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Rules, Regulations, Orders

TITLE 26—INTERNAL REVENUE

BUREAU OF INTERNAL REVENUE

[T. D. 4890]

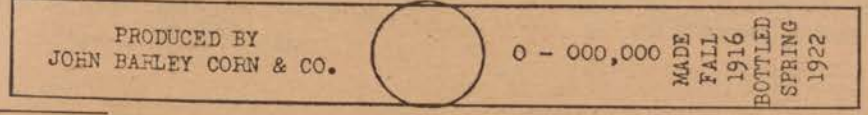
BOTTLING OF DISTILLED SPIRITS IN BOND

AMENDING REGULATIONS NO. 6

To District Supervisors and Others Concerned:

Sections 19, 28 (Third Paragraph), and 30 (a) of Regulations No. 6,[1] Bottling of Distilled Spirits in Bond, are hereby amended, and Section 44 added to the end thereof, to read as follows:

SEC. 19. (a) *Overprinting of stamps.*—Bottled-in-bond stamps must be overprinted, such overprinting to be in the blank spaces provided therefor. At such time as the proprietor of the warehouse desires to have stamps overprinted and cut the storekeeper-gauger will deliver the stamps to him. The overprinting of stamps may be done by any printer selected by the proprietor of the warehouse and approved by the supervisor. Overprinting will be done in red ink with not less than eight-point type. The season when the spirits were made and the season when bottled will be overprinted in the blank spaces on the end of the stamp bearing the serial number, except in the case of stamps of "Less than ½ Pint" denomination, which do not have serial numbers, the season when made and the season when bottled will be placed on the right-hand end of the stamp. In the blank space on the other end of the stamp will be placed the name of the actual bona fide distiller, or the name of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused. Overprinting of the stamp will be in the following form:



(b) Stamps for distilled spirits bottled in bond, which the proprietor cannot use in the season for which they were overprinted, or on which an error was made in overprinting the season of production or bottling, may be again overprinted. The season when "made" or when "bottled," or both, overprinted on the stamps may be obliterated and the desired seasons of production and bottling substituted. One overprinting only will be permitted after the first or original overprinting. The name of the distiller or any data other than the season of production or bottling may not be changed after the first or original overprinting.

SEC. 28 (third paragraph). The manufacturer's joint of the case shall be secured by adhesive cloth tape or reinforced paper tape, metal fastenings of staples, or stitching wire made of steel, treated to resist rust, and not less than one-half an inch long. The staples or stitches shall be spaced not more than 2 inches apart, shall pass through all the pieces to be fastened, and shall be clinched on the inside.

SEC. 30. (a) *Marks and brands.*—On the Government side of cases of distilled spirits bottled in bond there shall be plainly burned, embossed, or printed, in letters and figures not less than one-half of an inch in height, the number and State of the warehouse at which the spirits are bottled, and the quantity and proof of the spirits. There shall also be plainly burned, embossed, printed, or stenciled on the Government side of each case, in letters and figures not less than one-half inch in height, the real name of the actual bona fide distiller or of the individual, firm, partnership, corporation or association in whose name the spirits were produced and warehoused, the number and location (city or town and State) of the distillery at which the spirits were produced, and the season and year of production and bottling. The

[1] 3 F. R. 1348 DI.

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FEDERAL REGISTER

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serial number of the case and the date of bottling (inspection) shall also be marked on each case. All marks on cases, whether embossed, printed or stenciled, must be made with permanent black ink. No marks, brands, labels, caution notices, or other devices whatever, other than those required by law and regulations, will be permitted on the Government side of the case.

SEC. 44. *Rebottling, relabeling and restamping of bottled spirits.*—Warehousemen desiring to rebottle, relabel and restamp spirits bottled in bond will make application to the District Supervisor of the district in which the work is to be performed. The application will state specifically the reasons why such is necessary, giving the serial numbers of the cases, the name of the distiller producing the spirits, date of production, by whom the spirits were originally bottled, date of original bottling and whether or not the spirits have been continuously in possession of the applicant. If the spirits were originally bottled by a distiller or warehouseman other than the applicant, the application must be accompanied by a statement from the original bottler consenting to the reconditioning thereof by the applicant.

Upon receipt of such application, the District Supervisor will have the storekeeper-gauger in charge at the warehouse, or an inspector, or other Government officer, examine the condition of the spirits and verify the data contained in the application. The officer will make a full report of his inspection to the District Supervisor. If the District Supervisor finds that the reconditioning, rebottling, relabeling or restamping of the spirits is necessary, he will approve the application.

Cases of taxpaid bottled in bond spirits which have left the premises of the warehouseman, but have never been opened, may be rebottled, restamped or relabeled, provided the District Supervisor is satisfied, upon investigation, that the spirits have not been tampered with in any manner and are of the required proof for bottled in bond spirits. Where taxpaid bottled in bond spirits have left the premises of the warehouseman and investigation discloses that the cases have been opened, or where the District Supervisor is doubtful as to the proper action to be taken, rebottling, relabeling or restamping should not be authorized until the matter has been referred to the Commissioner for consideration and advice.

New bottled in bond strip stamps will be required whenever spirits are rebottled. The new stamps will bear the same data as to seasons when produced and bottled, the name of the distiller or the name of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused. The registered distillery number, and the number and district of the warehouse at which originally bottled will not be printed on new stamps where stamps of prior issues bearing such data are affixed to the bottles. The bottles must bear the indicia, and conform to the standards of fill, required by Regulations 13.[2] The reconditioned spirits may be rebottled in the same bottles from which removed if such bottles containing the spirits originally bear the proper indicia and have not been offered for sale at retail.

[2] 2 F. R. 898 (1070 DI).

If the spirits are to be relabeled and have not left the possession of the original bottler, the new label to be used must be covered by an appropriate Certificate of Label Approval, issued by the Federal Alcohol Administration, or a Certificate of Exemption from Label Approval, procured from that Administration. Authorization to relabel spirits which have left the possession of the original bottler must be obtained from the Federal Alcohol Administration and must be submitted to the supervisor with the application to rebottle or relabel.

All rebottling, relabeling and restamping of spirits must be conducted in a bottling in bond warehouse under the supervision of a Government officer. Spirits of two or more distillers or of different seasons' production or bottling may not be reconditioned at the same time and rebottling operations must be conducted at a time when no other spirits are in the process of bottling. Warehousemen may remove by straining through cloth, felt, or other like material, any charcoal, sediment or other like substances found in the spirits. In the process of rebottling, the spirits may not be subjected to any treatment deemed to be rectification as defined in Regulations 15.

Application will be made on Form 1518 for the removal of bottled spirits from an internal revenue bonded warehouse for rebottling. Entries will be made in the proper columns of the Storekeeper-Gauger's Monthly Return, Form 1513, showing the removal of the cases for rebottling and, after rebottling, the return of the cases filled to the bonded warehouse. Application will be made on Form 1515 (Part I) to the storekeeper-gauger in charge of the warehouse for strip stamps sufficient to cover the quantity of spirits bottled. Entries for rebottling untaxpaid spirits will be made on Forms 1516 and 1517 in the same manner as spirits are entered for original bottling before taxpayment. Tax will be paid on all losses sustained in rebottling untaxpaid spirits in accordance with Section 39.

Spirits rebottled, relabeled or restamped after taxpayment will not be entered on Forms 1515, 1516 or 1517.

Warehousemen and supervisors will bear in mind that the rebottling, relabeling and restamping of bottled in bond spirits may be done only when necessary. The work must be done at such time and in such manner as will require no unnecessary supervision or assignment of additional officers for that purpose.

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

Approved, March 29, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-1088; Filed, March 30, 1939; 1:52 p. m.]

[T. D. 4891]

AMENDING ARTICLES 502 AND 505 OF REGULATIONS 100, AS AMENDED, RELATING TO THE EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE CARRIERS TAXING ACT OF 1937, AND SUCH ARTICLES AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE BY TREASURY DECISION 4885

To Collectors of Internal Revenue and Others Concerned:

Regulations 100,[1] relating to the employers' tax, employees' tax, and employee representatives' tax under the Carriers Taxing Act of 1937 (Part 410 of Title 26, Code of Federal Regulations), and those regulations as made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 (Part 465, Subpart B, of such Title 26), are amended as follows:

(1) The second sentence of Article 502 (section 410.502 of such Title 26), relating to final returns, is amended to read as follows:

"Such return shall be filed with the collector on or before the sixtieth day after the date of the final payment of compensation with respect to which the tax is imposed, except that if such final payment was made prior to April 1, 1939, the return shall be filed on or before the thirtieth day after the date of such payment."

