 3331.

Paragraphs (a) and (b) of § 1347.53a are hereby revoked.

This amendment shall become effective February 10, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 5th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2136; Filed, Feb. 5, 1945; 11:42 a. m.]

PART 1362—CERAMIC PRODUCTS, STRUCTURAL CLAY PRODUCTS AND OTHER MASON MATERIALS

[MPR 116, Amdt. 8]

CHINA AND POTTERY

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

Maximum Price Regulation No. 116 is amended in the following respect:

A new § 1362.59d is added to read as follows:

§ 1362.59d *Application for adjustments in cases where the cost of living will not be increased by the adjustment of the manufacturer's maximum prices.* The provisions of this section permit the granting of relief to manufacturers of vitreous and semi-vitreous china and pottery for household use under the conditions and to the extent set forth below:

(a) *Basis for adjustment.* The Price Administrator may, by order, either on his own motion or pursuant to an application for an adjustment filed in accordance with Revised Procedural Regulation No. 1 adjust the maximum price of a manufacturer of vitreous or semi-vitreous china and pottery for household use when it appears that:

(1) His maximum price is below the prevailing level of maximum prices of other manufacturers of the same class for substantially the same articles to the same classes of purchasers.

(2) His entire operation is being conducted at a loss (or will be in 90 days) or his maximum price for the article on which adjustment is sought is below his manufacturing cost, plus packing cost and shipping cost where delivered prices are quoted or freight is allowed or equalized.

(b) *Amount of adjustment.* Any adjusted manufacturer's maximum price will be limited to the lowest applicable amount among the following:

(1) If the manufacturer's entire operation is profitable, an amount sufficient to cover the unit manufacturing cost and shipping cost where delivered prices are quoted or freight is allowed or equalized.

(2) If the manufacturer's entire operation is being conducted at a loss (or will be in 90 days) an amount sufficient to cover his total unit cost to make and sell the article.

(3) An amount equivalent to the prevailing market level of maximum prices of similar articles manufactured by competitive firms for sales to the same classes of purchasers.

(c) *Adjustment for a line of articles.* In the case of any manufacturer qualifying under paragraph (a) above, who makes a line of articles with a well-established pattern of price differentials between each of the items or numbers in his line, whose price structure and merchandising plan would be seriously disturbed by price adjustments on the basis of the individual costs of the articles for which the manufacturer has qualified, the Administrator may grant a uniform percentage adjustment of the prices of all articles. The total dollar amount of the price increases resulting from the uniform percentage adjustment shall not exceed the sum of the individual article price increases for which the manufacturer has qualified.

(d) *Availability of adequate substitutes.* Even though a manufacturer may qualify under this paragraph for an adjustment in price, the adjustment will be denied if it appears that a reasonably adequate substitute for the article on which adjustment is sought is available at a lower price than the manufacturer's price as adjusted.

(e) *Passing on of permitted increases by resellers.* Any order making an adjustment in a manufacturer's maximum price under this provision will, wherever required, provide the extent to which the maximum prices of other sellers of the article may be adjusted.

(f) *Definitions.* The terms "unit manufacturing cost" and "total unit cost" shall have the meaning given in § 1362.59c (d) of this regulation. Depreciation will be allowed as provided in that section.

This amendment shall become effective on the 10th day of February 1945.

Issued this 5th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2139; Filed, Feb. 5, 1945; 11:41 a. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 169, Amdt. 52]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

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

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The words "not later than May 3, 1943" contained in paragraph (d) of § 1364.407, are hereby deleted.

2. Subfootnote (e) is added to footnote (3) in the table of § 1364.452 (p) (3) to read as follows:

(e) For corned beef (Army, Navy or Federal Surplus Commodities Corporation specifications) sold to war procurement agencies and packed for export shipment, $1.00 per cwt. may be added to the applicable zone price for boxing, wrapping and freezing in accordance with the specifications and requirements contained in C. Q. D. No. 42 B, as amended, and O. Q. M. G. No. 94, as amended, issued by the Quartermaster Depot of the United States Army.

3. Section 1364.454 (e) is amended to read as follows:

(e) *Freezing and/or packaging for war procurement agencies.* (1) On domestic sales of beef carcasses and/or beef wholesale cuts to a war procurement agency, the seller may add 15 cents per cwt. for wrapping or packaging (Army specifications) and/or 35 cents per cwt. for freezing.

(2) On sales of beef carcasses and/or beef wholesale cuts to a war procurement agency packed for export shipment, the seller may add 40 cents per cwt. for wrapping or packaging in accordance with federal specifications PP-B-221A, as amended, and/or 35 cents per cwt. for freezing.

This amendment shall become effective February 3, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2107; Filed, Feb. 3, 1945; 5:13 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[RMPR 239, Amdt. 16]

LAMB AND MUTTON CARCASSES AND WHOLESALE CUTS

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

Section 1364.170 (e) is amended to read as follows:

(e) *Telescoped lambs.* (1) Except as provided in paragraph (e) (2) hereof, for all supplies and all operations, other than freezing, performed in trimming, preparing and wrapping telescoped style lamb and mutton for sales to war procurement agencies, the following additions per hundredweight of the finished weight may be added to the applicable maximum prices for round-dressed carcasses, pluck out, and for the hindsaddle and foresaddle respectively.

Grade	Addition per hundredweight		
	Carcass	Hindsaddle	Foresaddle
AA Lamb	$0.80	$0.95	$0.45
A Lamb	.80	.95	.45
B Lamb	.80	.95	.45
C Lamb	.80	.95	.45
S Mutton	.75	1.25	.20
M Mutton	.70	1.10	.20
R Mutton	.65	.85	.20

(2) On sales to war procurement agencies of telescoped style lamb and mutton packed for export shipment in an inner covering of kraft waxed crinkled paper with an outer covering of muslin, osnaburg or doubled stockinette tubing or other wrapping meeting Army speci-

---

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

fications, 40 cents per hundredweight may be added to the additions provided in paragraph (e) (1) hereof.

This amendment shall become effective February 3, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2108; Filed, Feb. 3, 1945; 5:13 p. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 402,[1] Amdt. 2]

WESTERN RED CEDAR LUMBER

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

Section 17 of MPR 402 is hereby amended by adding a new paragraph (c)

(c) *Applications for adjustment*—(1) *Who may apply.* Any producer of lumber, the major part of whose total production in 1944 was Red Cedar lumber subject to this regulation may apply for adjustment if he can show that:

(i) Increased costs result in hardship which will impede his production of Western Red Cedar lumber and that

(ii) His existing maximum price is less than manufacturing costs if his current over-all profits are favorable in relation to those of a representative peace-time period; or that his existing maximum price is less than total costs if his current over-all profits are comparable to his over-all-profits for a representative peace-time period; or that his existing maximum price does not afford a reasonable profit if current over-all profits are unfavorable compared to those in a representative peace-time period.

(2) *Factors which may also be considered.* The following factors are relevant to the consideration of whether maximum prices are at such a level that production or supply of Western Red Cedar lumber is impeded or threatened:

(i) Whether greater efficiency in production or merchandising can reasonably be expected so that an adjustment would not be necessary.

(ii) Whether the seller previously sold Western Red Cedar lumber at a price which was below his total unit costs.

(3) *Form and contents of application.* The application shall be filed with the Lumber Branch, Office of Price Administration, Washington 25, D. C. and must contain:

(i) Profit and loss statements, in the detail normally prepared by the applicant, covering the company's entire operations for the years 1936 through 1939, the last calendar or fiscal year preceding the filing of the application, the last quarter of such calendar or fiscal year and the available interim periods for the current calendar or fiscal year.

The filing of these data is optional, provided reports are available from the Bureau of Internal Revenue. Should the applicant prefer, this information will be requested by the Office of Price Administration directly from the Bureau of Internal Revenue.

(ii) Operating statements for Western Red Cedar lumber, for the last calendar or fiscal year preceding the filing of the application, the last quarter of such calendar or fiscal year and the available interim periods for the current calendar or fiscal year.

(iii) A tabulation showing the production of Western Red Cedar lumber for the last calendar or fiscal year preceding the filing of the application, the last quarter of such calendar or fiscal year and the available interim periods for the current calendar or fiscal year.

Companies which have previously submitted any of the above required data may omit such items from the data submitted with their applications and indicate when they were submitted.

If any of the above information has been submitted prior to application on OPA Forms A & B for any of the specified periods or if the exact information required in this section has been reported as part of a prior application for adjustment of a maximum price, the applicant may so indicate and omit these periods from the current application.

This amendment shall become effective February 10, 1945.

NOTE: Approval of this reporting requirement waived by the Budget Bureau.

Issued this 5th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2138; Filed, Feb. 5, 1945; 11:41 a. m.]

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

[1] 8 F.R. 7662; 9 F.R. 5422.

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 496,[1] Amdt. 7]

VEGETABLE SEEDS

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

Paragraphs (f) (1) and (f) (3) of section 5 of Maximum Price Regulation 496 are amended to read as follows:

(f) For sweet corn:

(1) The maximum prices per pound for the sale or delivery of sweet corn seeds by a farmer-producer shall be:

MAXIMUM PRICE

Base variety and type	1	2	3	4
	States of Minnesota and Wisconsin	Areas east of Mississippi River (excluding Minnesota & Wisconsin)	Areas west of Mississippi River (excluding Minnesota & California)	State of California
	Cents	*Cents*	*Cents*	*Cents*
Golden Bantam (open pollinated)	4.75	7.50	5.00	5.00
Golden Cross Bantam (yellow hybrid)	8.25	11.00	9.00	12.00
Country Gentleman (white hybrid)	8.50	10.50	18.00	18.00

Plus transportation charges from the farm where grown to the buyer's receiving point by a usual route and method of transportation.

* * * * *

(3) The maximum prices in columns 2, 3 and 4 above shall be reduced by the expenses borne by the purchaser in connection with the growing, harvesting or loading for transportation of the sweet corn seeds in question.

This amendment shall become effective February 3, 1945.

Issued this 3d day of February 1945.

JAMES F. BROWNLEE,
Acting Administrator

Approved: February 1, 1945.

ASHLEY SELLERS,
Assistant War Food Administrator

[F. R. Doc. 45-2068; Filed, Feb. 3, 1945; 3:36 p. m.]

[1] 8 F.R. 16210; 9 F.R. 1716, 3094, 5076, 5805, 8932, 10 F.R. 335.

Chapter XV—Board of War Communications

[Order 6-A]

PART 1705—CLOSURE OF CABLE FACILITIES

REOPENING OF THE FACILITIES OF THE FRENCH TELEGRAPH CABLE COMPANY WITHIN THE CONTINENTAL UNITED STATES

Whereas, The Board of War Communications (formerly The Defense Communications Board), by Order No. 6 (7 F.R. 3371), designated for closure and closed the facilities of the French Telegraph Cable Company within the Continental United States; and

Whereas, The Board determines that the restrictions imposed by such order should now be removed;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 9089 (7 F.R. 1777) of March 6, 1942, *It is hereby ordered*, That effective January 26, 1945, Order No. 6 (§ 1705.1 *French Telegraph Cable Company*) be and it is hereby cancelled.

BOARD OF WAR COMMUNICATIONS,
PAUL A. PORTER,
Chairman.

Attest: January 25, 1945.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 45-2028; Filed, Feb. 2, 1945; 1:47 p. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 32]

PART 4004—PRICE STABILIZATION: MAXIMUM PRICES

MANUFACTURED DAIRY PRODUCTS

The Price Administrator and the War Food Administrator having submitted certain information and recommendations, concerning the establishment for manufactured dairy products, of dollar-and-cent prices which shall reflect as nearly as possible the same return to the milk producer, and the necessity therefor in order to permit the manufacturers of different dairy products to pay substantially the same price for their basic raw milk and cream supplies.

I hereby find it necessary in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328 to issue this directive.

1. The Office of Price Administration is hereby authorized and directed to amend Maximum Price Regulation 289 by increasing the price 1½¢ per pound for roller process skim milk powder and buttermilk powder for human consumption, thereby establishing a differential of ½¢ instead of 2¢ per pound below the price for spray process skim milk powder.

2. The Office of Price Administration is hereby authorized and directed to establish specific dollar-and-cent prices in lieu of freeze prices now existing on bulk condensed skim and whole milk, all cheese (other than Cheddar and cottage cheese) whole milk powder, edible casein, and edible whey, such prices to be balanced with present prices for evaporated milk, butter, and spray process powder and roller process powder at the level authorized herein in order that all such prices shall reflect as nearly as possible the same return to the milk producer.

(E.O. 9250 and E.O. 9328)

Effective date: February 15, 1944.

Issued this 15th day of February 1945.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 45-2019; Filed, Feb. 2, 1945; 1:09 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

KLAMATH PROJECT, OREG.-CALIF.

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 26, 1944.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the act of June 17, 1902 (32 Stat. 388)

KLAMATH PROJECT

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 48 N., R. 3 E.
Sec. 18, fractional NE¼SW¼ and N½SE¼.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 22, 1944.

FRED W JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the district land office to be noted accordingly.

MICHAEL W. STRAUS,
Assistant Secretary.

DECEMBER 28, 1944.

[F. R. Doc. 45-2104; Filed, Feb. 3, 1945; 4:37 p. m.]

Office of the Secretary.

[Order SFA T-1]

CONSOLIDATION COAL CO.

POSSESSION OF COAL MINE TERMINATED

I have been advised that the Dakota No. 42 Mine, Dakota, West Virginia, Government possession of which was taken by Order No. 1991 (9 F.R. 11548), formerly operated by Industrial Collieries Corporation and recently transferred to Consolidation Coal Company, has been worked out and no longer will be operated as a mine. Based on such advice, and after consideration of all of the circumstances, I find that possession by the Government of such mine is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the Dakota No. 42 Mine, Dakota, West Virginia, formerly operated by the Industrial Collieries Corporation and recently transferred to Consolidation Coal Company, including any and all real and personal property, franchises, rights, facilities, funds and other assets used in connection with the operation of such mine, be, and it is hereby terminated, and that a copy of this order be displayed conspicuously at the Dakota No. 42 Mine property.

Appropriate instruments of agreement and certification, being on file with Solid Fuels Administration for War, the appointment of Mr. M. L. Jacobs, as operating manager for the United States for the Dakota No. 42 Mine, is terminated in accordance with the provisions of section 25 (f) of the Regulations for the Operation of Coal Mines Under Government Control, as amended, (8 F.R. 6655, 10712, 11344, 17339)

Dated: February 2, 1945.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 45-2126; Filed, Feb. 5, 1945; 11:05 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5519]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREG.-WASH.

NOTICE OF REQUEST FOR APPROVAL OF RATES AND CHARGES FOR SALE OF POWER FROM BONNEVILLE PROJECT

FEBRUARY 3, 1945.

Notice is hereby given that the Administrator of the Bonneville Project has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, (1) certain new schedules of rates and charges for electric energy produced at the Bonneville Project, and (2) certain modifications of the existing filed general rate schedule provisions.

The schedules of rates and charges submitted for confirmation and approval are:

Rate Schedule A-4: Wholesale Power Rate Schedule for "At Site" Firm Power, which cancels existing Rate Schedule A-3 except where such schedule is incorporated in existing contracts.

Rate Schedule C-4: Wholesale Power Rate Schedule for "Transmission System" Firm Power, which cancels existing Rate Schedule C-3 except where such schedule is incorporated in existing contracts.

Rate Schedule E-3: Wholesale Power Rate Schedule for "At Site" and "Transmission System" Firm Power, which cancels existing Wholesale Rate Schedule E-2 except where such schedule is incorporated in existing contracts.

Rate Schedule F-3: Wholesale Power Rate Schedule for "At Site" and "Transmission System" Firm Power, which cancels existing Wholesale Rate Schedule F-2 except where such schedule is incorporated in existing contracts.

Rate Schedule H-3: Wholesale Energy Rate Schedule for Dump Energy, which cancels Rate Schedule H-2 except where such schedule is incorporated in existing contracts.

The Administrator has also submitted a proposed revised Administrative interpretation entitled "Principles and Procedures To Be Followed in the Calculation of Computed Demand."

Any person desiring to make representations with respect to the foregoing should, on or before February 26, 1945, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-2117; Filed, Feb. 5, 1945; 10:13 a. m.]

[Docket No. G-620]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

FEBRUARY 3, 1945.