(2) The first sentence of the second paragraph of Article 505 (section 410.505 of such Title 26), relating to the place and time for filing returns, is amended to read as follows:

"The return for the period January 1, 1937, to September 30, 1937, inclusive, shall be filed on or before November 30, 1937; the return for each quarterly period thereafter up to and including the period ended December 31, 1938, shall be filed on or before the last day of the first calendar month following the period for which it is made; and the return for each quarterly period subsequent to December 31, 1938, shall be filed on or before the last day of the second calendar month following the period for which it is made."

(This Treasury Decision is prescribed pursuant to the following sections of law: Sections 1530 (b), 1536, 2701, 2709, 1535 and 3791 of the Internal Revenue Code (53 Stat. Part 1); sections 7 (b), 7 (c) and 12 of the Carriers Taxing Act of 1937 (50 Stat. 439, 440; 45 U. S. C. Sup. IV, 267, 272); and sections 602 and 1102 of the Revenue Act of 1926 (44 Stat. 94, 112; 26 U. S. C. 1121, 1129).)

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved March 29, 1939.

JOHN W. HANES,
Under Secretary of the Treasury.

[F. R. Doc. 39–1099; Filed, March 31, 1939; 12:27 p. m.]

[1] 2 F. R. 2198 (2557 DI).
[2] 4 F. R. 879 DI.

TITLE 29—LABOR

CHILDREN'S BUREAU

[Regulation No. 2]

CHILD LABOR

PART 402. ACCEPTANCE OF STATE CERTIFICATES†

OCTOBER 15, 1938.

SEC. 402.1 *Designation of States.* Pursuant to the provisions of section 401.5 (section 5 of Child Labor Regulation No. 1, entitled "Certificates of Age" issued October 14, 1938*) I do hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938:

Alabama	New Jersey
Arizona	New Mexico
Arkansas	New York
Colorado	North Carolina
Connecticut	Ohio
Delaware	Oklahoma
Illinois	Oregon
Indiana	Pennsylvania
Kentucky	Rhode Island
Maine	Tennessee
Maryland	Utah
Massachusetts	Vermont
Michigan	Washington
Missouri	West Virginia
Montana	Wisconsin
New Hampshire	

This designation shall be effective for the period of six months from and after October 24, 1938:

[SEAL] KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 39–1100; Filed, March 31, 1939; 12:45 p. m.]

[Regulation No. 4]

CHILD LABOR

PART 402. ACCEPTANCE OF STATE CERTIFICATES††

OCTOBER 21, 1938.

SEC. 402.2 *Designation of States.* Pursuant to the provisions of section 401.5 (section 5 of Child Labor Regulation No. 1, entitled "Certificates of Age" issued October 14, 1938*) I do hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938:

California	Virginia
Florida	District of Columbia
Georgia	

This designation shall be effective for the period of six months from and after October 24, 1938.

[SEAL] KATHARINE F. LENROOT,
Chief.

[F. R. Doc. 39–1101; Filed, March 31, 1939; 12:45 p. m.]

†This regulation, originally published in 3 F. R. 2500 DI, October 18, 1938, is republished in form appropriate for inclusion in the Codification of Federal Regulations.

*Issued pursuant to the authority conferred by sections 3 (1) and 11 (b) of the Fair Labor Standards Act of 1938 (52 Stat. 1060); 3 F. R. 2487 DI, republished in Codification form in 4 F. R. 1361 DI, March 29, 1939.

††This regulation, originally published in 3 F. R. 2533 DI, October 22, 1938, is republished in form appropriate for inclusion in the Codification of Federal Regulations.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 207—NAVIGATION REGULATIONS

207.425 *Calumet-Sag Channel, Ill.; Chicago sanitary district controlling works and the use, administration, and navigation of the lock near Blue Island.*[1]

Controlling Works

(a) (1) The controlling works shall be so operated that the water level at the west (downstream) end of the lock will be maintained at a level lower than that of Lake Michigan, except in times of excessive storm run-off into the Calumet-Sag Channel, or when the lake level is below minus 2 feet, Chicago City Datum.

(2) The elevation to be maintained at the west (downstream) end of the lock will be determined from time to time by the U. S. District Engineer, Chicago, Illinois. It shall at no time be higher than minus 0.5 feet, Chicago City Datum, and at no time lower than minus 2.0 feet Chicago City Datum, except as noted in the preceding paragraph.

Lock

(b) (1) *Operation.* The lock shall be operated by The Sanitary District of Chicago under the general supervision of the U. S. District Engineer, Chicago, Illinois. The lock gates shall be kept in the closed position at all times except for the passage of navigation and for maintenance of water levels.

(2) *Description of lock.*

	Feet
Clear length	360
Clear width	50
Depth over sills	[1] 24.0

[1] This depth is below Chicago City Datum, which is the zero of the gages mounted on the lock. The depth below Low Water Datum for Lake Michigan, which is the plane of reference for the U. S. Lake Survey Charts is 22.6 feet.

A single red light visible in all directions shall be displayed during the hours of darkness at each end of the south guide wall to the lock.

(3) *Definition and authority of lockmaster.* The term "lockmaster" as used

[1] These regulations are supplementary to Title 33, Chapter II, Part 207, of the Code of Federal Regulations.

herein shall mean the lockmaster, or his representative, having authority to issue orders to vessels and their operating personnel. The mooring, position, and movement of all vessels and floating craft of every description, while in the lock or its approaches, shall be subject to the direction of the lockmaster whose orders must be obeyed in the operation and mooring of such boats and craft. Crews shall render such assistance in lockage of their craft as the lockmaster may require.

(4) *Precedence at lock.* Ordinarily the vessel arriving first at the lock shall be first locked through; but precedence shall be given to vessels belonging to the United States. Passenger boats shall have precedence over tows and like craft. When two or more vessels of the same class arrive at the lock from the same direction at the same time, the vessel on the north side shall have precedence and the southerly vessel shall stop and give way to the northerly vessel. Arrival posts or markers may be established ashore above or below the lock. Vessels arriving at, or opposite such posts or markers, will be considered as having arrived at the lock within the meaning of this paragraph.

(5) *Lockage of recreational craft.* Yachts, house boats, and other recreational and light-draft craft will be given lockage as soon as practicable but will not be permitted to interfere with or delay the lockage of commercial craft. Whenever a lockage is made for a commercial boat, other craft may likewise pass through at the discretion of the lockmaster if there is room for them in the lock. Small passenger-carrying speed boats shall not be construed as commercial craft within the meaning of these regulations. The lockmaster shall have the final decision as to whether a craft presenting itself for lockage is a commercial or recreational craft.

(6) *Order of lockage.* Boats having any other craft in tow must accompany their tow through the lock whenever so directed by the lockmaster. Lockmasters may require tows requiring two or more lockages to permit other craft to pass after each lockage.

(7) *Signals.* Signals from vessels shall ordinarily be by whistle. Signals from the lock to vessels shall be by whistle or other sound device, or by semaphore or other visual means. When whistle is used, long blasts of the whistle shall not exceed 10 seconds and short blasts of the whistle shall not exceed 3 seconds. In case of emergency the lockmaster will indicate by voice or by the wave of a hand or lantern when the vessel may enter or leave the lock. Vessels must approach the lock with caution and shall not enter nor leave the lock until signaled to do so by the lockmaster. The following lockage signals are prescribed:

Sound signals by means of a whistle. Vessels desiring lockage shall, on approaching a lock, give the following signals when at a distance of not more than one mile from the lock:

If a single lockage only is required: One long blast of the whistle followed by one short blast.

If a double lockage is required: One long blast of the whistle followed by two short blasts.

Permission to enter the lock will be indicated by the following signal given from the lock:

One long blast of the whistle.

Permission to leave the lock will be indicated by the following signal given from the lock:

One short blast of the whistle.

Four or more short blasts of the lock whistle delivered in rapid succession, will be used as a means of attracting attention, to indicate caution and to signal danger. This signal will be used to attract the attention of the captains and crews of vessels using or approaching the lock or navigating in its vicinity and to indicate that something unusual involving danger or requiring special caution is happening or is about to take place. When this signal is given from the lock, the captains and crews of vessels in the vicinity shall immediately become on the alert to determine the reason for the signal and shall take the necessary steps to cope with the situation.

Visual signals. If density of traffic or other local conditions make it appear necessary or advisable, the sound signals given from the lock will be supplemented by the following visual system:

Green flashing lights shall be located on the south wall of the lock, one light opposite the east gate showing easterly, and one light opposite the west gate, showing westerly. When the lock gates are open and the lock is ready for entrance, the requisite light will be displayed.

(8) *Mooring at lock approaches.* Descending (westbound) boats while waiting their turn to enter the lock shall lie at least 1,000 feet above the lock, and shall leave sufficient room for the passage of boats leaving the lock or having precedence in entering. Ascending (eastbound) boats while waiting their turn to enter shall tie up or lie in the passing place on the south side of the channel just west of the lock and shall keep entirely out of the through channel to give free passage to a boat or tow entering or leaving the lock.

(9) *Rafts.* Rafts to be locked through shall be moored in such manner as not to obstruct the entrances of the lock, and the sections for locking shall be brought to the lock as directed by the lockmaster in charge. After passing the lock the sections shall be reassembled at such distance beyond the lock as not to interfere with boats privileged to pass through.

(10) *Entrance to and exit from lock.* In case two or more boats or tows are to enter for the same lockage, their order of entry shall be determined by the lockmaster. Except as directed by the lockmaster, no boat shall pass another in the lock. The boat that enters first shall have precedence in exit.

(11) *Protection of lock gates.* In no case shall boats be permitted to enter or leave the lock until directed to do so by the lockmaster. Boats shall not be permitted to enter or start to leave until the lock gates are at rest within the gate recesses.

(12) *Maximum draft.* Vessels drawing within 6 inches of the depth over the sills shall not be permitted lockage except under special permission from the lockmaster.

(13) *Mooring in lock areas.* All vessels when in the lock shall be moored as directed by the lockmaster. In general all craft shall be moored with bow, stern and spring lines to the snubbing posts provided for that purpose, and in case of a towboat accompanying the tow during a lockage, a line attached to a capstan shall be used and kept taut, when directed by the lockmaster, to prevent the tow from surging in the lock chamber. Tying to lock ladders is prohibited. Mooring of unattended or nonpropelled vessels or small craft will not be permitted in the lower (west) approach. When vessels or tows are not to be locked through immediately and mooring is necessary, they shall be moored lakeward of the lock in that part of the Little Calumet River west of the Calumet-Sag Channel entrance.

(14) *Unnecessary delay at lock.* Masters and pilot must use every precaution to prevent unnecessary delay in entering and leaving the lock. Vessels failing to enter the lock with reasonable promptness when signaled to do so shall lose their turn. Boats arriving at the lock with their tows in such shape as to impede lockage shall lose their turn. Leaking boats may be excluded from the lock until they have been put in such condition that it is, in the opinion of the lockmaster, safe to pass them through.

(15) *Damage to walls.* The sides of all craft passing through the lock must be free from projections of any kind which might injure the lock walls. Vessels must be provided with suitable fenders. One or more men as the lockmaster may direct, shall be kept at the head of every tow until it has cleared the lock and guide walls, and shall protect the walls by the use of fenders.

(16) *Operating machinery.* Lock employees only shall be permitted to operate the lock gates, valves, signals or other appliances. Tampering or meddling with machinery or other parts of the lock is strictly forbidden.

(17) *Depositing refuse prohibited.* The depositing of ashes or refuse matter of any kind in the lock or on the walls thereof, the passing of coal from barges or deck scows while in the lock, and the

emission of dense smoke from any vessel while passing through the lock is forbidden.

(18) *Damage to construction work.* To avoid damage to plant and structures connected with the construction or repair of the lock, vessels shall reduce their speed and navigate with special caution while in the vicinity of such work.

(19) *Commercial statistics.* Upon passage through the lock the master or clerk of each vessel shall furnish the lockmaster, in duplicate, upon prescribed forms, such statistical information as may be required. The forms may be obtained without charge from the lockmaster; The Sanitary District of Chicago, 910 South Michigan Avenue, Chicago, Illinois; or the District Engineer, U. S. Engineer Office, Chicago, Illinois.

(20) *Vessels to carry regulations.* A copy of these regulations shall be kept at all times on board each vessel regularly engaged in navigating the lock. Copies may be obtained without charge from the lockmaster; The Sanitary District of Chicago, 910 South Michigan Avenue, Chicago, Illinois; or from the District Engineer, U. S. Engineer Office, 932 U. S. Post Office Building, Chicago, Illinois.

(21) *Failure to comply with regulations.* Any vessel failing to comply with these regulations or with any orders given in pursuance thereof may in the discretion of the lockmaster be denied the privilege of passage through or other use of the lock or appurtenant structures.

(22) These regulations shall be in force and effect on and after April 1, 1939. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U. S. C. 1) [Regs., March 23, 1939 (E. D. 6311 (Calumet-Sag Channel)–5/1)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39–1093; Filed, March 31, 1939; 10:33 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

VETERANS' ADMINISTRATION

TRANSPORTATION AND TRAVELING EXPENSES OF CLAIMANTS AND BENEFICIARIES[1]

REVISION OF REGULATIONS

SEC. 6.6102 *Transportation—Hospital or domiciliary care.* (A) Provided that prior authority for the necessary travel has been granted by the Veterans' Administration, transportation (which may include travel requests, Pullman accommodations when necessary, meal and lodging requests, and an attendant or attendants when determined necessary in good medical judgment, will be supplied at Government expense under these conditions: (1) to applicants under Section 6.6047, paragraphs (A) and (B), accepted for hospital treatment of service-connected disease or injury; and (2) to applicants accepted under Section 6.6047, paragraphs (C), (D), and (E), when they make a sworn statement on Form P–10 that they are unable to defray transportation incident to hospital or domiciliary care. Applicants under Section 6.6047, paragraph (F), that is, retired officers and enlisted men, regular establishment, will not be supplied Government transportation.

(B) Transportation contemplated under (A) will cover: (1) That travel involved in proceeding to a facility for domiciliary care or hospital treatment; (2) that involved in inter-facility transfers determined as necessary; (3) that involved to cover return travel from a facility to the place from which the beneficiary proceeded to the said facility; or, when he has been transferred from one facility to another for purposes of special treatment, to cover return to the facility from which he was so transferred, if he requires further treatment or further domiciliary care thereat; or to cover return to the place from which he proceeded to the facility which transferred him to another for treatment, should it be decided that he does not require further treatment. This latter decision will be made at the facility to which he was transferred for special treatment.

(C) Transportation at Government expense will be provided to cover travel involved in the first admission of a beneficiary for domiciliary care. Government transportation to accomplish subsequent readmission for such care; or to cover return travel from an original or subsequent episode of domiciliary care; or to effect an inter-facility transfer for domiciliation, will not be supplied unless and until prior authority to furnish the transportation is obtained from the director of national homes. When a beneficiary requests discharge from domiciliary care for a good and sufficient reason, such as actual procurement of a job (not the mere promise of one), the manager can appropriately recommend the grant of Government transportation to effect travel incident to such discharge. When a member, transferred from barracks to the hospital of the same facility, has completed hospital treatment, he will be discharged back to the barracks if there is continued eligibility for domiciliary care, and transportation to cover his return travel to the place from which he proceeded to the facility will not be supplied except upon prior authorization of the director of national homes. If there is no continued eligibility for domiciliary care upon completion of such hospital treatment, transportation may be supplied as for other hospital patients who have completed treatment and are to receive a regular discharge from hospital.

(D) Transportation at Government expense to accomplish readmission for hospital treatment within six months after regular discharge upon completion of treatment for a former episode of hospital treatment, will not be supplied, except in a medical emergency, unless and until prior authority is obtained from the medical director. The present address of the applicant will be given, together with a statement of his condition, if known, in making such requests upon the medical director.

(1) Exceptions to the foregoing general principles are authorized to be made by chief medical officers, clinical directors or their designates, upon their own initiative and without securing prior approval of the medical director to issuance of transportation, in the following instances:

* * * * *

(c) Readmission for furnishing of artificial dentures for persons eligible under currently approved medical procedure.

(2) For records and procedure in readmissions authorized under these exceptions see currently approved medical procedure (dentures).

* * * * *

(H) Prior authority for all inter-facility transfers for domiciliary care or for hospital treatment, between facilities under direct and exclusive jurisdiction of the Veterans Administration, must be obtained from the director of national homes or from the medical director, respectively. Requests for all such transfers will be submitted on Form 2649.