Upon consideration of the application filed February 2, 1945, by Panhandle Eastern Pipe Line Company (Applicant) for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, to authorize

the construction and operation of the following-described facilities proposed to increase Applicant's system delivery capacity by approximately 50 million cubic feet per day to permit greater deliveries of natural gas by Applicant into the Appalachian area or elsewhere on its system:

(1) A new 2,400 horsepower compressor station in the Hugoton gas field;

(2) Additional compressor units, aggregating 29,400 horsepower, in Applicant's existing compressor stations;

(3) 32 miles of 24-inch pipeline in Indiana and Ohio paralleling Applicant's pipeline to permit the proposed additional deliveries of natural gas by Applicant to The Ohio Fuel Gas Company at the present delivery points near Muncie, Indiana, and Maumee, Ohio;

(4) Other appurtenant facilities including generator sets, cooling towers, valves, and changes in compressor cylinders required for handling additional volumes of gas and for increasing the operating pressure from 500 pounds to 600 pounds on Applicant's Line No. 200;

It appearing to the Commission that:

(a) The Office of War Utilities of the War Production Board, by letter of January 25, 1945, to Applicant stated that it is absolutely essential to increase the capacity of pipelines into the Appalachian area before the beginning of the winter of 1945–1946, in order to prevent a serious interruption to war production at that time; requested Applicant to give consideration to the feasibility of installing additional facilities for the purpose of increasing deliveries of gas into the Appalachian area next winter; and indicated that it is "imperative to have the facilities installed and operating not later than November 1, 1945." Applicant states that it is, therefore, necessary to have all material required under purchase order not later than February 20 of this year;

(b) On January 31, 1945, the War Production Board issued preference rating and allotment certificates for the facilities herein-above described, subject to the condition that Applicant shall comply with all applicable requirements of the Natural Gas Act;

The Commission orders, that:

(a) A public hearing be held commencing on February 15, 1945, at 10 a. m. (e. w. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(b) Interested State commissions may participate in this hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-2150 Filed, Feb. 5, 1945; 11:45 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5270]

C. C. WADDILL CO., INC.

NOTICE OF HEARING

Complaint. The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, section 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent C. C. Waddill Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of Virginia with its principal office and place of business located at 221 East Water Street, Norfolk, Virginia. Respondent since June 19, 1936, has been and is now engaged in business as a broker, and as a direct buyer of food products. The respondent as a direct buyer of food products has engaged in the business of buying and selling canned fish products, canned fruits and vegetables and other commodities (all of which are hereinafter designated as food products) for its own account for resale. The respondent operates two large warehouses in Norfolk in which it stores and from which it thereafter sells substantial quantities of such food products.

PARAGRAPH 2. In the course and conduct of its said business since June 19, 1936, respondent has bought in its own name and for its own account for resale food products from various packers, processors, canners and other sellers, who are located in states other than the state in which respondent is located, and as a result of respondent's purchases and its instructions such food products are shipped and transported by the respective sellers thereof across state lines to the respondent.

PARAGRAPH 3. The respondent operates its business by the use of two separate and distinct methods, namely, (1) as "brokers" of food products and (2) as "direct buyers" of food products.

First: Respondent's business as "brokers" of food products may be described as follows: Respondent in such capacity acts as sales agent which negotiates the sale of food products for and on account of seller-principals, and respondent's only compensation is a commission or brokerage fee paid by such seller-principals.

The respondent solicits and obtains orders for such food products at the respective seller-principals' prices and on such seller-principals' terms of sale. The respondent as a food broker transmits purchase orders to its several seller-principals who thereafter invoice and ship such food products to the customer.

The respondent as brokers of food products has no financial interest in the food products it sells. Its only financial interest is the commission or brokerage fee it receives and accepts from the seller-principal for making the sale. Such commissions or brokerage fees are customarily based on a percentage of the invoice sales price of the food products sold.

The respondent in this capacity is a broker and not a trader for profit. The respondent does not take title to, or have any financial interest in, the food products sold and neither makes a profit nor suffers any loss on the transaction. This phase of respondent's business is not challenged by the complaint.

Second. Respondent's business as a "direct buyer" of food products may be described as follows: The respondent transmits its own purchase orders for food products directly to the various interstate sellers from whom it buys. Such sellers invoice and ship such food products directly to respondent. The respondent receives and accepts, directly or indirectly, from the respective sellers from whom it buys commissions or brokerage fees. Such commissions or brokerage fees are customarily paid to the respondent by various sellers by permitting the respondent to deduct from the invoice price of the food products purchased an amount which is equal to, or approximately equal to, the commissions or brokerage fees such sellers pay their brokers.

The respondent in connection with such purchases is a direct buyer and as such is a trader for profit, purchasing and reselling such food products in its own name and for its own account and at its own prices and on its own terms, taking title to such food products and assuming all the risk incident to ownership.

The respondent before purchasing shops the market, purchasing where it is able to secure the most favorable prices and terms, including the payment of commissions or brokerage fees.

The respondent pays the price of the food products purchased from such sellers as a condition precedent to the delivery of such food products by the carrier to it. If such food products shipped to the respondent by such seller are lost or damaged in transit, the respondent files claim with the carrier and collects damages from the carrier in its own name and for its own account.

The respondent enters into formal contracts with its sellers or with some of its sellers whereby respondent contracts to buy, and the sellers contract to sell, definite quantities of certain food products at a stated price. Many of such contracts require the seller to deliver to the respondent such food products over an extended period of time at a stated price.

The respondent upon receipt of such food products from its various sellers, warehouses such products in its own warehouses and insures the food products at its own expense and in its own

name and for its own account against contingent loss or damage. Subsequently respondent pledges warehouse receipts and insurance contracts covering the products it has warehoused and insured as security for loans from banks.

The respondent in its annual tax returns sets out the value of the food products it has purchased for a stated year, and the amount of profit it has received on the sale of such products or the losses it has sustained on such sales. On the basis of respondent's declaration, respondent's taxes are assessed and paid.

When respondent sells such food products, it invoices the products to its customers in its own name and for its own account and at prices and on terms it determines. The respondent assumes full and complete credit risk on such transactions, reaping a profit or sustaining a loss thereon as the case may be.

PARAGRAPH 4. The receipt and acceptance, since June 19, 1936, by respondent C. C. Waddill Company, Inc., of commissions, brokerage or other compensation, or discounts in lieu thereof, as set forth under method two in paragraph 3 hereof, and such acts and practices as hereinabove set forth are in violation of the provisions of subsection (c) of section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 30th day of January, A. D. 1945, issues its complaint against said respondent.

Notice. Notice is hereby given you, C. C. Waddill Company, Inc., a corporation, respondent herein, that the 9th day of March, A. D., 1945, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 30th day of January, A. D. 1945.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 45-2118; Filed, Feb. 5, 1945; 10:51 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 281]

UNLOADING OF SYRUP AND TOBACCO AT SOUTH PHILADELPHIA, PA.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 3d day of February, A. D. 1945.

It appearing, that certain cars containing syrup or tobacco at South Philadelphia, Pennsylvania, on the Pennsylvania Railroad Company have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Syrup and tobacco at South Philadelphia, Pennsylvania, be unloaded. (a) The Pennsylvania Railroad Company, its agents or employees, shall unload forthwith the following cars containing commodities shown all consigned for export, intended for transshipment to the S. S. Elias Kulukundis:

SAL, 4114, Syrup.
CNW, 62228, Syrup.
CTSE, 716346, Syrup.
MILW, 13858, Syrup.
CNW, 72066, Syrup.
SP, 83205, Syrup.
UP, 185140, Syrup.
IC, 18771, Syrup.
WP, 14489, Syrup.
RI, 141307, Syrup.
SP, 38216, Syrup.
GN, 52575, Syrup.
RI, 141585, Syrup.
BAR, 65369, Tobacco.
L&N, 102448, Tobacco.
NYC, 152652, Tobacco.
L&N, 5944, Tobacco.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carloads have been completely unloaded. Upon receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17) 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon The Pennsylvania Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-2123; Filed, Feb. 5, 1945; 11:02 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Amdt. 1 to Rev. 155]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN KANSAS CITY, MO. AND SALINA, KANS.

Upon consideration of a petition for the amendment of Supplementary Order ODT 3, Revised-155 (9 F.R. 920) filed with the Office of Defense Transportation by the carriers subject thereto, and good cause appearing therefor,

It is hereby ordered, That Supplementary Order ODT 3, Revised-155, be, and it hereby is, amended by eliminating Ash Truck Lines, Inc., as a carrier subject thereto, and by amending Appendix 1 thereto in the following particulars:

(1) In Item 1, eliminate Ash Truck Lines, Inc., and all data shown in connection therewith.

(2) In Item 3, eliminate the second paragraph.

(3) In Item 4, eliminate the first paragraph.

(4) Amend Item 7 to read as follows:

7. *Contemplated action.* (a) Yellow will suspend its less truckload service in interstate traffic between Kansas City, Missouri, on the one hand and Salina, Kansas, on the other hand and all intermediate points located on U. S. Highway 40 and U. S. Highway 24, which Yellow is authorized to serve.

(b) Kansas Transport shall pick up such shipments at the shipper's dock or interchange carrier's terminal on its own bills of lading or interchange carrier's freight bills, transport to destination or

interchange point and delivery to consignee or appropriate interchange carrier on its own freight bills.

(5) Amend the fourth and fifth paragraphs of Item 11 to read respectively as follows:

The diversion of traffic between Kansas Transport and Yellow will release one vehicle, one driver, and one terminal employee at Salina, Kansas, and enable Yellow to use this equipment and manpower to better advantage in other points serviced by this operation.

The plan will also enable Kansas Transport to eliminate partially-laden miles to insure maximum utilization of their equipment.

This amendment shall become effective February 7, 1945.

Issued at Washington, D. C., this 3d day of February 1945.

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

[F. R. Doc. 45-2022; Filed, Feb. 2, 1945; 3:29 p. m.]

[Supp. Order ODT 3, Rev. 511]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN NASHVILLE, TENN., AND INDIANAPOLIS, IND.

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 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 February 7, 1945, 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 3d day of February 1945.

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

APPENDIX 1

Adkins Transfer Co., Inc., Indianapolis, Ind.
Hayes Freight Lines, Inc., Mattoon, Ill.
The Silver Fleet Motor Express, Inc., Louisville, Ky.

[F. R. Doc. 45-2023; Filed, Feb. 2, 1945; 3:29 p. m.]

[Supp. Order ODT 3, Rev. 513]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN FORT SMITH, DARDANELLE AND RUSSELLVILLE, ARK.

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 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

[1] Filed as part of the original document.

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 February 7, 1945, 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 3d day of February 1945.

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

APPENDIX 1

H. Q. Hamilton, Neil Sims, and Roy C. Martin, copartners, doing business as Motor Express, Fort Smith, Ark.

Harvey Jones, doing business as Jones Truck Line, Springdale, Ark.

Frank Fox, doing business as Fox Transfer, Paris, Ark.

[F. R. Doc. 45-2024; Filed, Feb. 2, 1945; 3:29 p. m.]

[Supp. Order ODT 3, Rev. 516]

COMMON CARRIERS

COORDINATED OPERATIONS IN TENNESSEE

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 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 February 7, 1945, 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 3d day of February 1945.

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

APPENDIX 1

Tom Still Transfer Co., Inc., Kingsport, Tenn.

Clifford Skipworth, doing business as The Peoples Transfer Co., Johnson City, Tenn.

[F. R. Doc. 45-2025; Filed, Feb. 2, 1945; 8:30 p. m.]

[Supp. Order ODT 3, Rev. 517]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN MOBILE AND BREWTON, ALA.

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 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 February 7, 1945, 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 3d day of February 1945.

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

APPENDIX 1

Louie Cooper and T. J. Davis, copartners, doing business as, Cooper Transfer Co., Brewton, Ala.

E. A. Murray, doing business as Murray Motor Transport, Birmingham, Ala.

[F. R. Doc. 45-2026; Filed, Feb. 2, 1945; 8:30 p. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 518]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN SIOUX CITY, IOWA, AND PIPESTONE, MINN.

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 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 February 7, 1945, 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 3d day of February 1945.

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

APPENDIX 1

Herbert P. McCormack, Rock Rapids, Iowa.
Harry Hess, doing business as Hess Motor Express, Pipestone, Minn.

[F. R. Doc. 45-2027; Filed, Feb. 2, 1945; 3:30 p. m.]

[Supp. Order ODT 3, Rev. 512]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN LA CROSSE AND PRAIRIE DU CHIEN, WIS.

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 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.

[1] Filed as part of the original document.

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 February 9, 1945, 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 5th day of February 1945.

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

APPENDIX 1

Gateway City Transfer Company, Inc., La Crosse, Wis.
Earl P. Schultz, doing business as Service Transfer & Storage Company, La Crosse, Wis.

[F. R. Doc. 45-2050; Filed, Feb. 3, 1945; 2:50 p. m.]

[Supp. Order ODT 3, Rev. 519]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN NORTH CAROLINA

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 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 February 9, 1945, 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 5th day of February 1945.

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

APPENDIX 1

C. G. Carawan, Roanoke Rapids, N. C.
L. Y. Humphrey, Roanoke Rapids, N. C.

[F. R. Doc. 45-2051; Filed, Feb. 3, 1945; 2:49 p. m.]

[Supp. Order ODT 3, Rev. 520]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN HASTINGS AND MAYWOOD, NEBR.

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 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] Filed as part of the original document.

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 February 9, 1945, 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 5th day of February 1945.

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

APPENDIX 1

Highway Motor Freight, Inc., Omaha, Nebr.
Fred Spady, doing business as Spady Truck Line, Hastings, Nebr.
Glen Swedell and Le Roy Barber, copartners, doing business as Swedell and Barber, Holdredge, Nebr.

[F. R. Doc. 45-2052; Filed, Feb. 3, 1945; 2:49 p. m.]

[Supp. Order ODT 3, Rev. 521]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN MISSISSIPPI

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 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 carrier's 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 February 9, 1945, 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 5th day of February 1945.

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

APPENDIX 1

W. P. Dear and Mrs. Frances Fayard, Administratrix of the Estate of W. H. Fayard, deceased, doing business as O. K. Transfer & Storage Company, Gulfport, Miss.
Clara I. Evans, doing business as Coast Cities Transfer Co., Gulfport, Miss.
G. C. Wentzell and F. M. Wentzell, copartners, doing business as Biloxi Transfer & Storage Co., Biloxi, Miss.

[F. R. Doc. 45-2053; Filed, Feb. 3, 1945; 2:49 p. m.]

[Supp. Order ODT 3, Rev. 522]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN TENNESSEE

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 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 appro-

[1] Filed as part of the original document.

[1] Filed as part of the original document.

priate 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 February 9, 1945, 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 5th day of February 1945.

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

APPENDIX I

Clifford Skipworth, doing business as The Peoples' Transfer Company, Johnson City, Tenn.

Ferguson Transfer Company, Inc., Johnson City, Tenn.

[F. R. Doc. 45-2054; Filed, Feb. 3, 1945; 2:48 p. m.]

[Supp. Order ODT 3, Rev. 523]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN NEWTON AND POINTS IN NORTH CAROLINA

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 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 of 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

[1] Filed as part of the original document.

of Defense Transportation, Washington 25, D. C.

This order shall become effective February 9, 1945, 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 5th day of February 1945.

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

APPENDIX 1

Rome Boston and M. L. Wilson, copartners, doing business as Boston and Wilson Trucking Company, Newton, N. C.

L. L. Hunsucker, doing business as L. L. Hunsucker and Son, Newton, N. C.

[F. R. Doc. 45-2055; Filed, Feb. 3, 1945; 2:48 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[Supp. Order 94, Order 23]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

SPECIAL MAXIMUM PRICES FOR TOOL CABINETS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new tool cabinets hereinafter described may be sold by the United States Treasury Department, Procurement Division, and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices for each tool cabinet described herein shall be:

Description of tool cabinet	Treasury's price to wholesaler f. o. b. shipping point	Wholesaler's price and Treasury's price to retailer f. o. b. shipping point	Price for all sales at retail
Cabinet is olive drab painted metal with laminated natural finish maple wood top. Sides and backs 18 gauge and drawers 22 gauge spot welded steel construction. Cabinet 25" x 25" x 31" high. Top 28" x 27" x 1⅝" thick. Cabinet contains two drawers 10" wide x 7¾" high x 24⅞" deep with one handle each; eight drawers 10" wide x 3⅞" high x 24⅞" deep with one handle each; one drawer 21½" wide x 3" high x 24⅞" deep with two handles. One U bolt at top and one U strap at base welded to face of cabinet for locking device. Each cabinet has high channel locking device for locking all drawers. Packed one each in original carton; weight 220 lbs.	$18.75	$24.50	$35.00

(c) *Discounts.* Every seller shall continue to maintain his customary discounts.

(d) *Notification.* Any person who sells the tool cabinet described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum reselling price, and stating that the retailer is required by this order to attach to each tool cabinet before sale a tag or label containing the following:

OPA ceiling price ---------- $35.00

(e) *Tagging.* Any person who sells the tool cabinet described in paragraph (b) at retail shall attach to each tool cabinet before sale a tag or label which plainly states the retail ceiling price.

(f) *Definitions.* (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Wholesaler" means any person other than a manufacturer who distributes or sells tool cabinets to purchasers other than consumers.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective February 2, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2033; Filed, Feb. 2, 1945; 4:37 p. m.]

[MPR 188, Order 3358]

QUINN BROTHERS CO.