* * * * *

(K) Subject to the conditions defined herein, claimants or beneficiaries referred by a regional office to a facility for performance of a diagnostic procedure (spinal or venous puncture, electrocardiographic examination, basal metabolism estimation, etc., see currently approved medical procedure) will be supplied transportation to and from such facility. Beneficiaries who are referred by a regional office to a facility for treatment of a service-connected condition when facilities for such treatment (artificial pneumothorax refills, etc.) are lacking at the regional office, will similarly be supplied transportation, under these conditions: That the claimant or beneficiary is not in an uncleared status because of infraction of facility discipline; and further provided, that where such claimant or beneficiary resides in a town or city where the facility treatment is to be rendered or in the vicinity thereof so that the said town or city may be considered his place of residence, then the provisions of Section 6.6103 (A) (1) and (2) will govern as to the furnishing of transportation. (March 31, 1939.) (48 Stat. 9; 49 Stat. 729; 38 U. S. C. 706)

SEC. 6.6103 *Transportation for outpatient medical and dental treatment and physical examination:*

* * * * *

[1] 3 F. R. 531 DI.

(B) *Out-patient physical examinations.*

(3) Transportation expenses incident to physical examinations will not be supplied by the Government when the examinee resides in the town or city where the examination is to be made, or in the vicinity thereof, so that the said town or city may be considered his place of residence. However, when reporting at a field station entails payment of a fare exceeding ten cents each way for such examinees, station transportation (bus, etc.) or expense of transportation by common carrier may be supplied them; provided, that such authority to meet exceptional local conditions has been granted by the Administrator, based upon recommendation of the station manager concerned. (March 31, 1939.) (48 Stat. 9; 49 Stat. 729; 38 U. S. C. 706)

SEC. 6.6104 *Authority for issuance of transportation, meal and lodging requests.* The officials specified in Section 6.6100 are empowered to authorize transportation of claimants, beneficiaries and needed attendants, as provided. When transportation, meal and lodging requests are not used, reimbursement of actual and necessary travel expenses may be allowed (except where transportation requests were issued based upon a predetermination of mode of travel by the claimant or beneficiary, see currently approved medical procedure), subject to the limitation that not to exceed $5.00 for meals and lodging for one day or, for fractional days, not to exceed $1.00 for a single meal or $2 for a single lodging, may be allowed; provided, that the total reimbursement will not exceed the cost of the travel, had it been performed in the manner authorized. Vouchers for reimbursement must be supported by properly executed receipts similar to those required by travel regulations to support travel vouchers of employees.

* * * * *

(C) In issuing authorizations to effect hospitalization or domiciliary care of veterans when, from the information available the services of an attendant or attendants, or of an ambulance appears necessary, care will be taken to include these additional items of expenditures in the authorizations. Prior authorization must be given for use of an attendant or attendants and for ambulance transportation. See currently approved medical procedure for emergency authorizations.

(D) See currently approved medical procedure, relative to transportation from common carrier terminal to a facility.

(E) *Requests upon common carriers for reduced fares.* For instructions as to issuance of requests for reduced fares to beneficiaries for whom Government transportation is not furnishable, see currently approved supply procedure. (March 31, 1939.) (48 Stat. 9; 49 Stat. 729; 38 U. S. C. 706)

SEC. 6.6105 *Attendants.* An attendant or attendants, to accompany a claimant or beneficiary who is being admitted to or discharged from a facility, or is proceeding to or from out-patient examination or treatment, may be authorized when in the opinion of a chief medical officer or clinical director, or their designates, such attendance is necessary because of the mental or physical condition of the beneficiary. The assignment of attendants must be kept to the absolute minimum required for safe care of traveling claimants or beneficiaries. See currently approved medical procedure regarding travel precautions relative to psychotic or tuberculous beneficiaries.

(A) Persons not in the regular civilian employment of the Government may be authorized to act as attendants. Whenever possible, a definite and unconditional determination as to necessity for an attendant or attendants will be made when the travel is authorized, and such determination set forth in the terms of the travel authorization. But when the information elicited from the beneficiary or his representative is not sufficiently clear, full and trustworthy to make such determination at the time the authorization for travel is issued, it may be conditional; i. e., the beneficiary or his representative will be carefully instructed that an attendant may be used on his own responsibility, subject to determination of actual need thereof when the beneficiary arrives at the facility or regional office. If, upon such arrival, it is medical judgment that the attendant was not necessary, the cost of the attendant service, including his transportation to and from the facility or regional office will be at the expense of the beneficiary or his representative. If it is so decided that an attendant was necessary, the expense will be a proper charge against the Government, subject to prescribed rates for such service (see also currently approved medical procedure relative to emergency admissions. Relatives of claimants or beneficiaries are not excluded from acting as attendants, provided in medical judgment their services will be safe, convenient and in other respects advisable. However, while relatives assigned as attendants may be supplied necessary transportation, meal and lodging requests or (as in emergency admissions) may be reimbursed for those expenses, they will not be granted a per diem fee. When travel authorizations for attendants are issued and it is known that the authorized attendant is a relative of the beneficiary the provision for payment of fee will be stricken from the authorization. When the services of an attendant are authorized and the name or relationship of the attendant are not known it will be stipulated in the authorization, whether formal or informal, that no fee will be paid if the attendant is a relative of the beneficiary. In all cases in which fees are authorized to be paid to attendants the fiscal vouchers covering claims for such fees will bear a statement over the signature of the certifying officer, "It has been stated to me that _____ (Name of Attendant) is not a relative of _____ (Name of Beneficiary)."

A maximum fee of $5 for 24 hours of service; $2.50 for 6 hours or any fraction thereof; $1.25 for the next 6 hours or fraction thereof, up to 12 hours; and $5.00 for any period of 12 hours or more up to 24 hours, may be authorized to be paid persons specified in this subparagraph, other than relatives of claimants or beneficiaries for whom attendance is determined as required. However, less than the maximum allowances specified above may be authorized, if satisfactory attendants can be procured at lower rates in the community. It will be entirely the responsibility of the authorizing officer to determine whether an attendant is or is not a relative of the claimant or beneficiary. Fees will be authorized to be paid only for the time actually necessary for the completion of duties by the attendant, but not in excess of the time required for travel by available common carrier; unless it is specified in the authorization that, because of the condition of the claimant or beneficiary, travel is to be performed by ambulance or special conveyance. In the latter event, authority may be granted for payment of attendant's fee on the basis of time actually required for completion of the duty by the specified mode of transportation, without consideration of the travel time required if a common carrier were to be used. An attendant on a fee basis, after delivery of a claimant or beneficiary to the point designated, will (unless instructed to accompany the claimant or beneficiary on his return to the place from which he proceeded) complete his return trip without delay and by the mode of transportation authorized. When conditions make it clearly necessary, in medical judgment, that a private physician act as an attendant, a fee not to exceed $10.00 per 24 hours service, $5.00 for 6 hours or any fraction thereof, $2.50 for the next 6 hours or fraction thereof up to 12 hours, and $10 for any period of 12 hours or more up to 24 hours, may be authorized to be paid to such physician attendant. Upon the issuance of specific authority therefor by the medical director, in an individual case, a fee of more than $10.00 but not to exceed $20.00 per 24 hour period (with corresponding fractioning of the time, as provided in the foregoing) may be paid to a private physician employed as an attendant. In addition to the per diem fee as herein provided, attendants appointed under this subparagraph will be furnished necessary transportation, meals and lodging requests. Claims for reimbursement of actual expenses for meals and lodging will not be certified for payment unless (as in emergency admissions) such requests have not been

issued or, if issued, are returned for cancelation, and satisfactory reasons for not using such requests, as well as the fact of cancelation, are shown on the reimbursement voucher. (March 31, 1939.) (48 Stat. 9; 49 Stat. 729; 38 U. S. C. 706)

[F. R. Doc. 39–1097; Filed, March 31, 1939; 11:32 a. m.]

TITLE 43—PUBLIC LANDS

BUREAU OF RECLAMATION

[No. 10]

OWYHEE PROJECT, OREGON-IDAHO

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES [1]

MARCH 22, 1939.

Announcement is hereby made that water will be furnished during the irrigation season in 1939 (from April 15 to October 15, inclusive) for the irrigation of project lands, hereinafter described, upon a water rental basis, at rates and upon terms following:

For lands in the Owyhee Irrigation District:

For privately-owned and entered lands under the North Canal in the Owyhee Irrigation District, a minimum charge of one dollar ($1.00) per irrigable acre whether irrigated or not, payable by the district in advance of the delivery of any water, for which amount two and six-sevenths (2⅔) acre-feet of water per acre will be furnished. Thirty-five cents ($0.35) per acre-foot will be charged for any additional water furnished to any tract or farm unit in excess of two and six-sevenths (2⅔) acre-feet per irrigable acre, payable by the district on or before December 1, 1939.

For lands under the South Canal in the Owyhee Irrigation District, a minimum charge of one dollar ($1.00) per acre for the lands actually irrigated, payable by the district in advance of the delivery of water, for which amount two and six-sevenths (2⅔) acre-feet of water per acre will be furnished. Thirty-five cents ($0.35) per acre-foot will be charged for any additional water furnished, payable by the district on or before December 1, 1939.