AUTHORIZATION 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 § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum list price, f. o. b. point of manufacture for the sale by the Quinn Brothers Company of the following commodity shall be:

No. 17 casement friction stay—45 cents each (including screws).

(b) The maximum list price established in (a) above shall be subject to the following discounts:

On sales to jobbers 50 percent.
On sales to retailers 33⅓ percent.

(c) The maximum prices established in (a) and (b) above are subject to a cash discount of 2 percent and full freight allowance on sales made in zone 1 and $1.00 cwt. freight allowance on sales made in zone 2, as such zones are defined in section (7) (b) of Maximum Price Regulation No. 413.

(d) The maximum net price for sales by jobbers to any person of the Model 17 casement friction stay manufactured by the Quinn Brothers Company shall be 30 cents each (including screws)

(e) The maximum net price for sales by retailers of the Model 17 casement friction stay manufactured by Quinn Brothers Company shall be 45 cents each (including screws).

(f) The maximum price established by this order shall be subject to discounts and allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of similar commodities in March 1942.

(g) The Quinn Brothers Company shall notify each of its purchasers at or before the time of the first invoice, of the maximum prices established by this order for the Quinn Brothers Company on sales to such purchasers and the maximum prices established for such purchaser for resale.

(h) The Quinn Brothers Company shall print in a conspicuous place on the box containing the No. 17 casement friction stay or attach a tag to said stay indicating the following:

Maximum Retail Price—45 cents each (including screws).

(i) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 3, 1945.

Issued on this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2033; Filed, Feb. 2, 1945; 4:38 p. m.]

[MPR 188, Amdt. 23 to Order A-2]

CERTAIN PRODUCERS OF LINES

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Order A-2 under § 1499.159b of Maximum Price Regulation No. 188 is amended by revoking the following paragraphs:

1. Paragraph (a) (1)
2. Paragraph (a) (2)
3. Paragraph (a) (4)
4. Paragraph (a) (8)
5. Paragraph (a) (10).
6. Paragraph (a) (11).

This Amendment No. 23 shall become effective February 7, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2031; Filed, Feb. 3, 1945; 8:42 p. m.]

[MPR 120, Order 1272]

DOBSON AND WEAVER COAL 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.

DOBSON AND WEAVER COAL CO., WORTHVILLE, PA., DOBSON AND WEAVER MINE, C' SEAM. MINE INDEX NO. 5272, JEFFERSON COUNTY, PA., SUBDISTRICT 5, RAIL SHIPPING POINT, SPRANKLES MILLS, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

GEORGE FULLER, R. D. #1, GLEN CAMPBELL, PA., THE FULLER MINE, E SEAM, MINE INDEX NO. 5280, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT, HOOVERHURST, PA., DEEP MINE

Price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

KIEFER COAL MINING CO., 241 MARKET ST., CLEARFIELD, PA., KIEFER #1 MINE, D SEAM, MINE INDEX NO. 5287, CENTRE COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT, GILLINTOWN, PA., STRIP MINE

Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

KIEFER COAL MINING CO., 241 MARKET ST., CLEARFIELD, PA., KIEFER #2 MINE, A SEAM, MINE INDEX NO. 5288, CENTRE COUNTY, PA., SUBDISTRICT 9, RAIL SHIPPING POINT, GILLINTOWN, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

MILSOM COAL CO., PHILIPSBURG, PA., PETERSON #2 MINE, E SEAM, MINE INDEX NO. 5282, CLEARFIELD COUNTY, PA., SUBDISTRICT 14, RAIL SHIPPING POINT, PHILIPSBURG, PA., STRIP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

ANTHONY MURATORE, c/o E. B. MEYERS, R D. #3, STOYSTOWN, PA., MURATORE MINE, B SEAM, MINE INDEX NO. 5291, SOMERSET COUNTY, PA., SUBDISTRICT 38, RAIL SHIPPING POINT, CAIRNBROOK, PA., STRIP MINE

Price classification	D	D	D	D	D
Rail shipment	360	340	335	325	325
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	370	345	345	335	325

THE NEW YORK CENTRAL RAILROAD CO. (COAL MINING DEPT.), c/o M. S. MITCHELL, ASS'T. TO THE GEN. MANAGER, INDIANA, PA., BARR #2-D MINE, D SEAM, MINE INDEX NO. 5285, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT, CLYMER, PA., STRIP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

THE NEW YORK CENTRAL RAILROAD CO. (COAL MINING DEPT.), c/o M. S. MITCHELL, ASS'T. TO GEN MANAGER, INDIANA, PA., BARR #2-B MINE, B SEAM, MINE INDEX NO. 5284, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT, CLYMER, PA., DEEP MINE

Price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

B. PERINI AND SONS, INC., P. O. BOX 151, SOMERSET, PA., FLORENCE STRIP OP. #2 MINE, PITTSBURGH SEAM, MINE INDEX NO. 5221, INDIANA AND ARMSTRONG COUNTIES, PA., SUBDISTRICT 22, RAIL SHIPPING POINT, ISELIN, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

This order shall become effective February 3, 1945.

(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 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1983; Filed, Feb. 2, 1945; 11:48 a. m.]

[MPR 188, 2d Rev. Order 821]

YOUNG MANUFACTURING CO., INC.

APPROVAL OF MAXIMUM PRICES

Revised Order No. 821, under § 1499.158 of 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 § 1499.158 of MPR 188, *It is ordered.*

This revised order establishes maximum prices for sales and deliveries of a chifforobe manufactured by Young Manufacturing Company, P O. Box 53, Norwood, North Carolina.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Chifforobe	10	*Each* $12.48	*Each* $14.08

These prices are f. o. b. factory, and are for the article described in the manufacturer's application dated September 4, 1943, which was completed September 21, 1943.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this revised order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this revised order for sales by the purchaser. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1994; Filed, Feb. 2, 1945; 11:50 a. m.]

[MPR 188, Rev. Order 2080]

KRAFT TEXTILES, INC.

APPROVAL OF MAXIMUM PRICES

Order No. 2080 under § 1499.158 of 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 § 1499.158 of Maximum Price Regulation No. 188, it is ordered:

(a) *Maximum prices.* Any person may sell and deliver to retailers the cotton braided fringed rugs, manufactured by Kraft Textiles, Inc., 219 Washington Square, Syracuse, New York, at prices no higher than the following:

Article:	*Maximum price to retailers*
9' x 12' cotton braided fringed rug	$54.00 each.
All other sizes	$0.50 per sq. ft.

These maximum prices are f. o. b. factory and are subject to a cash discount of 4% for payment within ten days. A discount of 20% from the above prices shall be allowed on sales to selling agents.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale the seller shall notify the purchaser for resale in writing of the maximum prices and conditions established by this revised order for such resales. This notice may be given in any convenient form.

(c) This revised order may be revoked or amended by the Price Administrator at any time.

This revised order shall become effective on the 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1995; Filed, Feb. 2, 1945; 11:55 a. m.]

[MPR 188, Order 3349]

PACIFIC STOVE & FOUNDRY CO.

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 § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum prices for all sales and deliveries by the Pacific Stove & Foundry Company, 1120 Idaho Road, Seattle, Washington, of a Convection Space Heater of its manufacture, as described in its application dated November 22, 1944, are as follows:

Article	Model	Maximum price to jobber	Maximum price to retailer (3 units or more)	Maximum price to retailer (less than 3 units)
Space heater	(B)	*Each* $8.25	*Each* $7.39	*Each* $7.96

These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within 10 days, net 30 days. They include the Federal Excise Tax but not the four infra red bulbs.

(b) The maximum prices for all sales and deliveries at wholesale for the space heater described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model	Maximum price to retailer (3 units or more)	Maximum price to retailer (less than 3 units)
Space heater	(B)	*Each* $7.39	*Each* $7.96

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller. They include the Federal Excise Tax, but not the four infra red bulbs.

(c) The maximum prices for a sale at retail of the space heater described in paragraph (a) above shall be as follows:

Article and model:	*Maximum price to consumer (each)*
Space heater, (B)	$11.95

This price includes the Federal Excise Tax, but not the four infra red bulbs.

(d) On each heater shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price. This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3349 may be revoked or amended by the Price Administrator at any time.

This Order No. 3349 shall become effective on the 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-1996; Filed, Feb. 2, 1945; 11:50 a. m.]

[MPR 188, Order 3350]

FOLD-A-WAY TABLE CO.

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 § 1499.158 of Maximum Price Regulation 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Fold-A-Way Table Co., 3743 Lawrence Avenue, Detroit 6, Michigan.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No	Manufacturer's maximum price to persons, other than retailers, who sell from their own stock	Manufacturer's maximum price to persons, other than retailers, who sell from manufacturer's stock	Maximum price for sales to retailers by the manufacturer, or by persons, other than retailers who sell from their own stock
Game table	101	*Each* $14	*Each* $14.83	*Each* $17.70

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated December 15, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1997; Filed, Feb. 2, 1945; 11:52 a. m.]

[MPR 188, Order 3351]

WELCH LUMBER CO.

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 § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Welch Lumber Co., York, Ala.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Juvenile set	1201	*Each* $3.48	*Each* $4.10

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days; and are for the article described in the manufacturer's application dated December 26, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-1998; Filed, Feb. 2, 1945; 11:55 a. m.]

[MPR 188, Order 3352]

JOHN L. MARTELLE

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 § 1499.158 of MPR 188; *It is ordered.*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by John L. Martelle, 14018 Aston Place, Detroit 3, Michigan.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Game table	A-20	*Each* $14.88	*Each* $17.50

These prices are f. o. b. factory, and are subject to a cash discount of one percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated November 16, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-1999; Filed, Feb. 2, 1945; 11:55 a. m.]

[MPR 188, Order 3353]

BERNARD MANUFACTURING CO.

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 § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Bernard Manufacturing Co., 43d and Mission Road, Kansas City 3, Kans.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
Juvenile set	200/210	*Each* $4.78	*Each* $5.62

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated November 30, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2000; Filed, Feb. 2, 1945; 11:55 a. m.]

[MPR 188, Order 3354]

CYTELL EXHIBITS & CRAFTS

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 § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Cytell Exhibits & Crafts, 1428 You Street, Washington 9, D. C.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Shadow box	402	$4.03	$4.75
	403	4.03	4.75
	406	4.03	4.75
	150-A	1.42	1.68
	302	2.49	2.93
	301	2.49	2.93
	201	2.03	2.46

These prices are f. o. b. factory, and are for the articles described in the manufacturer's application dated August 24, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2001; Filed, Feb. 2, 1945; 11:48 a. m.]

[MPR 188, Order 3355]

STORMES COMPANY, 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 § 1499.158 of MPR 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of a juvenile desk set manufactured by Stormes Company, Inc., Third and East Streets, Winchester, Indiana.

(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
		Each	*Each*
Juvenile desk set	350	$6.28	$7.50

These prices are f. o. b. factory, and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the article described in the manufacturer's application dated November 1, 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, 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 and Model No.	*Maximum price to retailers (each)*
Juvenile Desk Set, 350	$7.50

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated November 1, 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.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2002; Filed, Feb. 2, 1945; 11:49 a. m.]

[MPR 188, Order 3356]

RE-BO EQUIPMENT CO.

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 § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of two fruit jar racks, an adirondack chair, an adirondack settee, a credenza, four corner shelves and five shelf racks manufactured by Re-Bo Equipment Company, 331 Madison Avenue, New York 17, New York.

(1) (i) For all sales and deliveries by the manufacturer to the classes of purchasers specified below, since the effective date of Maximum Price Regulation No. 188, the maximum prices are those indicated below:

Article	Model No	Maximum price to persons, other than retailers, who sell from their own stock	Maximum price to persons other than retailers, who resell from manufacturer's stock	Maximum price to retailers
		Each	*Each*	*Each*
Fruit jar rack	21	$1.16	$1.23	$1.45
Adirondack chair	161	2.00	2.13	2.50
Adirondack settee	241	3.20	3.40	4.00
Shelf rack	2	.14	.15	.18
Fruit jar rack	17	1.90	2.01	2.37
Credenza	41	2.29	2.43	2.8[illegible]
Shelf rack	119	.25	.27	.32
	119-S	.23	.20	.35
	120	.50	.53	.62
	120-S	.54	.57	.67
Oak corner shelf	420	.37	.39	.45
	420-S	.40	.42	.50
Plywood corner shelf	420	.34	.36	.42
	420-S	.33	.40	.47

These prices are f. o. b. factory, and are for the articles described in the manufacturer's application dated November 16, 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, 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 are those set forth below, f. o. b. factory:

Article and Model No.	*Maximum price to retailers (each)*
Fruit jar rack, 21	$1.45
Adirondack chair, 161	2.50
Adirondack settee, 241	4.00
Shelf rack, 2	.18
Fruit jar rack, 17	2.37
Credenza, 41	2.86
Shelf rack, 119	.32
Shelf rack, 119-S	.35
Shelf rack, 120	.62
Shelf rack, 120-S	.67
Oak corner shelf, 450	46
Oak corner shelf, 450-S	.50
Plywood corner shelf, 450	.42
Plywood corner shelf, 450-S	47

These prices are for the articles described in the manufacturer's application dated November 16, 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.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2003; Filed, Feb. 2, 1945; 11:49 a. m.]

[MPR 188, Order 3357]

COPELAND HARDWOOD CO.

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 § 1499.158 of MPR 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Copeland Hardwood Company, Box 102, Brunson, S. C.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons other than retailers, who sell from the manufacturer's stock
Juvenile rocker	104	$2.64	$3.10

These prices are f. o. b. factory and are subject to a cash discount of 2% for payment within ten days, net thirty days.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 3d day of February, 1945.

Issued this 2d day of February, 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2004; Filed, Feb. 2, 1945; 11:49 a. m.]

[MPR 188, Order 3359]

CONWAY WELDING SHOP

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 § 1499.158 of MPR 188, *It is ordered.*

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Conway Welding Shop, 1438 West Slauson Avenue, Los Angeles, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No	Manufacturer's maximum price to persons, other than retailers, who sell from the manufacturer's stock	Maximum price for sales to retailers by the manufacturer, and by persons, other than retailers, who sell from the manufacturer's stock
		Each	*Each*
Wrought iron table	100	$29.75	$35.00
Wrought iron coffee table	200	21.25	25.00
Wrought iron arm chair	100	9.77	11.50
Wrought iron side chair	100½	8.93	10.50

These prices are f. o. b. factory, and are for the articles described in the manufacturer's application dated November 21, 1944.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. 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 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2005; Filed, Feb. 2, 1945; 11:50 a. m.]

[MPR 188, Order 3360]

MICROMATIC PRODUCTS

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 § 1499.158 of Maximum Price Regulation No. 188; *It is ordered.*

(a) The maximum prices for all sales and deliveries by Micromatic Products, 1246 East Olympic Boulevard, Los Angeles 21, California, of automobile tire pumps of its manufacture, as described in its application dated December 18, 1944,

after such articles became subject to Maximum Price Regulation No. 188, are as follows:

Article	Model No.	Maximum selling prices to		
		Jobber who stocks	Jobber who drop-ships	Retailer
Automobile tire pump	P-101	*Each* $0.93	*Each* $1.12	*Each* $1.30

These maximum prices are f. o. b. Los Angeles, California, and are subject to a cash discount of 2%—10 days, net 30 days.

(b) The maximum price for all sales and deliveries at wholesale for the automobile tire pumps described in paragraph (a) above shall be the prices set forth below as follows:

Article and Model No.	*Maximum selling price to retailer (each)*
Automobile tire pump, P-101	$1.30

These prices are f. o. b. seller's city and are subject to terms, discounts, and allowances no less favorable than those customarily granted by the seller.

(c) The maximum prices for a sale at retail of the automobile tire pumps described in paragraph (a) above shall be as follows:

Article and Model No.	*Maximum selling price to consumer (each)*
Automobile tire pump, P-101	$1.86

(d) On each automobile tire pump shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3360 may be revoked or amended by the Price Administrator at any time.

This Order No. 3360 shall become effective on the 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2006; Filed, Feb. 2, 1945; 11:51 a. m.]

[MPR 188, Order 3361]

BLACKWELL BURNER CO.

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 § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum prices for all sales and deliveries by Blackwell Burner Company, 2203 Perez Street, San Antonio 6, Texas, of automobile tire pumps of its manufacture, as described in its application dated November 21, 1944, after such articles became subject to Maximum Price Regulation No. 188, are as follows:

Article	Model No.	Maximum selling prices to—	
		Jobbers	Retailers
Automobile tire pump	60	*Each* $1.12	*Each* $1.67

These maximum prices are f. o. b. San Antonio, Texas and are subject to a cash discount of 2%—10 days, net 30 days.