Water for the Owyhee Irrigation District will be delivered and measured at the nearest tap and weir to the individual farm.

For lands in the Ontario-Nyssa Irrigation District:

A minimum charge of five thousand two hundred fifty dollars ($5,250) for fifteen thousand (15,000) acre-feet of water, payable by the district in advance of the delivery of water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on or before December 1, 1939.

[1] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

Water for the Ontario-Nyssa Irrigation District will be delivered and measured into the Ontario-Nyssa canal at the head and at a feeder near the oil well and at other points mutually agreed on by the district and the Bureau of Reclamation.

For lands in the Advancement, Payette-Oregon Slope, Bench and Crystal Irrigation Districts:

A minimum charge of one dollar ($1.00) per irrigable acre for two and six-sevenths (2⅔) acre-feet per acre, payable by the respective districts for each irrigable acre contained therein, whether irrigated or not, in advance of the delivery of any water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished to any tract or farm unit in excess of two and six-sevenths (2⅔) acre-feet per irrigable acre, payable by the respective districts on or before December 1, 1939.

Water for the Advancement, Payette-Oregon Slope, Bench, and Crystal Irrigation Districts will be delivered and measured at the nearest tap and weir or orifice to the individual farm.

For lands in the Slide Irrigation District:

Water will be furnished if and when available, depending on the progress of construction, for which a minimum charge will be made of one dollar ($1.00) per acre for lands actually irrigated for two and six-sevenths (2⅔) acre-feet per acre payable by the district in advance of delivery of water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on or before December 1, 1939.

For lands in the Gem Irrigation District:

The old lands in the district, a minimum charge of eleven thousand five hundred fifty dollars ($11,550) for thirty-three thousand (33,000) acre-feet of water, payable by the district in advance of the delivery of any water. Thirty-five cents ($0.35) per acre-foot for any additional water furnished, payable by the district on or before December 1, 1939.

For new lands in the district, a minimum charge of one dollar ($1.00) per acre for the lands actually irrigated, payable by the district in advance of the delivery of water, for which amount two and six-sevenths (2⅔) acre-feet of water per acre will be furnished. Thirty-five cents ($0.35) per acre-foot will be charged for any additional water furnished, payable by the district on or before December 1, 1939.

Water for the old lands of the Gem Irrigation District will be delivered and measured into the A and B canals at the various constructed feeders.

Water for the new lands of the district will be delivered and measured at the nearest tap and weir to the individual farm.

In determining the amount of water delivered on which rental charges will be based, in the case of the Ontario-Nyssa and the old lands of the Gem Irrigation District, deduction of ten per cent (10%) will be made from the amounts measured at points of delivery to the respective districts as an allowance for losses in the district canals operated by district forces.

Applications for water on the basis of this public notice will be received at the office of the Bureau of Reclamation at Boise, Idaho, P. O. Box 937, and payments shall be made to that office.

HARRY SLATTERY,
Under Secretary of the Interior.

[F. R. Doc. 39–1094; Filed, March 31, 1939; 10:33 a. m.]

Notices

TREASURY DEPARTMENT.

Federal Alcohol Administration Division.

NOTICE OF POSTPONEMENT OF HEARING AND SUPPLEMENTAL NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENTS TO REGULATIONS NO. 5, RELATING TO LABELING AND ADVERTISING OF DISTILLED SPIRITS

POSTPONING THE PUBLIC HEARING SET FOR APRIL 24, 1939, TO APRIL 27, 1939, AND ADDING CERTAIN OTHER PROVISIONS TO THE SUBJECTS TO BE CONSIDERED THEREAT

MARCH 30, 1939.

Pursuant to the provisions of section 5 of the Federal Alcohol Administration Act, as amended:

Notice is hereby given—

(a) that the public hearing heretofore set for Monday, April 24, 1939,[1] for the purpose of taking evidence with reference to certain proposed amendments to Regulations No. 5,[2] Relating to Labeling and Advertising of Distilled Spirits, is hereby postponed to Thursday, April 27, 1939, at 10:00 a. m., at the Willard Hotel, 14th Street and Pennsylvania Avenue, Washington, D. C.; and

(b) that in addition to the proposals listed in the Administration's Notice of Hearing, dated March 17, 1939, concerning which evidence will be taken at the hearing set for April 24, 1939, and postponed to April 27, 1939, at the time and place above specified, evidence will also be taken at the same time and place with reference to the further proposed amendment of Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits:

13. (As an alternative to item 8 of the Notice of Hearing dated March 17, 1939.) To amend Article III, section 41 (b) (1), and other pertinent provisions of the

[1] 4 F. R. 1267 DI.
[2] 1 F. R. 92.

regulations, in such manner as to prohibit any statement from appearing upon any label, or in any advertising matter, to the effect that the distilled spirits have been distilled, blended, made, bottled, or sold under, or in accordance with, any Federal, State, or municipal law or regulation, or the law or regulation of any foreign government.

14. To amend Article VI, section 64 (c), and other pertinent provisions of the regulations, in such manner as to permit advertisers of bottled-in-bond brandy and rum, whose labels carry no statements of age, to make truthful claims of age for such brandies and rums in their advertisements.

[SEAL] W. S. ALEXANDER,
Administrator.

[F. R. Doc. 39–1089; Filed, March 30, 1939; 3:35 p. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4 PART II (H), OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN RESALE OF COAL, OF PRICES AND MARKETING RULES AND REGULATIONS TO BE ESTABLISHED BY COMMISSION

ORDER PROVIDING FOR THE AVAILABILITY FOR INSPECTION BY INTERESTED PARTIES AND FOR INTRODUCTION IN EVIDENCE OF THE COST REPORTS OF INDIVIDUAL DISTRIBUTORS OF COAL UPON WHICH WERE BASED CERTAIN COMPOSITE EXHIBITS HERETOFORE INTRODUCED IN EVIDENCE IN THIS PROCEEDING, AND NOTICE OF CONTINUANCE OF HEARING TO APRIL 10, 1939

Whereas, A hearing in the above-entitled matter was held before the National Bituminous Coal Commission in the City of Washington, D. C., on the 25th day of April, 1938 to the 5th day of May, 1938, and herein continued[1] to the 10th day of April, 1939, and

Whereas, At said prior hearing in this matter certain composite exhibits were received in evidence, which composite exhibits were based upon cost reports submitted to the Commission by certain individual distributors of bituminous coal, and

Whereas, At said resumed hearing commencing on April 10, 1939, interested parties will be afforded an opportunity to offer affirmative evidence or to conduct cross-examination relating to said composite exhibits:

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That said hearing be and the same is hereby continued to the 10th day of April, 1939, at 10:00 o'clock a. m., in the Hearing Room of the Commission in Washington, D. C.

2. That the Secretary of the Commission be and he is hereby directed to cause the cost reports of the individual distributors which were previously submitted to the Commission in connection with the hearing in the above-entitled matter and upon which certain composite exhibits, introduced at said hearing, were based, to be made available for inspection during business hours on and after March 30, 1939, at the Offices of the Commission, Washington, D. C., by those interested parties who have filed appearances in this proceeding. Notices of Appearance may be filed with the Commission at the Secretary's Office, Washington, D. C. Said individual cost reports of distributors shall be made available in conjunction with the individual cost reports of producers as heretofore noticed.

3. That the Secretary of the Commission be and he is hereby directed to cause a copy of this Order to be published forthwith in the FEDERAL REGISTER, and to cause a copy hereof to be mailed to the Consumers' Counsel, to the Secretary of each District Board, to each code member, and to each party who has entered an appearance herein, and to cause copies hereof to be made available for inspection by interested parties at the Office of the Secretary of the Commission, Washington, D. C., and at the Office of each Statistical Bureau of the Commission.

By order of the Commission.
Dated this 30th day of March, 1939.

[SEAL] F. WITCHER MCCULLOUGH,
Secretary.

[F. R. Doc. 39–1092; Filed, March 31, 1939; 10:20 a. m.]

[1] 4 F. R. 1319 DI.

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

[Docket No. 2974]

IN THE MATTER OF ELMO, INCORPORATED, AND ELMO SALES CORPORATION

AMENDED COMPLAINT

Pursuant to the provisions of an Act of Congress, approved June 19, 1936, public 692 (the Robinson-Patman Act), amending Section 2 of an Act of Congress, approved October 15, 1914 (the Clayton Act); and pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Acts, the Federal Trade Commission, having reason to believe that Elmo, Incorporated, a corporation, and Elmo Sales Corporation, a corporation, hereinafter referred to as respondents, have violated the provisions of said Acts, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues this, its amended complaint, stating its charges in that respect as follows:

I

PARAGRAPH 1. Respondent Elmo, Incorporated, is a corporation created by and existing under the laws of the State of Pennsylvania, with its office and principal place of business located at 21st Street and Hunting Park Avenue in the City of Philadelphia, State of Pennsylvania.

Respondent Elmo Sales Corporation is a corporation created by, and existing under, the laws of the State of Delaware. Said respondent's office and principal place of business is the same as that of respondent Elmo, Incorporated, and respondent Elmo Sales Corporation is the sole distributor for the commodities of Elmo, Incorporated.

Respondents, Elmo, Incorporated, and Elmo Sales Corporation are engaged in the manufacture, sale and distribution of cosmetics and toilet preparations. Respondents cause said commodities when sold to be transported from their place of business in the State of Pennsylvania to the purchasers thereof located in the various states of the United States and in the District of Columbia.

Respondents maintain, and at all times mentioned herein have maintained, a course of trade in said cosmetics and toilet preparations sold and distributed by them in commerce among and between the various states of the United States and in the District of Columbia. Said corporate respondents have acted together and in cooperation with each other in carrying out the methods, acts and practices herein alleged.

PAR. 2. In the sale and distribution of cosmetics and toilet preparations and in the course of trade as aforesaid, respondents are selling and distributing their cosmetics and toilet preparations directly to purchasers engaged in reselling and distributing the same directly to the purchasing and consuming public. In furtherance of such sale and distribution and such resale and distribution of their cosmetics and toilet preparations as aforesaid, respondents are also contracting to furnish, are furnishing and are contributing to the furnishing to some but not all of such foregoing purchasers the services and facilities of special personnel known and described in the cosmetic and toilet preparation industry and trade as demonstrators.

Such demonstrators so furnished by respondents in manner and method as aforesaid, are installed in the places of business of certain of such foregoing purchasers of respondents' commodities to display, demonstrate, offer for sale and sell cosmetics and toilet preparations and as so furnished, installed and used, constitute substantially valuable services

and facilities in connection with such purchasers' resale and distribution of the aforementioned commodities.

PAR. 3. Many of the foregoing purchasers of respondents' cosmetics and toilet preparations bought for resale are in competition with each other in the resale and distribution of said commodities, and respondents are discriminating in favor of such of said competitive purchasers who are furnished and accorded on terms the aforedescribed services and facilities in manner and method as hereinbefore set out, against all of such competitive purchasers of respondents' commodities who are not so furnished and accorded the same on proportionately equal terms.

PAR. 4. The aforesaid methods, acts and practices of the respondents, Elmo, Incorporated, and Elmo Sales Corporation, as herein alleged, are in violation of subsection 2 (e) of Section 1 of said Act of Congress, Public 692, approved June 19, 1936, entitled "An Act to amend Section 2 of the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes' approved October 15, 1914, as amended (U. S. C. Title 15, Sec. 13) and for other purposes."

II

PARAGRAPH 1. Paragraphs 1 and 2 of Charge 1 are hereby adopted and made a part of this charge as fully as if herein set out verbatim.

PAR. 2. In the course and conduct of their business, respondents are in active and substantial competition with other corporations and with partnerships, firms and individuals engaged in the sale and distribution of like and similar commodities in commerce between and among the various states of the United States and in the District of Columbia. A substantial number of the purchasers of respondents' commodities are in competition with each other and with purchasers of the like and similar commodities of respondents' competitors and other sellers and distributors similarly engaged in reselling and distributing such commodities to the public.

PAR. 3. The confidence of the purchasing and consuming public in the merit of merchandise carried, in the integrity of the personnel and in the reputation for business practices of many stores concerned, is conducive to the ready sale by such stores of said merchandise, and prospective purchasers and purchasers, in the selection, purchase and use of commodities as herein described, have become accustomed to seek and accept as expert aid and advice the help and suggestions of such personnel as are engaged in the sale of such commodities. Prospective purchasers and purchasers are thus additionally led to select and purchase, through such representations as are made in these connections by the aforesaid sales personnel of such stores.

Such personnel as employed and furnished by respondents and installed in certain recipient purchasers' places of business as aforesaid, directly or impliedly are held out and appear to the prospective purchasing, the purchasing and the consuming public as store sales personnel, and the aforesaid public is not aware or informed of the true status of such personnel or of the fact that they are working directly in the interest of respondents.

Prospective purchasers and purchasers, in the selection and purchase of cosmetics and toilet preparations as above, are misled and deceived into so relying upon such personnel as furnished by respondents and installed as aforesaid, under the erroneous impression and belief that such personnel is store sales personnel working solely and only in the interests of and under the instructions and control of the respective stores concerned. Such deception of the prospective purchasing, the purchasing and the consuming public is further enhanced by the active participation of said personnel in such functions and duties as are usually expected of and performed by the sales personnel of said stores.

PAR. 4. Personnel furnished to certain purchasers by respondents in manner and method as hereinbefore set out, for the most part are skilled in displaying, demonstrating, offering for sale and selling cosmetics and toilet preparations and in the giving of advice, suggestions and information designed to increase and further the sales and use of the said commodities.

Such personnel, when furnished said purchasers and installed in their places of business as aforesaid, are particularly able to push and stress the merits, sales and use of respondents' commodities over and above and in opposition to the like and similar commodities of respondents' competitors.

Personnel employed by respondents and furnished to said certain purchasers and installed as aforesaid, depend solely and only for continuance in such employment upon adequate sales of respondents' commodities. In addition to the foregoing incentive toward continuing in such employment through the meeting of respondents' sales requirements, such personnel, as a further spur toward sales of respondents' commodities, are also awarded such bonuses and commissions in these connections as their services and sales records warrant in the sole determination of respondents.

Respondents' aforesaid personnel plan as used in the manner and method as hereinbefore set out is deceptive to a substantial number of the prospective purchasing, the purchasing and the consuming public in their selection of cosmetics and toilet preparations for purchase and use, and additionally has the capacity and tendency to lend itself to misrepresentation of competitors' commodities and the substitution of respondents' therefor at the point of sale of such commodities. Such plan further has the capacity and tendency to deprive and prevent a substantial number of the aforesaid public in their selection of cosmetics and toilet preparations for purchase and use, of the complete exercise of their right to full access to and free choice of said commodities or such of said commodities as may be most suitable or adaptable to their particular needs and requirements.

PAR. 5. There are among respondents' competitors and other sellers and distributors of cosmetics and toilet preparations in commerce, many who do not contract to furnish and who do not furnish or contribute to furnishing sales personnel as hereinbefore described, and there are among the customers of respondents' competitors and other sellers and distributors of cosmetics and toilet preparations many engaged in the resale and distribution of said commodities who are not furnished and who do not avail themselves of such sales personnel as aforementioned.

PAR. 6. The foregoing methods, acts and practices of respondents constitute unfair methods of competition and unfair and deceptive acts and practices in commerce in that said methods, acts and practices have the capacity and tendency to, and do, mislead and deceive a substantial portion of the prospective purchasing, the purchasing and the consuming public in the selection, purchase and use of cosmetics and toilet preparations and further place in the hands of unscrupulous dealers an instrumentality whereby fraud and deception therein may be practiced on said public. Said methods, acts and practices of respondents further have the capacity and tendency to and do place a restraint upon, stifle and substantially lessen competition between respondents, respondents' competitors and other sellers and distributors of cosmetics and toilet preparations in commerce and between those customers of respondents, respondents' competitors, and other sellers and distributors engaged in reselling and distributing cosmetics and toilet preparations who do not adopt, engage in or receive the benefits of the above-described methods, acts and practices of respondents.

Respondents' said methods, acts and practices as above described, place an uneconomical, unethical and unfair burden on present and potential competitors of respondents and certain of respondents' customers, who are morally unwilling to engage in, adopt or enter the market and compete with respondents and certain of respondents' customers on such basis and the burden of choice between loss of business and the adoption and use of methods, acts and practices similar or equivalent to those engaged in and practiced by respondents and certain of its customers, as aforedescribed, is thus unfairly cast by

respondents upon the aforesaid parties. Such methods, acts and practices as aforesaid unduly enhance the prices of cosmetics and toilet preparations to the purchasing public without any corresponding benefit to said public in exchange. All said methods, acts and practices of respondents as hereinabove described are deceptive of the public, opposed to good morals in trade, and contrary to public policy.