(b) The maximum price for all sales and deliveries at wholesale for the automobile tire pumps described in paragraph (a) above shall be the prices set forth below as follows:

Articles and Model No.	*Maximum selling price to retailers (each)*
Automobile tire pump, 60	$1.67

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum prices for a sale at retail of the automobile tire pumps described in paragraph (a) above shall be as follows:

Articles and Model No.	*Maximum selling price to consumers (each)*
Automobile tire pump, 60	$2.24

(d) On each automobile tire pump shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3361 may be revoked or amended by the Price Administrator at any time.

This Order No. 3361 shall become effective on the 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2007; Filed, Feb. 2, 1945; 11:51 a. m.]

[MPR 188, Order 3362]

DART METAL PRODUCTS CO.

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 § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) The maximum prices for all sales and deliveries by Dart Metal Products Company, 1113 Flushing Avenue, Brooklyn, New York, of medicine cabinets of its manufacture, as described in its application dated October 20, 1944, are as follows:

Article	Model No.	Maximum price to jobber	Maximum price to retailer
Medicine cabinet	Metal 11 x 15	*Each* $0.65	*Each* $0.81

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days.

(b) The maximum prices for all sales and deliveries at wholesale for the medicine cabinets described in paragraph (a) above shall be the prices set forth below as follows:

Article and Model No.	*Maximum price to retailer (each)*
Medicine cabinet, metal 11 x 15	$.81

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum prices for a sale at retail of the medicine cabinet described in paragraph (a) above shall be as follows:

Article and Model No.	*Maximum price to user (each)*
Medicine cabinet, metal 11 x 15	$1.35

(d) On each cabinet shipped to a purchaser for resale the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model No. Metal 11 x 15—$1.35. OPA Maximum Selling Price." This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3362 may be revoked or amended by the Price Administrator at any time.

This Order No. 3362 shall become effective on the 3d day of February 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2008; Filed, Feb. 2, 1945; 11:51 a. m.]

[MPR 260, Order 579]

JOHN A. VALDES

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) John A. Valdes, 228 Chancellor St., Philadelphia, 5, Pa. (hereinafter 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 size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Pomfret Arms	Corona	50	$82.50	11
	Blunts	50	48.00	6
	Perfectos	50	82.50	11
Ardova	Blunts	50	44.00	2 for 11

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic 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 manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in 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) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark or domestic cigars for which maximum prices are established by this order, the manufacturer 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 size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, 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 February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-1985; Filed, Feb. 2, 1945; 11:53 a. m.]

[MPR 260, Order 580]

DEMOCRATIC CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Democratic Cigar Factory, 2905 13th St., Tampa 5, Fla. (hereinafter 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 size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Democratic	Cadetes (5" x 43 ring).	50	$72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic 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 manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in 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) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer 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 size or frontmark of dometsic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, 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 February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-1986; Filed, Feb. 2, 1945; 11:53 a. m.]

[MPR 260, Order 581]

GARCIA CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Garcia Cigar Factory, 1412½ 7th Ave., Tampa 5, Fla. (hereinafter 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 size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Garcia Cigar	Corona	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic 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 manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in 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) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer 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 size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, 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 February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1987; Filed, Feb. 2, 1945; 11:53 a. m.]

[MPR 260, Order 582]

HARRY BLUM'S NATURAL BLOOM, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) Harry Blum's Natural Bloom, Inc., 19 Wall St., Passaic, N. J. (hereinafter 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 size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Natural Bloom	Favoritas	50	$[illegible]	7
Stuart Arms	Perfectos	50	[illegible]	7
Gran	Favoritas	50	[illegible]	7
Natural Bloom	Buddies	50	[illegible]	2 for 9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic 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 manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in 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) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer 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 size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, 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 February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1983; Filed, Feb. 2, 1945; 11:53 a. m.]

[MPR 260, Order 583]

S. ROQUE CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered*, That:

(a) S. Roque Cigar Factory, 1931 Chestnut St., Tampa 7, Fla. (hereinafter 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 size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
S. Roque	Londres Segundo	50	$[illegible]	7
"	Coronas	50	[illegible]	7
"	Bravas	50	72	9

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic 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 manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in 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) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or

frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer 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 size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, 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 February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-1989; Filed, Feb. 2, 1945; 11:55 a. m.]

[MPR 260, Order 584]

R. ALVAREZ CIGAR CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) R. Alvarez Cigar Co., 1318 9th Ave., Tampa 5, Fla. (hereinafter 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 size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
R. Alvarez Cigar	Brevas	50	$161.50	21
	Panetelas	50	133.00	18
Sultan	Corona Extra	50	64.00	8
El Tonto	Sublimes	50	56.00	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic 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 manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class, may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufactuer or the particular wholesaler in 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) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer 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 size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, 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 February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-1990; Filed, Feb. 2, 1945; 11:52 a. m.]

[MPR 260, Order 585]

NORTH AND SOUTH CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) North & South Cigar Factory, 1407 11th Ave., Tampa, Fla., (hereinafter 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 size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Flor de Sama	Coronas	50	$60	2 for 15

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic 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 manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in 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) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer 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 size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, 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 February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-1991; Filed, Feb. 2, 1945; 11:52 a. m.]

[MPR 260, Order 586]

JACOBO CIGAR FACTORY

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this order, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260; *It is ordered,* That:

(a) Jacobo Cigar Factory, 3208 Ybor St., Tampa, Fla. (hereinafter 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 size or frontmark, and packing of the following domestic cigars at the appropriate maximum list price and maximum retail price set forth below:

Brand	Size or frontmark	Packing	Maximum list price	Maximum retail price
			Per M	*Cents*
Jacobo Cigar	Coronas	50	$56	7

(b) The manufacturer and wholesalers shall grant, with respect to their sales of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the discounts they customarily granted in March 1942 on their sales of domestic 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 manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class may be charged on corresponding sales of each brand and size or frontmark of cigars priced by this order, but shall not be increased. Packing differentials allowed by the manufacturer or a wholesaler in March 1942 on sales of domestic cigars of the same price class to purchasers of the same class shall be allowed on corresponding sales of each brand and size or frontmark of cigars priced by this order and shall not be reduced. If a brand and size or frontmark of domestic cigars for which maximum prices are established by this order is of a price class not sold by the manufacturer or the particular wholesaler in 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) in March 1942 by his most closely competitive seller of the same class on sales of domestic cigars of the same March 1942 price class to purchasers of the same class.

(c) On or before the first delivery to any purchaser of each brand and size or frontmark of domestic cigars for which maximum prices are established by this order, the manufacturer 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 size or frontmark of domestic cigars. The notice shall conform to and be given in the manner prescribed by § 1358.113 of Maximum Price Regulation No. 260.

(d) Unless the context otherwise requires, appropriate provisions of Maximum Price Regulation No. 260, 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 February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1992; Filed, Feb. 2, 1945; 11:54 a. m.]

[MPR 260, Order 587]

HENRY NEMROW, INC.

AUTHORIZATION 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) Henry Nemrow, Inc., 18 Fulton St., Boston 9, Mass. (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
			Per M	*Cents*
La Loma	Perfectos	25	$200	23
	Petit Coronas	25	160	23
	Victorianos	25	160	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 § 1358.113 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 February 3, 1945.

Issued this 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-1993; Filed, Feb. 2, 1945; 11:54 a. m.]

[MPR 120, Order 1273]

BUCODA COAL MINING 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. 23. 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 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 § 1340.233 and all other provisions of Maximum Price Regulation No. 120.

BUCODA COAL MINING CO., FOX THEATRE BLDG, CENTRALIA, WASH, BELLE MINE, UNNAMED SEAM, MINE INDEX NO 1011, LEWIS COUNTY WASH SUBDISTRICT C PRICE GROUP RAIL SHIPPING POINT: WABASH AND CENTRALIA WASH DEEP MINE

	Size group Nos														
	1	2	3	5		12	13	15	16	19	20	21	23	24	26
Rail shipment	530	520	495	450	450	425	350	380	380	370	360	360	365	245	370
Truck shipment	555	545	520	495	495	470	395	395	395	445	420	395	345	270	

CONSOLIDATED COAL MINES INC., HOGE BLDG., SEATTLE, WASH. CEDAR MOUNTAIN MINE, NO. 2 SEAM, MINE INDEX NO. 8, KING COUNTY WASH SUBDISTRICT F PRICE GROUP RAIL SHIPPING POINT: CEDAR MOUNTAIN, WASH DEEP MINE

	Size group Nos																
	2	3	4	5	7	8	9	10	11	12	13	14	15	16	19	22	24
Rail shipment	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	470	(1)	(1)
Truck shipment	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	505	(1)	(1)

*Previously established

ISSAQUAH COAL CO., c/o FRANK PADUANO & CO., ISSAQUAH, WASH., ISSAQUAH COAL CO MINE, BAGLEY SEAM, MINE INDEX NO. 1007, KING COUNTY WASH SUBDISTRICT F PRICE GROUP RAIL SHIPPING POINT: HAZELWOOD WASH STRIP MINE

Rail shipment	620	620	620	620	540	540	525	530	510	510	470	470	470	460	495	360	310
Truck shipment	635	635	595	595	620	595	595	570	545	545	520	505	505	495	520	470	320

RICHARD WETTON & JAMES CAMPBELL (KUMMER COAL CO), BLACK DIAMOND, WASH, KUMMER MINE, KUMMER #4 SEAM, MINE INDEX NO. 1008, KING COUNTY WASH SUBDISTRICT G PRICE GROUP RAIL SHIPPING POINT: BLACK DIAMOND WASH, DEEP MINE

	Size group Nos														
	2	3	4	5	8	9	10	11	12	14	16	19	21	23	24
Rail shipment	600	600	560	560	560	560	510	510	495	480	470	495	430	430	310
Truck shipment	635	635	595	595	595	595	545	545	520	505	495	520	470	460	345

This order shall become effective February 3 1945

(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 2d day of February 1945

CHESTER BOWLES
Administrator

[F R Doc 45-2034; Filed Feb 2 1945; 4:38 p m]

[MPR 120 Order 1274]

BOONE COAL CORP ET AL

ETABLISHMENT 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 8 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 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 219 and all other provisions of Maximum Price Regulation No 120

BOONE COAL CORP., c/o ROBT. R R. BOONE, CONTINENTAL HOTEL, PINEVILLE, KY., BOONE NO. 1, 2 AND 3 MINE DEAN SEAM, MINE INDEX NO. 7282, BELL COUNTY KY, SUBDISTRICT 6 RAIL SHIPPING POINT DOWER KY, F O G 111 DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO 5

	Size group Nos														
	1	2	3	4	5	6	7	8	9	10	15 16 17	18	19	20 21
Price classification	R	R	R	R	M	M	L	K	J	M	G	O	O	O
Rail shipment	345	340	335	335	335	330	325	310	305	355	310	280	275	270
Railroad fuel	345	340	335	335	335	330	325	310	310	355	310	280	275	270
Truck shipment	380	360	335	335	320	295	260	255						

BUCHANAN COAL CO., HAZARD, KY., INDIAN HEAP #2 MINE, HAZARD #7 SEAM, MINE INDEX NO. 7289, PERRY COUNTY, KY, SUBDISTRICT 3 RAIL SHIPPING POINT, FLEETHAM KY F O G 100 DEEP MINE MAXIMUM TRUCK PRICE GROUP NO 5

Price classification	M	M	M	M	M	M	L	J	G	J	D	H	H	H
Rail shipment	350	350	345	345	320	315	310	300	300	340	300	295	285	280
Railroad fuel	350	350	345	345	320	315	310	310	310	340	300	295	285	280
Truck shipment	380	360	335	335	320	295	260	255						

CAL COAL CO. P. O BOX 378 GRAYSON, KY., CAL COAL MINE, NO. 5 SEAM, MINE INDEX NO. 7280, CARTER COUNTY, KY. SUBDISTRICT 1 RAIL SHIPPING POINT HITCHINS KY F O G 61 DEEP MINE MAXIMUM TRUCK PRICE GROUP NO 5

Price classification	M	M	M	M	K	K	J	G	E	G	F	L	L	L
Rail shipment and railroad fuel	350	350	345	345	345	335	315	310	310	345	295	285	280	280
Truck shipment	380	360	335	335	320	295	260	255						

ELKHORN JUNIOR COAL CO., THORNTON, KY., LORRAINE #2 MINE, ELKHORN SEAM, MINE INDEX NO 7302, LETCHER COUNTY, KY., SUBDISTRICT 1 RAIL SHIPPING POINT LORRAINE KY F O G 62 DEEP MINE MAXIMUM TRUCK PRICE GROUP NO 5

	Size group Nos														
	1	2	3	4	5	6	7	8	9	10	15 16, 17	18	19	20, 21	22
Price classification	K	K	K	K	K	K	J	G	E	G	D	J	J	J	L
Rail shipment and railroad fuel	365	360	350	350	345	335	315	310	310	345	300	295	285	280	240
Truck shipment	380	360	335	335	320	295	260	255			r			—	-

EARL MARSHALL & WATTS BALDWIN, SHORT GAP, VA., CHAMBERS & STEVENSON MINE, RED ASH SEAM, MINE INDEX NO 7277 BUCHANAN COUNTY VA SUBDISTRICT 9 DEEP MINE MAXIMUM TRUCK PRICE GROUP NO 6

	Size group Nos.									
	1	2	3	4	5	6	7	8	9	10
Truck shipment	435	435	430	330	410	345	285	280	-------	-------

M. C. POWERS COAL CO., COEBURN, VA., POWERS MINE, LOWER BANNER SEAM, MINE INDEX NO. 7223, WISE COUNTY, VA., SUBDISTRICT 7, RAIL SHIPPING POINT, CARFAX, VA., F. O. G. 60, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

	Size group Nos.													
	1	2	3	4	5		7	8	9	10	15, 16, 17	18	19	20, 21
Price classification	M	M	M	M	K	K	J	F	O	E	D	K	K	K
Rail shipment and railroad fuel	350	350	345	345	345	335	315	315	315	370	300	225	220	230
Truck shipment	380	360	335	335	320	295	260	255	-----	-----	-----	-----	-----	-----

SCOTT COAL CO., c/o BILL SCOTT, HUDDY, KY., SCOTT MINE, POND CREEK SEAM, MINE INDEX NO. 7224, PIKE COUNTY, KY., SUBDISTRICT 8, RAIL SHIPPING POINT, BELFRY, KY., F. O. G. 130, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 5

Price classification	Q	Q	Q	Q	M	M	L	H	F	H	G	J	J	J
Rail shipment	330	325	320	320	320	315	310	305	305	340	300	225	225	230
Railroad fuel	330	325	320	320	320	315	310	310	310	340	300	225	225	230
Truck shipment	380	360	335	335	320	295	260	255	-----	-----	-----	-----	-----	-----

TRI STATE COAL CO., MIDDLESBORO, KY., TRI STATE MINE, MASON SEAM, MINE INDEX NO. 7229, BELL COUNTY, KY., SUBDISTRICT 6, RAIL SHIPPING POINT, FERNDALE, KY., F. O. G. 111, DEEP MINE, MAXIMUM TRUCK PRICE GROUP NO. 3

Price classification	O	O	O	O	K	K	J	G	E	G	E	J	J	J
Rail shipment	360	355	340	340	360	350	330	325	325	300	315	310	300	295
Truck shipment	405	385	350	350	320	300	260	225	-----	-----	-----	-----	-----	-----

This order shall become effective February 3, 1945.

(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 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2035; Filed, Feb. 2, 1945; 4:38 p. m.]

[MPR 120, Order 1275]

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 shipments 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 CO., INDIANA, PA., SPOTS MINE, E SEAM, MINE INDEX NO. 6231, INDIANA COUNTY, PA. SUBDISTRICT 12, RAIL SHIPPING POINT: HOOVERHURST, PA., STRIP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	G	G	G	G	G
Rail shipment	320	320	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	335	330	320	320	310

THE NUGENT MINING CO., DU BOIS, PA., NUGENT #3 MINE, D SEAM, MINE INDEX NO. 6278, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT: STATION R D #3, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	335	335	325	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	340	340	330	320

THE OLIVER COAL CO., OSCEOLA MILLS, PA., LAMBORN #2 MINE, D SEAM, MINE INDEX NO. 6293, CLEARFIELD COUNTY, PA., SUBDISTRICT 13, RAIL SHIPPING POINT: MCCARTNEY, PA., STRIP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

A. E. ROYER, 2107 17TH ST., ALTOONA, PA., DEAN #7 MINE, C' SEAM, MINE INDEX NO. 6270, CAMBRIA COUNTY, PA., SUBDISTRICT 18, RAIL SHIPPING POINT: DEAN, PA., DEEP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	340	340	330	320

SOMERSET CONSTRUCTION CO., 1001 TOWSON ST., BALTIMORE, MD., SOMERSET #2 MINE, B SEAM, MINE INDEX NO. 6283, SOMERSET COUNTY, PA., SUBDISTRICT 30, RAIL SHIPPING POINT: BOSWELL, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	340	340	330	320

GEORGE THOMPSON, R. D. NO. 1, BLAIRSVILLE, PA., THOMPSON #3 MINE, D SEAM, MINE INDEX NO. 6039, INDIANA COUNTY, PA., SUBDISTRICT 23, RAIL SHIPPING POINT: BOLIVAR, PA., DEEP MINE

Price classification	F	F	F	F	F
Rail shipment	335	335	335	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	360	335	335	325	315

GEORGE A. TYGER, R. D. NO. 1, GLEN CAMPBELL, PA., GEORGE A. TYGER MINE, E SEAM, MINE INDEX NO. 6170, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT: HOOVERHURST, PA., DEEP MINE

	Size group Nos.				
	1	2	3	4	5
Price classification	G	G	G	G	G
Rail shipment	320	320	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	335	320	320	320	310

A. E. WALKER, GLEN CAMPBELL, PA., A. E. WALKER MINE, E. SEAM, MINE INDEX NO. 924, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT: GLEN CAMPBELL, PA., AND HOOVERHURST, PA., DEEP AND STRIP MINE.