As a result of the above-described methods, acts and practices of said respondents, the aforesaid public has been deceived and substantial injury has been done and is now being done by the said respondents to said public and to competition in the sale and distribution and the resale and distribution of cosmetics and toilet preparations in commerce between and among the various states of the United States and in the District of Columbia.

PAR. 7. The aforesaid methods, acts and practices of the respondents, Elmo, Incorporated, and Elmo Sales Corporation, as herein alleged, are all to the prejudice of the public, as aforesaid, respondents' competitors and other sellers and distributors of cosmetics and toilet preparations and their customers engaged in the reselling and distribution of the same and constitute unfair methods of competition and unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

Wherefore, the premises considered, the Federal Trade Commission, on this 25th day of March, A. D., 1939, hereby issues its amended complaint against said respondents.

NOTICE

Notice is hereby given you, Elmo, Incorporated, and Elmo Sales Corporation, respondents herein, that the 28th day of April, A. D., 1939, at 2:00 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 amended 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 amended complaint.

You are notified and required, on or before the twentieth day after service upon you of this amended complaint, to file with the Commission an answer to the amended 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 answer or failure to appear or answer (Rule VII) 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, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its amended complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 25th day of March, A. D., 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-1090; Filed, March 30, 1939; 3:45 p. m.]

United States of America—Before Federal Trade Commission

[Docket No. 3633]

IN THE MATTER OF CORN PRODUCTS REFINING COMPANY, CORN PRODUCTS SALES COMPANY, INC., RESPONDENTS

AMENDED COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C., title 15, sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

Count I

PARAGRAPH 1. Respondent, Corn Products Refining Company, is a corporation organized and existing under the laws of New Jersey with its principal office and place of business at 17 Battery Place in the City and State of New York. Respondent, Corn Products Sales Company, Inc., is a corporation organized under the laws of the State of New Jersey and has its principal office and place of business at 17 Battery Place, City and State of New York. Respondent, Corn Products Sales Company, Inc., is a wholly owned sales subsidiary of respondent Corn Products Refining Company, through which products manufactured by Corn Products Refining Company are sold and distributed. Corn Products Refining Company owns the entire capital stock of Corn Products Sales Company, Inc., and controls and directs Corn Products Sales Company, Inc.

PAR. 2. Respondent, Corn Products Refining Company, has an authorized capital stock of $100,000,000. Corn Products Refining Company owns and operates plants at Pekin and Argo, Illinois; North Kansas City, Missouri; and Edgewater, New Jersey. The Argo, Pekin and North Kansas City plants have a corn grinding capacity in excess of 155,000 bushels per day, with complete facilities for the finished fabrication of all known corn starch products, both for household and industrial use, and including well equipped carton and can plants and printing establishments for use in producing the many packaged products of the company. The Edgewater plant has a reserve corn grinding capacity of 30,000 bushels daily. Respondent's grind of corn approximates that of all of its competitors combined.

PAR. 3. For many years respondents have been and are now engaged in the business of manufacturing, selling and distributing in interstate commerce products derived from corn. The principal products derived from corn are (1) Starch, both for food and other purposes; (2) Glucose or Corn syrup; and (3) Corn sugar. Starch is first manufactured from the corn, and glucose and grape sugar are made by treating the starch with certain acids, the resulting solid product being sugar and the resulting syrup being glucose. Glucose is largely used in the manufacture of candy, jellies, jams, preserves, and the like, as well as in the mixing of syrups.

The principal by-products of corn resulting in the corn products business are gluten feed, corn oil, corn-oil cake and corn-oil meal.

The Corn Products Refining Company, in addition to bulk products, produces the following branded products:

Kingsford and Duryea Starches, Karo Syrup, Mazola Oil, Argo Corn Starch, Argo Gloss Starch, Kre-Mel Dessert, Linit and Cerelose.

PAR. 4. For many years in the course and conduct of their business, the respondents have been and are now manufacturing the aforesaid commodities at the aforesaid plants and have sold and shipped and do now sell and ship such commodities in commerce between and among the various states of the United States from the states in which their factories are located across state lines to purchasers thereof located in states other than the states in which respondents' said plants are located in competition with other persons, firms and corporations engaged in similar lines of commerce.

PAR. 5. Since June 19, 1936 and while engaged as aforesaid in commerce among the several states of the United States and the District of Columbia, the respondents have been and are now, in the course of such commerce, discriminating in price between purchasers of said commodities of like grade and quality, which commodities are sold for use, consumption or resale within the several states of the United States and the District of Columbia, in that the respondents have been and are now selling such commodities to some purchasers at a higher price than the price at which commodities of like grade and quality are sold by respondents to other purchasers generally competitively engaged with the first mentioned purchasers.

PAR. 6. The effect of said discriminations in price made by said respondents, as set forth in Paragraph Five herein, may be substantially to lessen competition in the sale and distribution of corn products between the said respondents and their competitors; tend to create a monopoly in the line of commerce in which the respondents are engaged; and to injure, destroy, or prevent competition in the sale and distribution of corn products between the said respondents and their competitors.

PAR. 7. The effect of said discriminations in price made by said respondents, as set forth in Paragraph Five herein, may be substantially to lessen competition between the buyers of said corn products from respondents receiving said lower discriminatory prices and other buyers from respondents competitively engaged with such favored buyers who do not receive such favorable prices; tend to create a monopoly in the lines of commerce in which buyers from respondents are engaged; and to injure, destroy, or prevent competition in the lines of commerce in which those who purchase from respondents are engaged between the said beneficiaries of said discriminatory prices and said buyers who do not and have not received such beneficial prices.

PAR. 8. The aforesaid acts of respondents constitute a violation of the provisions of subsection (a) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C., title 15, sec. 13).

Count II

The Federal Trade Commission, having reason to believe that the party respondents named in the caption hereof, and heretofore more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C., title 15, sec. 13), hereby issues this its complaint against respondents and states its charges with respect thereto as follows, to-wit:

PARAGRAPH 1. For its charges under this paragraph of this count, said Commission relies upon the matters and things set out in Paragraphs One to Four inclusive of Count I of this complaint to the same extent and as though the allegations of said Paragraphs One to Four inclusive of said Count I were set out in full herein, and said Paragraphs One to Four inclusive of said Count I are incorporated herein by reference and made a part of the allegations of this count.

PAR. 2. Respondents have entered into advertising arrangements with certain of their purchasers, to-wit, Curtiss Candy Company of Chicago, Illinois and the Bachman Chocolate Manufacturing Company of Mount Joy, Pennsylvania of dextrose, as a result of which large sums of money have been spent by them since June 19, 1936 in cooperatively advertising with such purchasers the dextrose so purchased and the respondents have not accorded such services or facilities to other of their purchasers competitively engaged with the aforementioned purchasers on proportionally equal terms.

PAR. 3. Since June 19, 1936, in the course and conduct of their business described in Paragraphs One to Four inclusive of Count I hereof, respondents have discriminated and are discriminating in favor of certain purchasers against other purchasers of corn products bought for resale by contracting to furnish or furnishing, or by contributing to the furnishing of, services and facilities connected with the offering for sale, of such commodity so purchased upon terms not accorded all purchasers on proportionally equal terms.

PAR. 4. The aforesaid acts of respondents constitute a violation of Section 2 (e) of the above mentioned Act of Congress.

Count III

The Federal Trade Commission having reason to believe that the party respondents named in the caption hereof, and heretofore more particularly designated and described, have violated and are now violating the provisions of Section 3 of the Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (The Clayton Act), hereby issues this its complaint against respondents and states its charges with respect thereto as follows, to wit:

PARAGRAPH 1. For its charges under this paragraph of this count, said Commission relies upon the matters and things set out in Paragraphs One to Four inclusive of Count I of this complaint to the same extent and as though the allegations of said Paragraphs One to Four inclusive of said Count I were set out in full herein, and said Paragraphs One to Four inclusive of said Count I are incorporated herein by reference and made a part of the allegations of this count.

PAR. 2. That the respondents for several years last past, in the course of interstate commerce, have sold to and made contracts for sale of large quantities of corn starch with the Keever Starch Company of Columbus, Ohio and The Huron Milling Company of Harbor Beach, Michigan, for use, consumption and resale within the United States and the District of Columbia, and have fixed and are now fixing the price charged therefor on the condition, agreement and understanding that the purchasers thereof shall not use the goods, wares, merchandise, supplies or other commodities of a competitor or competitors of respondents, and that the effect of such sales and contracts of sale or conditions and agreements and understandings may be to substantially lessen competition between respondents and their competitors; and to tend to create a monopoly in respondents in the sale and distribution of corn starch in commerce between and among the various states of the United States and in the District of Columbia.