Price classification	G	G	G	G	G
Rail shipment	320	320	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	335	320	[1]320	320	310

[1] Previously established.

This order shall become effective February 3, 1945.

(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 2d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2036; Filed, Feb. 2, 1945; 4:39 p. m.]

[MPR 120, Order 1276]

ATLAS ENGINEERING 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 points. However, producer is subject to the provisions of § 1340.212 and all other provisions of Maximum Price Regulation No. 120.

THE ATLAS ENGINEERING CO., 1121 CHAPLINE ST., WHEELING, W. VA., LORD FAIRFAX #1 MINE, BIG VEIN SEAM, MINE INDEX NO. 5129, GRANT COUNTY, W. VA., SUBDISTRICT 45, RAIL SHIPPING POINT: FAIRFAX, W. VA., STRIP MINE

	Size Group Nos.				
	1	2	3	4	5
Price classification	D	D	D	D	D
For all methods of shipment and all uses	405	385	385	370	370

THE ARCADIA COMPANY, INDIANA, PA., NELSON STRIP MINE, C' SEAM, MINE INDEX NO. 5170, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT: GLEN CAMPBELL AND/OR HOOVERHURST, PA., STRIP MINE

Price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

THE ARCADIA COMPANY, INDIANA, PA., LYNN SHIELDS MINE, D SEAM, MINE INDEX NO. 5177, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT: GLEN CAMPBELL AND/OR HOOVERHURST, PA., DEEP MINE

Price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

JULIUS BALLA, MAHAFFEY, PA., JULIUS BALLA MINE, D SEAM, MINE INDEX NO. 5292, INDIANA COUNTY, PA., SUBDISTRICT 12, RAIL SHIPPING POINT, HOOVERHURST, PA., DEEP MINE

Price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

BEECHNUT COAL CO., c/o J. I. WHALLEY, 1118 GRAHAM AVE., WINDBER, PA., BEECHNUT #2 MINE, B SEAM, MINE INDEX NO. 5289, SOMERSET COUNTY, PA., SUBDISTRICT 33, RAIL SHIPPING POINT: SDG. F-117, PA., STRIP MINE

Price classification	A	A	A	A	C
Rail shipment	385	370	360	345	330
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	385	360	360	350	330

THE BERWIND-WHITE COAL MINING CO., COMMERCIAL TRUST BLDG., PHILADELPHIA, PA., EUREKA #30—B MINE, B SEAM, MINE INDEX NO. 3516,[1] SOMERSET COUNTY, PA., SUBDISTRICT 33, RAIL SHIPPING POINT: EUREKA #30 COLLIERY, PA., DEEP MINE

Price classification	A	A	[1]A	A	C
Rail shipment	385	370	[1]360	345	330
Railroad locomotive fuel	320	320	[1]305	295	295
Truck shipment	385	360	[1]360	350	330

[1] Previously established.

BOYER COAL CO., c/o P. B. BOYER, 319 KNARR ST., DU BOIS, PA., COAL GLEN MINE, D SEAM, MINE INDEX NO. 5003, JEFFERSON COUNTY, PA., SUBDISTRICT 6, RAIL SHIPPING POINT: SUGAR HILL, PA., STRIP MINE

Price classification	E	E	E	E	E
Rail shipment	355	335	335	315	315
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	365	340	340	330	320

R. G. DE HAVEN, R. D. #1, MARION CENTER, PA., DE HAVEN MINE, E SEAM, MINE INDEX NO. 5273, INDIANA COUNTY, PA., SUBDISTRICT 15, RAIL SHIPPING POINT: IDAMAR, PA., DEEP MINE

Price classification	G	G	G	G	G
Rail shipment	330	330	315	305	305
Railroad locomotive fuel	320	320	305	295	295
Truck shipment	355	330	330	320	310

W. W. REED COAL CO., P. O. BOX 123, DUDLEY, PA., HILLSIDE #2 MINE, BARNETT SEAM, MINE INDEX NO. 5156, HUNTINGDON COUNTY, PA., SUBDIST. 39, RAIL SHIPPING POINT: DUDLEY, PA., DEEP MINE

Price classification	B	B	B	B	C
For all methods of transportation and all uses	425	425	390	365	350

Smithing coal (any size), 475.

This order shall become effective February 3, 1945.

(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 2d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2037; Filed, Feb. 2, 1945; 4:39 p. m.]

[MPR 188, Order 81 Under Order A-2]

G. W. FROST AND SONS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in the opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to paragraph (a) (16) of Order A-2 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* G. W. Frost and Sons, Stevens Point, Wisconsin, may increase its maximum prices, in effect immediately prior to the issuance of this order, for all sales and deliveries to jobbers of the 23 articles of fishing tackle listed below and described in its application of September 6, 1944, by the amounts indicated opposite the article resulting in the adjusted maximum prices set forth below:

Article	Maximum price	Permitted adjustment	Adjusted maximum price
	Per gross	*Per gross*	*Per gross*
Angler 3-foot single leaders	$8.40	$0.39	$8.79
Supreme 6-foot single leaders	26.20	1.80	28.00
Expert Pennell deluxe shelled hooks	2.60	.04	2.64
Deluxe perch hooks	3.15	.28	3.43
Angler 6-foot single leaders	14.40	1.31	15.71
Supreme 3-foot single leaders, pad 1	10.90	.32	11.22
Supreme 3-foot single leaders, Mar. 2	14.20	.74	14.94
Supreme divided wing and hair flies	7.80	.24	8.04
Frost Grip silver bait hooks, sg 1	2.80	.28	3.08
Frost Grip sliced bait hooks	3.20	.07	3.27
Angler Pennell trout flies	5.60	.77	6.37
Expert Pennell trout flies	6.36	.51	6.87
Pointer ringed bass flies	8.00	.05	8.05
Ringed spinner flies	7.20	.05	7.25
Expert ringed jungle wing flies	12.00	1.92	13.92
88 ringed hair wing flies	6.00	.14	6.14
Expert Pennell deluxe double gut	3.45	.34	3.79
Double gut bait hooks	3.60	.45	4.05
Double gut snelled hooks	3.80	.24	4.04
Grip bronze bait hooks	2.80	.10	2.90
Supreme 3-foot single leaders, pad 2	10.21	.72	10.93
Supreme 6-foot single leaders, pad 2	16.80	3.19	19.99
Supreme 6-foot single leaders, pad 1	19.60	.96	20.56

These adjustments apply only to those articles for which maximum prices have been established under Maximum Price Regulation No. 188 prior to the effective date of this order, and may be made and collected only when separately stated on each invoice. The adjusted prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale of the articles of fishing tackle for which the manufacturer's maximum prices have been adjusted by this order, may add to his properly established maximum prices, in effect immediately prior to the effective date of this order, the dollar-and-cents amount of the adjustment which he is required to pay his supplier. However, such adjustments may be made and collected only when separately stated on each invoice. Such adjusted prices are subject to the seller's customary terms, discounts, allowances, and other price differentials in effect on sales of the same or similar articles to each class of purchaser.

(c) *Notice.* At the time of or prior to the first invoice to a purchaser for resale on and after the effective date of this order, the manufacturer and every other seller shall notify the purchaser, in writing, of the adjusted resale prices and conditions established by this order. This notice may be given in any convenient form.

(d) *Denial.* All requests for adjusted maximum prices not specifically granted by this order are hereby denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 5th day of February 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2075; Filed, Feb. 3, 1945; 3:39 p. m.]

[MPR 188, Order 82 Under Order A-2]

SALMANSON & CO., INC.

ADJUSTMENT 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 Order A-2 under § 1499.159b of Maximum Price Regulation No. 188, it is ordered:

(a) *Manufacturer's maximum prices.* Salmanson & Co., Inc., 1107 Broadway, New York, New York, may add the following additional adjustment charges to its maximum prices for all sales and deliveries to the following classes of purchasers of the articles of furniture listed below, which it manufactures, resulting in the following adjusted maximum prices:

FOR SALES TO PURCHASERS DESIGNATED BY THE MANUFACTURER AS "LARGE DEALERS"

Article and model no.	Maximum price	Adjustment permitted by paragraph (d) of Order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
Bookcase:				
4238	$3.25	$0.16	$0.64	$4.05
2636	1.95	.10	.62	2.67
1848H	2.45	.12	.67	3.24
2448H	2.85	.14	.81	3.80
3048H	3.25	.16	.99	4.40
9518	2.10	.10	.40	2.60
9524	2.45	.12	.57	3.14
9530	2.85	.14	.62	3.61
9536	3.25	.16	.72	4.13
9536D	3.35	.17	.73	4.25
9505	3.85	.19	1.28	5.32
9545	4.35	.22	1.35	5.92
9418	2.60	.13	.21	2.94
9424	2.95	.15	.36	3.46
9430	3.35	.17	.48	4.00
9436D	3.95	.20	.50	4.65
9445	4.95	.25	.80	6.20
9405	4.50	.23	.77	5.50

FOR SALES TO PURCHASERS DESIGNATED BY THE MANUFACTURER AS "SMALL DEALERS"

Article and model no.	Maximum price	Adjustment permitted by paragraph (d) of Order No. 1052	Additional adjustment permitted by this order	Total adjusted maximum price
Bookcase:				
4238	$3.35	$0.17	$0.64	$4.16
2636	2.00	.10	.62	2.72
1848H	2.55	.13	.67	3.35
2448H	3.00	.15	.81	3.96
3048H	3.45	.17	.99	4.61
9518	2.20	.11	.40	2.71
9524	2.55	.13	.57	3.25
9530	2.95	.15	.62	3.72
9536	3.35	.17	.72	4.24
9536D	3.45	.17	.73	4.35
9505	3.95	.20	1.28	5.43
9545	4.50	.23	1.35	6.08
9418	2.80	.14	.21	3.15
9424	3.15	.16	.36	3.67
9430	3.55	.18	.48	4.21
9436D	4.20	.21	.50	4.91
9445	5.25	.26	.90	6.41
9405	4.80	.24	.77	5.81

The adjustment charges listed above may be made and collected only if each is separately stated on each invoice. The adjusted maximum prices are subject to the manufacturer's customary terms, discounts, allowances, and other price differentials in effect during March 1942.

(b) *Maximum prices of purchasers for resale.* Purchasers for resale of the articles covered by this order may add to their maximum prices as established under the applicable regulation, no more than the dollar-and-cents amount of the additional adjustment charge permitted for the manufacturer by this order, and for which they have become obligated; *Provided, however* That when the applicable regulation requires the maximum price to be computed on the basis of cost, the amount used as the cost may not include any adjustment charge authorized for the manufacturer. On all sales, other than sales to the ultimate consumer, this additional adjustment charge may be made and collected only if it is separately stated on each invoice. The adjusted maximum prices are subject to the seller's customary terms, discounts, and allowances on sales of the same or similar articles.

(c) *Notification.* At the time of, or prior to, the first invoice to a purchaser for resale, on and after the effective date of this order, for the sale of any article covered by this order at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser, in writing, of the method established by paragraph (b) of this order for determining the adjusted maximum prices for resales of the articles. This notice may be given in any convenient form.

(d) *Profit and loss statement.* After the effective date of this order, Salmanson & Co., Inc. shall submit to the Office of Price Administration, Washington, D. C., a detailed quarterly profit and loss statement within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 5th day of February 1945.

Issued the 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2076; Filed, Feb. 3, 1945; 3:40 p. m.]

[MPR 188, Amdt. 8 to 2d Rev. Order A-3]

CERTAIN LISTED BUILDING MATERIALS AND CONSUMERS' GOODS

ADJUSTMENT OF MAXIMUM PRICES

An opinion accompanying the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Order A-3 under § 1499.159b of Maximum Price Regulation No. 188 is amended in the following respects:

1. Paragraph (e) (1) is revoked.
2. Paragraph (e) (2) is redesignated paragraph (e) (1)

This Amendment No. 8 shall become effective February 7, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2082; Filed, Feb. 3, 1945; 3:42 p. m.]

[MPR 188, Order B-1]

MANUFACTURERS' MAXIMUM PRICES FOR SPECIFIED BUILDING MATERIALS AND CONSUMERS' GOODS OTHER THAN APPAREL

ADJUSTMENT PROVISIONS FOR MANUFACTURERS OF SPECIFIED BUILDING MATERIALS

An opinion accompanying Order No. B-1 under § 1499.159b of Maximum Price Regulation 188 has been issued simultaneously herewith and filed with the Division of the Federal Register.

(a) *Adjustment of maximum prices for manufacturers of specified building materials under Maximum Price Regulation No. 188.* The Office of Price Administration, or any duly authorized representative thereof, may adjust maximum prices for specified building materials established under Maximum Price Regulation No. 188 as hereinafter provided.

(b) *Who may apply.* Any manufacturer of a building material commodity specifically listed in (g) below may file an application for adjustment in his maximum price in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(c) *Factors which will be considered.* To the extent practicable, the following factors will be considered in acting upon adjustment applications under this order:

(1) Whether the adjusted maximum price will be higher than maximum prices prevailing in the industry and, particularly, its relation to maximum prices established for alternative sources of supply.

(2) The extent to which purchasers for resale or commercial or industrial buyers will absorb any increase which may be granted the manufacturer.

(3) The applicant's current rate of production as compared to his rate of production during normal pre-war years.

(d) *Amount of adjustment.* The adjustment will not be greater than the following, but it may be less in consideration of the factors set forth in (c)

(1) An amount sufficient to make the adjusted price equal to manufacturing cost (plus packing cost and shipping cost where delivered prices are quoted or freight is allowed or equalized) where the applicant's current over-all earnings represent an increase of 15 percent or more over his average net earnings for the years 1936 to 1939, inclusive, adjusted for increases in net worth.

(2) An amount sufficient to make the adjusted price equal to total cost to make and sell the article, where the applicant's current over-all earnings do not exceed by 15 percent but are not less than his average annual over-all earnings during the years 1936 to 1939, inclusive, adjusted for increases in net worth.

(3) An amount sufficient to make the adjusted price equal to total cost to make and sell the article plus a reasonable net profit on the article or line where the applicant's over-all earnings on an annual basis are less than his average over-all earnings during the years 1936 to 1939, inclusive, adjusted for increases in net worth.

(4) If the applicant produces the commodity in a line or series of sizes, types or models, and if it is not practical to determine the manufacturing cost or total cost, as the case may be, of each size, type or model, a uniform adjustment may be made for the entire line or series. However, any such adjustment for a line or series shall be subject to the limitations in subparagraphs (1) to (3) inclusive, above.

(e) *Meaning of terms used.* The term "manufacturing cost" means the total of direct materials, direct labor, and manufacturing expenses or factory overhead, applicable to the article.

The term "total cost" means the total of manufacturing cost and reasonable general, administrative, and selling expenses applicable to the article, excluding income and excess profits taxes.

The term "over-all earnings" means net profits before income and excess profits taxes experienced on the company's entire operations.

Whenever the applicant is currently operating at a level substantially lower than his normal volume, the overhead items included in "manufacturing cost" and "total cost" will be adjusted to reasonable levels based upon a normal rate of operations.

In evaluating costs, the Office of Price Administration will determine whether they are based on a representative period of continuous normal production.

Depreciation included in cost shall be at rates which do not exceed those approved by the Bureau of Internal Rev-

enue. Expenses not related to the manufacture and sale of the article will be excluded.

(f) *Where to apply for an adjustment.* If the manufacturer's total sales of all his commodities for the preceding calendar year did not exceed $200,000 or if such total sales during the 12-month period following the filing of the adjustment application are estimated at $200,000 or less, the application must be filed with the Regional Office of the Office of Price Administration for the region in which is located his principal place of business. Each Regional Administrator is hereby authorized to act upon, and, by order, grant or deny, in whole or in part, such an application irrespective of the location of the applicant's producing facilities. Each Regional Administrator, in granting an adjustment to a manufacturer is authorized to adjust the maximum prices of the resellers of the commodity within all regions.

A manufacturer whose total sales exceed the amount described above shall apply for adjustment to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C.

(g) *Building material commodities covered by this Order No. B-1.* Applications for adjustment may be filed under this Order No. B-1 by manufacturers of the following building material commodities:

(1) *Mechanical building equipment.* (i) Ornamental iron work and sheet metal work, as set forth under § 1499.166 (a) (1) (ii) of Maximum Price Regulation No. 188;

(ii) Furnaces, heating, warm air (cast-iron or steel), as set forth in § 1499.166 (a) (1) (iii) of Maximum Price Regulation No. 188, not including accessories;

(iii) Hot water supply boilers, cast-iron, coal-fired, falling within the following limitations:

Inside grate diameter	up to and including 12 inches
Net weight	up to and including 370 pounds
Height (over-all)	up to and including 35 inches
Capacity:	
25 degrees (Fahr) temperature rise	up to and including 250 gallons
40 degrees (Fahr) temperature rise	up to and including 185 gallons

(iv) Cocks, as set forth in §1499.166 (a) (1) (v) of Maximum price Regulation No. 188;

(v) Air conditioning units, self-contained over 1 h. p., as set forth in § 1499.166 (a) (1) (vi) of Maximum Price Regulation No. 188;

(vi) Water cooled evaporative condensors, as set forth in § 1499.166 (a) (1) (vi) of Maximum Price Regulation No. 188;

(vii) Bottled beverage coolers, as set forth in § 1499.166 (a) (1) (vi) of Maximum Price Regulation No. 188;

(viii) Any repair part or service part of any of the commodities listed above;

(ix) Condensing unit coils for air cooled refrigeration condensing units;

(x) Plumbing brass specialties, meaning fittings manufactured from brass which are used principally as a medium to join lead pipe to cast-iron pipe, or lead pipe to steel pipe, and are used primarily in a sanitary plumbing system, including but not limited to solder nipples, solder vent tees, solder bushings, and ferrules.

(xi) Asbestos packed plugged cocks, meaning a manually operated device manufactured from cast-iron to control the rate of flow of either liquid or vapors, in which the shut-off mechanism is separated from the body of the device by means of asbestos packing vulcanized in place, or by means of a vulcanized one-piece asbestos bushing of the same contours as the shut-off mechanism;

(xii) Direct-fired gas, side-arm heaters meaning a heater designed for gas-firing, with copper or cast-iron coils as heating vessels, customarily enclosed in a cast-iron or steel jacket and commonly referred to in the trade as a gas-fired side-arm heater;

(xiii) Furnace and stove pipe and fittings manufactured from 24, 26, 28 or 30 gauge metal;

(xiv) Self-contained metal commodes, meaning self-contained toilets manufactured from metal, using chemicals as disinfectant and which generally are not connected to a sanitary plumbing system.

(xv) Wooden sheet-iron covered plumbing fixtures, meaning any sink, tray, or vat manufactured from wood and lined on the inside, or outside, or on both sides with galvanized sheet iron;

(xvi) Repair clamps and couplings designed for specific purposes and produced by manufacturers not engaged in the manufacture of a regular line of pipe fittings;

(xvii) Irrigation valves and parts thereof;

(xviii) Brass or copper ball cocks for high or low water closet flush tanks.

(xix) Cabinet, casket, and furniture hardware;

(xx) Forged steel unions—size 1 inch and under.

(2) *Mason materials, refractories, roofing and insulation.* (i) Mineral wool insulation;

(ii) Fiber acoustical tile;

(iii) Lime, including chemical, metallurgical, industrial and building lime but not including agricultural lime;

(iv) Ganister rock;

(v) Fireclay refractories;

(vi) Silica refractories;

(vii) Basic refractories (except as covered by Maximum Price Regulation No. 416)

(viii) Special refractories;

(ix) High-temperature mortars;

(x) Talc, pyrophyllite and ground soapstone, including crayons;

(xi) Clay silo staves;

(xii) Crude and processed plastic and flint fire clay.

(xiii) Chemical stoneware;

(xiv) Marble, including building, memorial and ornamental;

(xv) Gypsum, poured roof material.

This Order No. B-1 shall become effective February 7, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

For the reasons set forth in the accompanying opinion and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of Order No. B-1 under § 1499.159b of Maximum Price Regulation No. 188 is necessary to aid in the effective prosecution of the war.

FRED M. VINSON,
Economic Stabilization Director

[F. R. Doc. 45-2080; Filed, Feb. 3, 1945; 3:42 p. m.]

[MPR 188, Order 3363]

GABRIEL H. SMITH

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 § 1499.158 of Maximum Price Regulation No. 188, it is ordered:

(a) *Maximum prices.* The maximum prices for all sales and deliveries by the manufacturer, by jobber and by retailers, to the classes of purchasers specified below, of the cigarette maker manufactured by Gabriel H. Smith, 28601 Franklin Road, Birmingham, Michigan, are those set forth below:

Article	Model	Maximum price to jobbers	Maximum price to retailers	Maximum price to consumers
Cigarette roller	None	*Per doz.* $1.89	*Per doz.* $2.52	*Each* $0.35

These maximum prices are for the article described in the manufacturer's application dated December 19, 1944. Sales by the manufacturer are f. o. b. factory, subject to a cash discount of 2% for payment in ten days, net thirty days. Sales by all other persons are subject to the seller's customary terms, discounts, allowances and other price differentials to each class of purchaser.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser, in writing, of the maximum prices and conditions established by this order for such resales.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 5th day of February 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2074; Filed, Feb. 3, 1945; 3:38 p. m.]

[MPR 188, Order 3364]

CORKY MANUFACTURING CO.

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 § 1499.158 of Maximum Price Regulation No. 188, it is ordered:

(a) *Maximum prices.* The maximum prices for all sales and deliveries by the manufacturer, by jobber and by retailers, to the classes of purchasers specified below, of the cigarette maker manufactured by Corky Manufacturing Company, 9312 Evergreen Road, Detroit, Michigan, are those set forth below:

Article	Model	Maximum price to jobbers	Maximum price to retailers	Maximum price to consumers
Cigarette roller	16	*Per doz.* $1.89	*Per doz.* $2.52	*Each* $0.35

These maximum prices are for the article described in the manufacturer's application dated December 16, 1944. Sales by the manufacturer are f. o. b. factory, subject to a cash discount of 2% for payment in ten days, net thirty days. Sales by all other persons are subject to the seller's customary terms, discounts, allowances and other price differentials to each class of purchaser.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser, in writing, of the maximum prices and conditions established by this order for such resales.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 5th day of February 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2077; Filed, Feb. 3, 1945; 3:40 p. m.]

[MPR 188, Order 3365]

LOUIS GANNETT

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 § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) The maximum prices for all sales and deliveries by Louis Gannett, trading as Louis Gannett Refrigeration and Appliance Sales Service, 221 East First Street, Los Angeles, California, of aluminum reflector type electric space heaters of his manufacture, as described in his application dated January 5, 1945, are as follows:

Article	Model	Maximum price to jobber	Maximum price to retailer (3 units or more)	Maximum price to retailer (less than 3 units)
Space heater	G. L.	*Each* $2.40	*Each* $2.84	*Each* $3.03

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days. They include the Federal Excise Tax.

(b) The maximum prices for all sales and deliveries at wholesale for the electric space heaters described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model	Maximum price to retailer (3 units or more)	Maximum price to retailer (less than 3 units)
Space heater	G. L.	*Each* $2.84	*Each* $3.03

These prices are f. o. b. seller's city and are subject to terms, discounts and allowances no less-favorable than those customarily granted by the seller.

(c) The maximum prices for a sale at retail of the electric space heater described in paragraph (a) above shall be as follows:

Article and model:	*Maximum price to user, each*
Space heater, G. L.	$4.58

This price includes the Federal Excise Tax.

(d) On each heater shipped to a purchaser for resale the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model G. L.—$4.58. OPA Maximum Selling Price." This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3365 may be revoked or amended by the Price Administrator at any time.

This Order No. 3365 shall become effective on the 5th day of February 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2073; Filed, Feb. 3, 1945; 3:38 p. m.]

[Order 754 Under 3 (b)]

CEDARBERG MANUFACTURING CO.

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 paragraph (b) (2) and paragraph (c) of § 1499.3 of the General Maximum Price Regulation, it is ordered:

(a) *Maximum prices.* The maximum prices for all sales and deliveries, to the classes of purchasers specified, of the following described replacement parts for the plumbers furnace and utility furnace manufactured by Cedarberg Manufacturing Company, 527-529 South Fourth Street, Minneapolis, Minnesota, are those set forth below:

Name of part	For sales by all persons to jobbers	For sales by all persons to retailers	For all sales at retail
Fuel tank ... each	$4.00	$5.33	$8.00
Filler cap ... do	.40	.53	.80
Check valve ... do	.20	.27	.40
Check valve stem ... do	.16	.21	.31
Check valve gasket ... dozen	.40	.53	.80
Air pressure gage ... each	.60	.80	1.20
Generator pan ... do	.30	.40	.60
Mixing chamber ... do	1.12	1.43	2.24
Combustion chamber support ... do	.80	1.07	1.60
Combustion chamber lower plate ... do	.12	.16	.24
Combustion chamber upper plate ... do	.20	.27	.40
Combustion chamber center screw ... do	.08	.10	.15
Leg screws (set of 4) ... set	.06	.08	.12
Generating ring ... each	.80	1.07	1.60
Fuel line valve (complete) ... do	1.62	1.36	2.04
Fuel line valve packing nut ... do	.18	.24	.36
Fuel line valve packing ... do	.08	.10	.15
Fuel line valve stem ... do	.18	.24	.36
Fuel line valve knob ... do	.18	.24	.36
Fuel line valve body ... do	.60	.80	1.20
Burner control valve (complete) ... do	1.60	1.45	2.17
Burner control valve packing nut ... do	.18	.24	.36
Burner control valve packing ... do	.08	.10	.15
Burner control valve stem ... do	.16	.21	.31
Burner control valve knob ... do	.18	.24	.36
Burner control valve body ... do	.60	.80	1.20
Burner control valve clean out plug ... do	.06	.08	.12
Hearth shield ... do	1.00	1.33	2.00
Hearth shield screws (set of 4) ... set	.06	.08	.12
Pot grate ... each	.70	.93	1.40
Hearth cover ... do	.60	.80	1.20
Handle bale (complete) ... do	.80	1.07	1.60
Air pump ... do	.48	.64	.96
Grate legs ... do	.12	.16	.24
Grate leg screws ... do	.12	.16	.24
Grate ... do	.60	.80	1.20

Sales by the manufacturer are net, C. O. D. Sales by all other persons are subject to the seller's customary terms, discounts, allowances and other price differentials to each class of purchaser.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale, the seller shall notify the purchaser for resale in writing of the maximum prices and conditions established by 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 5th day of February 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2078; Filed, Feb. 3, 1945; 3:41 p. m.]

[Max. Import Price Reg., Order 69]

IMPORTED SPANISH BRIARWOOD

ESTABLISHMENT 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 section 21 of the Maximum Import Price Regulation, it is ordered:

(a) *What this order does.* This order establishes maximum prices for purchases of briarwood produced in Spain, hereinafter referred to as "Spanish Briarwood" before importation, and maximum prices for sales of such briarwood by any person after importation.

(b) *Purchases of Spanish briarwood before importation.* Notwithstanding the provisions of the Maximum Import Price Regulation, on and after February 5, 1945, regardless of any contract, agreement, or other obligation, no person in the course of trade or business shall buy or receive Spanish briarwood to be imported into the Continental United States at a price that will result in a cost, duty paid, f. o. b. any U. S. port of entry, in excess of the following:

Spanish briarwood:	*Maximum cost*
First quality	$112.00 per bale
Second quality	88.50 per bale

Provided, however That any purchase contract previously made at a higher price for which an irrevocable letter of credit has been established prior to the date of this order, may be completed and delivery taken after the date hereof at the contract price.

(c) *Maximum prices on sales of Spanish briarwood after importation.* Notwithstanding the provisions of the Maximum Import Price Regulation, on and after February 5, 1945, regardless of any contract, agreement or other obligation, no person may sell or deliver Spanish briarwood, after importation, and no person in the course of trade or business may buy or receive such briarwood from such seller, duty paid, f. o. b. any U. S. port of entry, at prices higher than the following:

Spanish briarwood:	*Maximum prices*
First quality	$127.00 per bale
Second quality	100.00 per bale

(d) *Definitions.* As used in this order "First quality" or "Second quality" Spanish briarwood means Spanish briarwood of a quality or grade generally recognized and sold as such in the trade.

"Bale" means a quantity of Spanish briarwood weighing approximately 100 kilos or 220 pounds.

(e) *Discounts, credit terms and transportation charges.* Each seller shall apply to the maximum prices established by this order the same discounts, credit terms and practices relating to the payment of freight charges which he used on or about October 15, 1941 on sales of Spanish briarwood.

(f) *Brokers or agents commissions.* The maximum prices established by this order include and may not be increased by any commission paid to any broker or to any buying or selling agent.

(g) *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

(h) *Application of maximum import price regulation.* Unless the context otherwise requires, the provisions of the Maximum Import Price Regulation, as amended, shall apply to sales for which maximum prices are established by this order.

(i) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective February 5, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2079; Filed, Feb. 3, 1945; 3:41 p. m.]

[MPR 61, Order 1]

CHROME RETAN MILITARY UPPER LEATHER

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328 and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is ordered.*

(a) On and after February 3, 1945 the following shall be the maximum prices, f. o. b. shipping point, at which any producer may sell or deliver the leather specified below to a person who has a contract for the manufacture of shoes therefrom for the United States Army, Navy or Marine Corps or a subcontract under such contract which contract or subcontract became effective as a result of an award made on or after February 3, 1945:

Kind of leather	Specifications	Price per square foot			
		TR[1]		Rejects	
Chrome Retan upper leather (from green salted cattlehides).	Flesh finish; HH; 5 to 6½ ounces	$0.31		$0.23	
	Flesh finish; H; 4¼ to 5 ounces	.30		.23	
		Grades			
		1	2	3	4
	Grain finish cuff and gusset; HM; 3½ to 4¼ ounces.	$0.31	$0.29	$0.27	$0.23

NOTE.—All weight measurements taken in the bend area.

[1] TR selection combines 1, 2 and 3 grades, without rejects.

(b) The maximum prices specified in paragraph (a) above, for sale of the leather therein described shall supersede and replace any and all maximum prices previously established for such sales.

(c) Terms of sale shall be cash less at least 2% for payment within 30 days, net cash thereafter.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

(e) This Order No. 1 shall become effective February 3, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2116; Filed, Feb. 5, 1945; 8:57 a. m.]

[MPR 61, Order 2]

MEN'S MILITARY OUTSOLES, MIDSOLES, INSOLES AND CIVILIAN OUTSOLES

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328 and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, *It is ordered.*

(a) On and after February 3, 1945, the maximum price, f. o. b. shipping point, at which any tanner, processor or cutter may sell, deliver or offer for sale the following men's military outsoles, men's military midsoles, men's military insoles and men's civilian outsoles cut on the Munson Shoe Pattern, or its equivalent, are those specified below

(1) *Outsoles and midsoles cut from bends* (8 to 12 Sizes, Standard Casing)

Men's military outsoles:

9½ to 11 iron, inclusive, Fine, Semi-Fine and Imperfect Fine Grades and 9 iron Fine and Semi-Fine Grades.

Price per pair: 1 cent less than seller's established price for Group I Military Outsoles.

Men's military midsoles:

9½ to 10½ iron, inclusive, #1 Scratch.

9 iron, Imperfect Fine and #1 Scratch.

8½ iron, Fine, Semi-Fine, Imperfect Fine and #1 Scratch

Price per pair: same as seller's established price for Group II Military Outsoles.

6 to 8 iron, inclusive, Fine, Semi-Fine, Imperfect Fine and #1 Scratch. (Not more than 10% may be under 7 iron.)

Price per pair: 40 cents.

Men's civilian outsoles:
11½ iron and up, Fine, Semi-Fine and Imperfect Fine.
Price per pair: Same as seller's established price for Group I Military Outsoles.
11 iron and up, #1 Scratch.
Price per pair: Same as seller's established price for Group II Military Outsoles.

(2) *Men's military grain insoles* (7 to 11 Sizes, Standard Casing)

Base price, size 9, to produce insoles for current size 9D Munson Shoe Pattern.

	Price per pair in cents	
	5½ to 7½ iron after proper fleshing	5 iron after proper fleshing
Cut from bends	34	23
Cut from shoulders	33	23
Cut from bellies	32	23

Solid size differentials: For each size above size 9, add 2¢ per pair to base price.
For each size below size 9, deduct 1¢ per pair from base price.

(b) The maximum prices specified in paragraph (a) above, for sale of the leather therein described shall supersede and replace any and all maximum prices previously established for such sales.

(c) Terms of sale shall be cash less at least 2% for payment within 30 days, net cash thereafter.

(d) This order may be amended or revoked by the Office of Price Administration at any time.

(e) This Order No. 2 shall become effective February 3, 1945.

Issued this 3d day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2115; Filed, Feb. 5, 1945; 8:57 a. m.]

[Max. Import Price Reg., Revocation of Order 61]

DISTRIBUTORS OF BRIARWOOD

ADJUSTMENT 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 of 1942, as amended, and by Executive Orders Nos. 9250 and 9328, *It is ordered:*

That Order No. 61 under section 4 of the Maximum Import Price Regulation be revoked.

This order shall become effective February 5, 1945.

Issued this 5th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2149; Filed, Feb. 5, 1945; 11:41 a. m.]

[Order 48 Under 19a]

COTTON TIRE CORD AND COTTON TIRE CORD FABRIC

ADJUSTMENT OF CEILING PRICES

Through their Industry Advisory Committee, a request has been made by the "independent" cotton tire cord manufacturers for an adjustment of the ceiling prices established under the General Maximum Price Regulation for cotton tire cord and cotton tire cord fabric. Pending action on this request, a further application has been made for authorization of adjustable pricing. Preliminary cost data indicate that some revisions of present ceilings may be called for. A final determination will require extended consideration. Accordingly, in order that there may be no interruption of deliveries, it appears that authorization to use adjustable pricing is necessary, and that such authorization will not interfere with the purpose of the Emergency Price Control Act of 1942, as amended. This order will apply only to "independent" manufacturers as distinguished from subsidiaries and affiliates of rubber tire manufacturers.

Ordinarily Maximum Price Regulation No. 157 would apply to sales of cotton tire cord and cotton tire cord fabric to War Procurement Agencies, their contractors or subcontractors. However, the manufacturers normally do not know when these products, sold to rubber tire manufacturers, are to be used in the production of rubber tires for ultimate use by the military. Consequently, the General Maximum Price Regulation and also this adjustable pricing order do not apply to sales of cotton tire cord and cotton tire fabric where the producer can definitely ascertain that they are to be used in the manufacture of rubber tires for ultimate use by the military.

Accordingly, *It is ordered:*

(a) In connection with contracts (and any deliveries pursuant thereto) entered into with rubber tire manufacturers on and after the effective date of this order for the sale of cotton tire cord and cotton tire cord fabric, "independent" manufacturers of these products may reserve the right to charge the difference, if any, between the existing maximum price and the revised maximum price which may be established by the Office of Price Administration prior to the revocation of this order. "Independent" manufacturers mean those producers not controlling, controlled by, or under common control with tire manufacturers.

(b) "Cotton tire cord" or "cotton tire cord fabric" means a cotton yarn plied and twisted and such twisted strands re-twisted into a commodity used specifically in the manufacture of rubber tires. In its ultimate condition, the "cotton tire cord" may be delivered to the manufacturers of rubber tires either on spools wound in a great variation of unit numbers or, as "cotton tire cord fabric" when leased together at specific intervals by a breaker thread of ordinary construction.

(c) Except as modified by paragraph (a) the provisions of the General Maximum Price Regulation shall continue to apply to all sales and deliveries of tire cord products.

(d) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective February 5, 1945.

Issued this 5th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2140; Filed, Feb. 5, 1945; 11:41 a. m.]

[MPR 136, Order 405]

HAMMETT ELECTRIC MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

Order No. 405 under Maximum Price Regulation 136, as amended. Machines and parts and machinery services. Hammett Electric Manufacturing Company, (File No. V-136-1390.25a (a)-18).

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1390.25a of Maximum Price Regulation 136, as amended; *It is ordered:*

(a) The order of the Dallas Regional Office of the Office of Price Administration (File No. V-136-1390.25a (a)-18) dated July 24, 1944, which denied in full the application of Hammett Electric Manufacturing Company, Kansas City, Missouri, is hereby revoked.

(b) The maximum prices of Hammett Electric Manufacturing Company for the sale to any of its various classes of purchasers of its 150 Ampere Model 15 Arc Welders shall be the maximum list price of $115.00 less all discounts, allowances and terms of sale which the Hammett Electric Manufacturing Company had in effect on October 1, 1941, to each of such classes of purchasers.

(c) The maximum price of a reseller of applicant's Model 15 Arc Welder, shall be determined as follows: The reseller shall add to the maximum price that he had in effect for sales to a purchaser of the same class just prior to the issuance of this order, the dollar-and-cents amount by which his costs have been increased due to the adjustment granted the Hammett Electric Manufacturing Company by this order.

(d) The Hammett Electric Manufacturing Company shall notify those customers who buy its Model 15 Arc Welders for resale of the dollar-and-cents amount by which this order permits resellers to increase their maximum prices. Hammett Electric Manufacturing Company shall file a copy of each such notice with the Machinery Branch, Office of Price Administration, Washington, D. C.

(e) All requests not granted herein are denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective February 6, 1945.

Issued this 5th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2146; Filed, Feb. 5, 1945; 11:44 a. m.]

Regional and District Office Orders

[Region II Rev Order G-18 Under RMPR 122 Amdt 6]

SOLID FUELS IN ROCHESTER AND MONROE COUNTY N Y

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 §§ 1340 260 and 1340 259 (a) (1) of Revised Maximum Price Regulation No 122 and for the period commencing January 20 1945 and terminating midnight, February 17, 1945 Revised Order No G-18 is amended in the following respects:

1 The table of service charges contained in paragraph (d) (1) is amended to read as follows:

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser:	
Carry or Wheel (except for sales amounting to less than ¼ ton)	75¢ per net ton.
	45¢ per net ½ ton
	30¢ per net ¼ ton
"Carrying upstairs or downstairs for each floor above or below the	75¢ per net ton
ground floor (except for sales amounting to less than ¼ ton)	45¢ per net ½ ton
The charge shall be in addition to any charge for carry or 'wheel'	30¢ per net ¼ ton

2. The table of service charges contained in paragraph (e) (1) is amended to read as follows:

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser:	
"Carry or Wheel (except for sales amounting to less than ½ ton)	75¢ per net ton
"Carrying upstairs or downstairs' for each floor above or below the	75¢ per net ton
ground floor (except for sales amounting to less than ½ ton)	
The charge shall be in addition to any charge for carry or 'wheel'	

This Amendment No 6 to Revised Order No G-18 supersedes Amendment No 5 which is revoked as of the effective date of this amendment.

This Amendment No 6 to Revised Order No G-18 shall become effective on January 20 1945 and unless earlier revoked or modified shall expire midnight February 17 1945

(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 20th day of January 1945

DANIEL P WOOLLEY
Regional Administrator

[F R Doc 45-2010; Filed Feb 2 1945; 12:27 p m]

[Region II G-23 Under 18 (c) Amdt 1]

SOLID FUELS IN ROCHESTER AND MONROE COUNTY N Y

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499 18 (c) of the General Maximum Price Regulation, Order No G-28 is amended in the following respect:

1 Paragraph (a) down to the description of the territory covered by the order is amended to read as follows:

(a) For the period commencing January 20 1945 and terminating midnight February 17 1945, contract carriers hauling coal and coke in the City of Rochester and designated portions of Monroe County New York known as Coal Area IV and more specifically hereinafter described may make charges stated below for the services described below:

Description of service	*Charge (cents)*
Carrying or wheeling coal and coke:	
Per ton	75
Per ½ ton	45
Per ¼ ton	30
Carrying coal and coke up or downstairs:	
Per ton per flight	75
Per ½ ton per flight	45
Per ¼ ton per flight	30

This Amendment No 1 to Order No G-28 shall become effective on January 20, 1945 and unless earlier revoked or modified shall expire on midnight February 17 1945

(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 20th day of January 1945

DANIEL P WOOLLEY
Regional Administrator

[F R Doc 45-2009; Filed Feb 2 1945; 12:27 p m]

[Region II Order G-57 Under RMPR 122]

SOLID FUELS IN ROCHESTER AND MONROE COUNTY N Y

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 § 1340 259 (a) (1) of Revised Maximum Price Regulation No 122; *It is ordered:*

(a) On and after January 20 1945 the maximum charges for carrying and wheeling of coke rendered by solid fuel dealers in connection with the sale by them of coke within State of New York—Coal Area IV as hereinafter defined shall be the applicable adjusted service charges specified therein:

Special service rendered at the request of the purchaser:	
Carry or Wheel (except for sales amounting to less than ¼ ton)	75¢ per net ton
	45¢ per net ½ ton
	30¢ per net ¼ ton
Carrying upstairs or downstairs for each floor above or below the	75¢ per net ton
ground floor (except for sales amounting to less than ¼ ton)	45¢ per net ½ ton
The charge shall be in addition to any charge for carry or 'wheel'	30¢ per net ¼ ton

(b) *Definitions.* When used in this Order No G-57, the term

(1) "Carry and wheel" refer to the movement of coke to buyer's bin or storage space in baskets or other containers or by wheelbarrow or barrel from the seller s truck or other vehicle or from the point nearest and most accessible to the buyer s bin or storage space at which the coal is discharged from the seller's truck in the course of delivery

(2) 'Coke' means all coke including by-product coke retort gas coke and beehive oven coke

(3) 'State of New York—Coal Area IV inc ides the following portions of Monroe County in the State of New York:

The City of Rochester;

The towns of Inrondequoit Brighton Chili Gates and Greece;

The following portions of the Towns of Pittsford Perinton and Henrietta; bounded on the north by Penfield Road to and including the hamlet of Penfield; on the east by the Five-Mile Line Road, the easterly village line of the village of East Rochester the Lincoln Marsh Road to and including the hamlet of Bushnell's Basin; on the south by Ballantyne Bridge-Pittsford-Jefferson Avenue and the South Pittsford-Victor Road to the point where the Brighton-Henrietta town line runs into the Genesee River on the west

This area shall include the abutting property on each side of all boundary highways

4 Unless the context otherwise requires the definitions set forth in §§ 1340 255 and 1340 256 of Revised Maximum Price Regulation No 122 shall apply to all other terms used herein

(c) To the extent that they are not inconsistent with the terms of this order, the provisions of Revised Maximum Price Regulation No 122 remain applicable to all dealers subject to this order

(d) This Order No G-57 shall become effective on January 20 1945 and unless earlier revoked or modified shall expire midnight February 17 1945

(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 20th day of January 1945

DANIEL P WOOLLEY
Regional Administrator

[F R Doc 45-2011; Filed Feb 2 1945; 12:27 p m.]

[Jacksonville Order G-1 Under Gen. Order 50, Amdt. 3]

MALT AND CEREAL BEVERAGES IN FLORIDA

An accompanying opinion has been filed with the Division of the Federal Register. Appendix A of Order No. G-1 is amended by adding the following brands of beer to those listed for Groups 1-B, 2-B, and 3-B.

Hi Brau, Gem Pilsner, Premo, Red Fox, Lemp Black Label, Commander Pilsner, Keely's Half and Half, Ziegler's 5-20 and Goebel.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, General Order 50, 8 F.R. 4808)

Effective December 1, 1944.

Issued November 25, 1944.

C. W BUTLER,
District Director.

[F. R. Doc. 45-2013; Filed, Feb. 2, 1945; 12:26 p. m.]

[Savannah Order G-1 Under Gen. Order 50, Amdt. 3]

MALT AND CEREAL BEVERAGES IN SAVANNAH, GA., DISTRICT AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the District Director of the Savannah, Georgia, District Office, Region IV Office of Price Administration, by General Order No. 50, issued by the Administrator of the Office of Price Administration, Region IV Delegation Order No. 17, issued May 5, 1944:

It is hereby ordered, That Appendix A of Amendment 2 to District Order No. G-1, under General Order No. 50, be amended by adding to said Appendix A the following brands and prices for the respective group sellers, at retail, of beer, ale or near-bear, as hereinafter set forth:

Trade name of beer	Maximum prices	
	12 oz. bottle	32 oz. bottle
GROUP 1-B	*Cents*	*Cents*
Morlein	25	60
Schmits	25	60
Fredricks	25	60
GROUP 2-B		
Morlein	20	50
Schmits	20	50
Fredricks	20	50
GROUP 3-B		
Morlein	18	48
Schmits	18	48
Fredricks	18	48

The prices as set forth above are the applicable prices. All other provisions of said order remain unchanged and in full force and effect, as issued.

This amendment shall become effective October 21, 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 21st day of October 1944.

R. E. THORPE,
District Director.

[F. R. Doc. 45-2012; Filed, Feb. 2, 1945; 12:26 p. m.]

[Region IV Rev. Order G-7 Under RMPR 122, Amdt. 1]

SOLID FUELS IN KNOXVILLE, AND ADJACENT TERRITORY IN TENNESSEE

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, a new subdivision numbered (c) (2) (ix) is added to Revised Order No. G-7 under Revised Maximum Price Regulation No. 122, issued by the Atlanta Regional Office August 19, 1944, as follows:

(ix) *Adjustments for reallocation of supply source by SFAW* (a) In the event the Solid Fuels Administrator for War allocates coal to the area covered by this order from a new source of supply having a higher delivered cost to the dealer, a dealer purchasing such coal and offering the same for sale to consumers may file an application for adjustment of the prices set by this order to compensate for such higher delivered cost. Such application shall be filed in duplicate with the Nashville District Office, Office of Price Administration, Nashville, Tennessee. Each application so filed shall set forth the following:

(1) The size of the coal purchased from the new supply source;

(2) The normal source of his supply of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) as of October and November, 1944;

(3) The new supply source of that size of coal (including mine index number) mine cost of such coal, and freight cost (per ton) thereof;

(4) The difference in the delivered cost (mine cost plus freight) of the coal from the normal source of supply and the delivered cost of the coal from the new source of supply.

(5) The increase proposed to be added by the dealer (which may not exceed the amount of cost differential required to be shown under subdivision (4) of this subdivision (a)) stated on a per ton basis, and also for such less than one ton selling lots as are customarily sold by the dealer.

(b) The increase requested by the applicant shall not be added to the prices established by this order until the District Price Executive of the Nashville District Office, by letter acknowledges receipt thereof. If such letter contains a request for additional information or for correction of errors in the application, the increase requested shall not be used until the dealer has furnished such information or made such correction and has received acknowledgment thereof from the District Price Executive. The increase may be added, however, if no acknowledgement or request for additional information or for correction of the application shall have been mailed to the applicant within 10 days from the date of mailing of the application or of the requested additional or corrective information to the Nashville District Office.

(c) The Regional Administrator of the Atlanta Regional Office may at any time disapprove, correct, or modify any requested increase, but such disapproval, correction, or modification shall not be retroactive.

(d) A dealer, in order to make any additions permitted by this paragraph, must show the increase as a separate charge on the customer's invoice or sales ticket, bearing the notation "Increase because of SFAW reallocation of supply source"

This Amendment No. 1 to Revised Order G-7 under Revised Maximum Price Regulation No. 122 shall become effective January 16, 1945.

(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 January 11, 1945.

GEORGE D. PATTERSON, Jr.,
Acting Regional Administrator.

[F. R. Doc. 45-2014; Filed, Feb. 2, 1945; 12:27 p. m.]

[Region VIII Order G-1 Under MPR 507, Amdt. 5]

FRESH FISH AND SEAFOOD IN SAN FRANCISCO REGION

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 section 12 (a) of Maximum Price Regulation No. 507, as amended, Order No. G-1 under Maximum Price Regulation No. 507 is hereby amended as follows:

(a) Table A of section (d) is amended by adding Item No. 16 "Smelt" as follows:

TABLE A—WHOLE FISH SOLD ON GROSS WEIGHT AND PREPARED TO THE CUSTOMER'S ORDER

Item:	*I and II* (*cents per lb.*)	*III and IV* (*cents per lb.*)
16, Smelt	$0.07	$0.05

(b) Paragraph (g) *Definitions,* is amended by adding at the end thereof the following:

(12) "Rex Sole" means the species Errex zachirus caught off the Pacific Coast.

(13) "Lobster" means the species Panulirus interruptus caught off the Pacific Coast.

(14) "Smelt" means the species Eulachon or Thaleichthys Pacificus caught in the Columbia River and its tributaries located in Region VIII.

(c) This amendment shall become effective January 22, 1945.

(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).

Issued this 19th day of January 1945

CHAS R BAIRD,
Regional Administrator

[F. R Doc 45-2015; Filed Feb 2 1945; 12:28 p m]

[Region VIII Order G-1 Under SR 15, Amdt 6]

FLUID MILK IN OREGON AND WASHINGTON

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 as amended Order No G-1 under said section is amended by adding at the end of paragraph (a) thereof the following;

THE TOWN OF BOARDMAN IN THE STATE OF OREGON

Quantity	Wholesale price	Retail price
Quart	$0.11	$0.13
Pint	06	08
Half-pint	035	.05

This amendment shall become effective January 22 1945

(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 17th day of January 1945

CHAS. R BAIRD
Regional Administrator

[F R Doc 45-2016; Filed Feb 2 1945; 12:28 p m]

[Region VIII Order G-2 Under RMPR 122 Amdt 4]

BITUMINOUS COAL IN SEATTLE WASH AREA

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 § 1340 260 of Revised Maximum Price Regulation No, 122; *It is hereby ordered,* That Order No G-2, under Revised Maximum Price Regulation No. 122 be amended by changing Table XII-A in paragraph (b) (1) to read as follows:

TABLE XII-A—DISTRICT 23 WASHINGTON SUBDISTRICT E, COALS PRODUCED AT THE MCKAY MINE

Size groups	Delivered f o b yard		Delivered to buyer s premises				3 ton	5 ton
	100# bag	Loose per ton	100# bag	½ ton	1 ton	2 ton		
1 to 4 incl 3/8" lump up	80	13 50	85	8.00	14 50	14 25	14 00	--
6 to 9 incl. 4 x 2" to 3½ x 1¼" egg and egg nut.	75	12.70	80	7 60	13 70	13 45	13 20	
10 to 15 incl nut and chestnut 3 x 1¼" to 1¼ x ½"	75	11.95	80	7 25	12.95	12.70	12.45	
16 to 18, incl 1 x 3/8" and 1 x 3/32" pea stoker & Stoker	70	11 60	75	7.05	12 60	12.35	12 10	11 85
19 and 20—Minerun and slack 3½ x 0"	70	11 35	75	6.90	12.35	12.10	11 85	-- --
21 Slack 2 x 0"	65	10.70	70	6 60	11 70	11 45	11.20	10 95
22 Slack 1¼ x 0"	65	10 45	70	6 50	11 45	11 20	10.95	10 70
23 and 24, Slack 1 x 0" and 3/8 x 0"	60	9 80	65	6.15	10.80	10 55	10 30	10 05
25 Slack 3/32 x 0	55	8.60	60	5.55	9.60	9.35	9.10	8.85

This amendment shall become effective January 23 1945

(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 19th day of January 1945

CHAS R BAIRD
Regional Administrator.

[F. R Doc. 45-2017; Filed Feb 2 1945; 12:29 p. m.]

[Region VIII Rev Order G-6 Under MPR 418, Amdt 5]

FRESH FISH AND SEAFOOD IN SAN FRANCISCO REGION

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 section 2 (d) and section 20 (a) of Maximum Price Regulation No 418, as amended, *It is hereby ordered* That Revised Order No G-6 under Maximum Price Regulation No 418 be amended in the following particulars:

1 Paragraph (a) is hereby amended to read as follows:

(a) *Listed fresh fish and seafood items* The items covered by this order, hereafter referred to as listed fresh fish and seafood items" are: barracuda California halibut, black sea-bass, white sea-bass totuava, rock bass, live crab cooked crab in shell crabmeat, kingfish queenfish, herring rex sole whitebait lobster (live) and smelt This order shall apply to Region VIII of the Office of Price Administration

2 Paragraph (b) is hereby amended by adding the following subparagraphs:

(22) 'Rex sole" means the species Errex zachirus caught off the Pacific Coast

(23) "Lobster means the species Panulirus interruptus caught off the Pacific Coast.

(24) 'Smelt' means the species Eulachon or Thaleichthys Pacificus caught in the Columbia River and its tributaries located in Region VIII

3 A new Appendix IV is added as attached

This amendment shall become effective January 22, 1945

(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 19th day of January 1945

CHAS. R BAIRD
Regional Administrator

APPENDIX IV

Species	Item No	Basing points	Style of dressing	Quantity [1]	Maximum prices (port of entry)		
					Table A [2]	Table B	Table D
Smelt	1	Kelso Wash	Round	*Pounds*			
				0-1,500	$0 20	$0 225	$0 25
				1 501-3,000	15	17	19
				3,001-200,000	.08	09	10
				200 001 and over	035	045	055

[1] The quantities refer to the total amount of smelt landed in Region VIII from the waters of the Columbia River and its tributaries during each week ending Friday at noon. The prices stated opposite the quantities are the maximum prices commencing on Monday following the week during which the particular quantity was landed

[2] Prices stated are for sales in bulk For sales of boxed smelt add one ($0 01) cent per pound

[F R Doc 45-2018; Filed Feb. 2 1945; 12:28 p m]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register January 25 1945

REGION III

Cincinnati Order 4-F Amendment 2 covering fresh fruits and vegetables in the Cincinnati Area, filed 9:47 a m

Cincinnati Order 7-W, covering food prices in certain counties in the State of Ohio filed 9:53 a m.

Cincinnati Order 20, covering dry groceries in certain counties in the State of Ohio filed 9:53 a. m.

Cincinnati Order 21 covering dry groceries in certain counties in the State of Ohio filed 9:54 a m

Columbus Order 8-F Amendment 1 covering fresh fruits and vegetables in certain counties in Ohio filed 9:51 a m.

Columbus Order 8-F Amendment 2, covering fresh fruits and vegetables in Franklin County Ohio, filed 9:52 a m.

Columbus Order 15 covering community food prices in the Columbus Area filed 9:50 a m

Columbus Order 15 Amendment 1, covering poultry in the Columbus Ohio Area filed 9:52 a m

Columbus Order 15 Amendment 2 covering eggs in the Columbus Area filed 9:51 a m

Detroit Order 1-C covering poultry in certain counties in the State of Michigan filed 9:50 a m

Detroit Order 2-F covering fresh fruits and vegetables in certain counties in the State of Michigan filed 9:52 a m

Detroit Order 12 covering community food prices in the Detroit Area filed 9:50 a m.

Indianapolis Order 39 covering community food prices in the Northern Area filed 9:54 a m.

Indianapolis Order 40 covering community food prices in the Indianapolis Area, filed 9:54 a m.

Louisville Order 12-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky and Indiana, filed 9:48 a. m.

Louisville Order 14-F, Amendment 2, covering fresh fruits and vegetables in certain counties in Kentucky, filed 9:48 a. m.

REGION IV

Memphis Order 6-F, Amendment 14, covering fresh fruits and vegetables in certain counties in Tennessee, filed 9:48 a. m.

Montgomery Order 20-F, Amendment 10, covering fresh fruits and vegetables in Mobile County, Alabama, filed 9:48 a. m.

Montgomery Order 21-F, Amendment 13, covering fresh fruits and vegetables in Montgomery County, Ala., filed 9:47 a. m.

Montgomery Order 22-F, Amendment 14, covering fresh fruits and vegetables in Houston County, Ala., filed 9:47 a. m.

Montgomery Order 24-F, Amendment 12, covering fresh fruits and vegetables in Dallas County, Ala., filed 9:53 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-2063; Filed, Feb. 3, 1945; 3:35 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register January 26, 1945.

REGION I

Boston Order 5-F, Amendment 7, covering fresh fruits and vegetables in certain counties in Massachusetts, filed 4:02 p. m.

REGION VI

Duluth-Superior Order 1-F, Amendment 53, covering fresh fruits and vegetables in certain areas in Minnesota, filed 4:02 p. m.

La Crosse Order 1-F, Amendment 52, covering fresh fruits and vegetables in certain cities in Minnesota and Wisconsin, filed 4:02 p. m.

La Crosse Order 2-F, Amendment 14, covering fresh fruits and vegetables in certain cities in Wisconsin, filed 4:03 p. m.

La Crosse Order 3-F, Amendment 48, covering fresh fruits and vegetables in certain cities in Wisconsin, filed 4:01 p. m.

La Crosse Order 5-F, Amendment 47, covering fresh fruits and vegetables in Rochester, Minn., filed 4:03 p. m.

La Crosse Order 15, covering certain dry groceries in certain areas in Iowa, Minnesota and Wisconsin, filed 4:01 p. m.

Peoria Order 15, Amendment 1, covering dry groceries in the Peoria Area, filed 4:01 p. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-2064; Filed, Feb. 3, 1945; 3:35 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-1007]

CENTRAL NEW YORK POWER CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of February 1945.

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a) (2) and 7 of the Public Utility Holding Company Act of 1935 proposing to reduce the stated value of its outstanding 1,331,358 shares of no par value common stock from $33,283,950 to $15,244,049.10, without reducing the number of shares, and to credit the amount of the reduction ($18,039,900.90) to a new account designated "Unearned Surplus-Special"·

A public hearing having been held upon such matter 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 declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject further to the condition that Central New York Power Corporation shall not hereafter make any charges to unearned surplus or restricted earned surplus unless fifteen (15) days prior notice of the making of such charges be given to this Commission. The Commission reserves jurisdiction upon receipt of such notice, and as part of the proceedings herein, to impose such further terms or conditions as may then be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2048; Filed, Feb. 3, 1945; 2:23 p. m.]

[File Nos. 54-89, 70-505]

UNITED CORP.

ORDER APPROVING ACCOUNTING ENTRIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 1st day of February, 1945.

The Commission, by its order entered in the above proceeding on November 29, 1944 (Holding Company Act Release No. 5452), having approved a plan for the exchange on a voluntary basis of portfolio securities (Common Stock of Philadelphia Electric Company) and cash for outstanding shares of The United Corporation's $3 Cumulative Preference Stock, and the Commission having reserved jurisdiction, among other things, with respect to all accounting entries involved in carrying out the plan; and

The Commission, in a previous order dated March 20, 1942 (Holding Company Act Release No. 3391) permitting the reduction by The United Corporation of the stated value of its $3 Cumulative Preference Stock, having imposed a condition that no charges be made to the capital surplus arising from such reduction without prior approval of the Commission; and

The United Corporation having submitted supplemental data as to the accounting entries proposed to be made to record said exchange of portfolio securities and cash for preference stock (including charges to said capital surplus) and having requested approval of such entries; and

The Commission having considered the proposed entries and finding that such entries are appropriate;

It is ordered, That the accounting entries proposed to be made by The United Corporation to give effect to the exchange of its holdings of Common Stock of Philadelphia Electric Company and cash for outstanding shares of its $3 Cumulative Preference Stock be, and hereby are, approved, and the jurisdiction reserved in the order of November 29, 1944, with respect to these particular accounting entries be, and the same is hereby, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45-2049; Filed, Feb. 3, 1945; 2:23 p. m.]

SURPLUS PROPERTY BOARD.

[Temporary Order 2]

SPECIAL ACCOUNTS FOR REFUNDS TO PURCHASERS

Section 30 (c) of the Surplus Property Act of 1944 provides that, to the extent authorized by the Surplus Property Board, Government agencies may deposit in a special account with the Treasurer of the United States proceeds from disposition of property under the act and may withdraw from that account appropriate refunds to purchasers of such property.

On January 26, 1945, the Procurement Division of the Treasury Department requested authority to establish such an account, not to exceed $750,000, of which $50,000 is to be allocated to each of its twelve regional offices within the continental United States and $150,000 is to be held in reserve by the central office of the Division.

The Procurement Division of the Treasury Department is hereby authorized to deposit in a specific account with the Treasurer of the United States amounts from proceeds of dispositions of property under the Surplus Property Act of 1944 (Public Law 457, 78th Congress) and to withdraw from such account the amounts necessary to make appropriate refunds to purchasers of such property, all to the extent set forth in the request made to the Board by the Procurement Division under date of January 26, 1945, and in accordance with section 30 (c) of the act.

SURPLUS PROPERTY BOARD,
By HELEN SULLIVAN,
Secretary.

FEBRUARY 1, 1945.

[F. R. Doc. 45-2044; Filed, Feb. 3, 1945; 11:39 a. m.]

UNITED STATES COAST GUARD.

APPROVAL AND WITHDRAWAL OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R. S. 4405, 4417a, 4426, 4479, 4488, and 4491, as amended, 49 Stat. 1544, 54 Stat. 163–167, 1028 (46 U.S.C. 375, 391a, 404, 472, 481, 489, 367, 526–526t, 463a), and Executive Order 9083, dated February 28, 1942 (3 CFR, Cum. Supp.) the following approval and withdrawal of approval of equipment is prescribed:

APPROVAL OF EQUIPMENT

FIRE EXTINGUISHER

Kidde Type 15Z, 15-pound carbon dioxide fire extinguisher with Navy type squeeze grip valve (Dwgs. No. 30183, dated 29 June, 1944, No. 80887, dated 13 August, 1943, No. 80853H, dated 11 June, 1943, Rev. H, dated 11 April, 1944), submitted by Walter Kidde & Co., 60 West St., Bloomfield, New Jersey.

FIRING ATTACHMENT FOR LINE-THROWING GUN

Firing attachment for line-throwing gun, Type F–101 (Dwg. No. F–101–A, dated 19 January, 1945), submitted by the Naval Company, 3419 Richmond Street, Philadelphia, Pa.

WITHDRAWAL OF APPROVAL

Coast Guard approval of the following item of equipment is withdrawn:

SEA ANCHOR

Sea Anchor, Type FM–1 (U. S. Coast Guard Dwg. MMI–562 and specification dated 1 November, 1943, revised 1 June, 1944), submitted by Frank McNamara & Co., 809 Broadway, New York, N. Y. (Original approval 1 November, 1944, 9 F.R. 13018)

Dated: February 2, 1945.

L. T. CHALKER,
Rear Admiral, USCG,
Acting Commandant.

[F. R. Doc. 45–2039; Filed, Feb. 3, 1945; 9:44 a. m.]

WAR FOOD ADMINISTRATION.

Farm Security Administration.

INDIANA AND LOUISIANA

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in counties in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by the War Food Administrator's Delegation of Authority issued August 2, 1944, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION III

INDIANA

Ripley County

Locality I. Consisting of the townships of Adams, Brown, Franklin, and Washington	$3,927
Locality II: Consisting of the townships of Center, Delaware, Johnson, Laughery, Otter Creek, and Shelby	2,976
Locality III: Consisting of the township of Jackson	3 936

REGION VI

LOUISIANA

Natchitoches Parish

Locality I. Consisting of wards 1, 4, 9, and 10	$5,435
Locality II. Consisting of wards 3, 5, 6, 7, and 8	1,642
Locality III: Consisting of ward 2	920

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved February 2, 1945.

FRANK HANCOCK,
Administrator

[F. R. Doc. 45–2041; Filed, Feb. 3, 1945; 11:04 a. m.]

WAR MANPOWER COMMISSION.

DENVER, COLO., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Denver, Colorado, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. XI by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225) and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Denver, Colorado, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Denver, Colorado, Area shall include: Adams County· Precincts 12, 16, 17, 22, 23, 24, 26, 28, 29. Arapahoe County· Precincts 1 through 28, 30 through 37, 40, and 41. Denver County· Entire County. Jefferson County· Precincts 2, 9 through 11, 15, 16, 20 through 23, 25, 27 through 39.

II. The effective date of this designation is February 25, 1945.

III. Not later than the effective date, each employer in the Denver, Colorado, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any workers;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be impracticable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: January 25, 1945.

JOHN E. GROSS,
Acting Regional Director

[F. R. Doc. 45–2020; Filed, Feb. 2, 1945; 1:47 p. m.]

PUEBLO, COLO., AREA

MINIMUM WARTIME WORKWEEK

Designation of the Pueblo, Colorado, Area as subject to Executive Order No. 9301.

By virtue of the authority vested in me as Regional Manpower Director of Region No. XI by § 903.2 of War Manpower Commission Regulation No. 3, "Minimum Wartime Workweek of 48 Hours," (8 F.R. 7225) and having found that such action will aid in alleviating labor shortages which are impeding the war effort, I hereby designate the Pueblo, Colorado, Area as subject to the provisions of Executive Order No. 9301.

I. For the purposes of this designation, the Pueblo, Colorado, Area shall include: Pueblo County—Entire County.

II. The effective date of this designation is February 25, 1945.

III. Not later than the effective date, each employer in the Pueblo, Colorado, Area shall, in accordance with War Manpower Commission Regulation No. 3:

(a) Extend to a minimum wartime workweek of 48 hours, the workweek of any of his workers whose workweek can be so extended without involving the release of any worker;

(b) If extension of the workweek of any of his workers to a minimum wartime workweek of 48 hours would involve the release of any workers, submit to the Area Manpower Director the number and occupational classification of the workers whose release would be involved, together with proposed schedules for their release, and thereafter extend such workweek when and as directed in schedules authorized by the War Manpower Commission;

(c) File an application for a minimum wartime workweek of less than 48 hours for those workers engaged in employment in which the employer claims that a workweek of 48 hours would be im-

practicable in view of the nature of the operations, would not contribute to the reduction of labor requirements, or would conflict with any Federal, State or local law or regulation limiting hours of work.

Date of issuance: January 25, 1945.

JOHN E. GROSS,
Acting Regional Director

[F. R. Doc. 45-2021; Filed, Feb. 2, 1945; 1:47 p. m.]

WAR SHIPPING ADMINISTRATION.

"WEST WIND"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress)

Whereas on August 12, 1942, title to the vessel "West Wind" (22G31) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *

and whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: January 31, 1945.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 45-2124; Filed, Feb. 5, 1945; 11:04 a. m.]