PAR. 3. The aforesaid acts of respondents constitute a violation of the provisions of Section 3 of the hereinabove mentioned Act of Congress.

Wherefore, the premises considered, the Federal Trade Commission on this 25th day of March, A. D., 1939, now issues this its complaint against Corn Products Refining Company and Corn Products Sales Company, Inc., stating its charges as hereinabove set out.

NOTICE

Notice is hereby given you, Corn Products Refining Company and Corn Products Sales Company, Inc., respondents herein, that the 28th day of April, A. D. 1939 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 VII) 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 hearings 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, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

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 25th day of March, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–1091; Filed, March 30, 1939; 3:46 p. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte No. MC–9]

ORDER IN THE MATTER OF FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–27]

CENTRAL TERRITORY CONTRACT CARRIER RATES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 23rd day of March, A. D. 1939.

It appearing, That by order of June 8, 1937,[1] in *Filing of Contracts by Contract Carriers,* 2 M. C. C. 55, contract carriers by motor vehicle were required on or before July 15, 1937, to file with this Commission a true copy of each and every contract for transportation of property existing and in force on such date, and within 20 days after the date any subsequent contract for transportation of property is entered into a true copy thereof, all of which shall contain the charges of such contract carriers for the transportation of property in interstate or foreign commerce, and any rule, regulation, or practice affecting such charges and the value of the services thereunder, and that contracts filed with this Commission pursuant to the above requirement have so far not been open to public inspection;

It further appearing, That the Commission, division 5, by order of August 1, 1938,[2] instituted an investigation into the minimum charges, the rules, regulations, or practices affecting such charges and the value of the service thereunder, applicable to the transportation by all contract carriers by motor vehicle, subject to the Motor Carrier Act, 1935, of all property, except household goods, livestock, automobiles, petroleum products in tank trucks, and articles of unusual size or value, in interstate or foreign commerce, between points in the territory therein described, with a view to determining whether the said minimum charges, rules, regulations, or practices, or any of them, are in any respect in violation of the law, and of making such findings and entering such order or orders in the premises, and of taking such other and further action, as the facts and circumstances may appear to warrant;

It further appearing, That information relative to the actual charges of respondents, and the rules, regulations, or practices affecting such charges, and the extent of the service to be rendered thereunder, also certain facts in respect of the number and forms of contracts, the number and types of vehicles operated, commodities transported, tonnage carried, and miles operated in a representative period, and certain other data indicated in Exhibit A hereto, will be of value and should be required to be furnished to the Commission by contract carriers parties hereto prior to hearing;

It further appearing, That for consideration in proceedings before this Commission and for other purposes it may be desirable and in the public interest that such contracts now on file, or hereafter filed, be open to public inspection;

And it further appearing, That a question has arisen whether under the provisions of the Motor Carrier Act, 1935, this Commission has authority to open contracts, as referred to herein, to public inspection, or to require a showing of the actual charges, in lieu of the minimum charges, and, if the Commission has such authority, whether it is reasonable and proper for the Commission to require such showing in proceedings before it, and certain respondents in Ex Parte No. MC–27 having petitioned and requested an opportunity to be heard upon such question, and good cause appearing therefor;

It is ordered, That all contract carriers subject to the provisions of the Motor Carrier Act, 1935, be, and they are hereby, made parties respondent to this proceeding and that they be given notice of this order by sending to them a copy thereof by registered mail and that they and all other interested parties be also given notice hereof by posting a copy of this order in the office of the Secretary of this Commission.

It is further ordered, That the said proceedings be, and they are hereby, assigned for oral argument before the Commission at Washington, D. C., at 10:00 o'clock a. m. (standard time), on the 3rd day of May, 1939.

And it is further ordered, That all contract carriers subject to the Motor Carrier Act, 1935, be, and they are hereby, notified to appear before the Commission at its offices in Washington, D. C., on the 3rd day of May, 1939, and show cause, if any they have, why contracts filed with this Commission should not be open to public inspection and why they should not be required, when it appears necessary and desirable in proceedings before this Commission, to furnish information called for in the questionnaire hereto attached marked Exhibit A or substantially similar information.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[1] 2 F. R. 1008 (1203 DI).
[2] 3 F. R. 1958 DI.

(Respondent's
(I. C. C. Docket
(No. ———

EXHIBIT A

QUESTIONNAIRE

Notice to Respondents

Each respondent or a duly authorized officer thereof should furnish the information called for in the following questions, 1 to 12, inclusive, and should have his signature attested by a Notary and return the same to the Commission at Washington, D. C., on or before ———, 1939.

1. State your full business name and address ——— (No.) ——— (Street) ——— (City) ——— (State).

2. State I. C. C. Application Docket Numbers of all COMMON carrier operations conducted by or for:

(a) You ——— or
(b) Any partner, officer, employee, or subsidiary or affiliate of yours ———

3. What restrictions do you place upon:

(a) Type or kind of business concerns with which you contract ———
(b) Type of commodities carried———
(c) Type of service operated ———
(d) Number of its transport contracts ———

4. State the number operated by you on December 31, 1938, of:

(a) Owned trucks ———
(b) Owned tractors ———
(c) Owned trailers ———
(d) Leased trucks ———
(e) Leased tractors ———
(f) Leased trailers ———

5. During the period September 1 to December 31, 1938:

(a) How many contracts did you have in effect ———
(b) What was the greatest number at any one time ———
(c) Of the contracts in effect during the above period (September 1 to December 31) state how many (if any) were in effect on or prior to July 1, 1935, either (1) with the same party with whom you are now contracting, or (2) with another party (predecessor) but dealing with the handling of the same or similar traffic ———

6. How many of such contracts (i. e., during the period Sept. 1–Dec. 31, 1938) were obtained by:

(a) Solicitation of you or your partners or officers ———
(b) Solicitation of traffic solicitors ———
(c) Solicitation of station agents or employees ———
(d) Solicitation of truck operators ———
(e) By advertisement or circulars ———
(f) By terminal or other carriers or brokers ———

7. How many of such contracts during period September 1 to December 31, 1938, were with:

(a) Manufacturers ———
(b) Refiners ———
(c) Distillers ———
(d) Other producers ———
(e) Wholesalers, jobbers or factors ———
(f) Chain store operators ———
(g) Mail order houses ———
(h) Retailers ———
(i) Freight forwarders ———
(j) Motor carriers ———
(k) Railways ———

8. How many of such contracts during that period September 1, to December 31, 1938:

8a Required the patron's* name to be shown on the vehicle ———
8b Gave patron control of the receipt, and delivery of the shipment and movement of the vehicle ———
8c Required you to carry cargo insurance ———
8d Restricted the number or kind of your contracts with other patrons which you might make ———
8e Required special or unusual service not available from common carriers ———
8f Required charges to be paid within two weeks or less time ———

9. During the period September 1, to December 31, 1938, you

(a) Operated how many truck miles loaded ———
(b) Empty ———
(c) Handled how many truckload shipments ———
(d) How many LTL shipments ———
(e) Handled how many pounds of truckload traffic ———
(f) Of LTL traffic ———
(g) Received how much revenue from truckload traffic $———
(h) From LTL traffic $———

10. Attach as exhibits hereto typical (blank) form or forms of contract used by you showing customary obligations, special services required, and provisions with respect to minimum weights of loads, minimum charges, accessorial or special services, transit, C. O. D. collections, split delivery or receipt.

11. Attach as exhibits hereto copies of all minimum rate schedules which you had on file with the Interstate Commerce Commission on December 31, 1938.

12. Group all shipments handled by you under contract during the period September 1 to December 31, 1938, into movements having the same *origin, destination, commodity (or class or property)* and *rate* and summarize them below:

Line No.	Origin	Destination	Miles	Commodity or class of property	Rate	Shipments	Pounds	Respondent's revenue
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								

OATH

I ——— (name) of ——— (street) ——— (City or town) ——— (State), ——— (title of affiant) of ——— (respondent) hereby affirm that the answers made in response to the foregoing questions are true and correct to the best of my knowledge, information, and belief.

———

Subscribed and sworn to before me this ——— day of ——— 19—.

———
———

*"Patron" means person with whom you have the contract

[F. R. Doc. 39–1098; Filed, March 31, 1939; 12:07 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of March, A. D. 1939.

[File No. 43–183]

IN THE MATTER OF SOUTHWESTERN GAS AND ELECTRIC COMPANY

ORDER ALLOWING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUE AND SALE OF UNSECURED NOTES BY SUBSIDIARY OF REGISTERED HOLDING COMPANY

Southwestern Gas and Electric Company, subsidiary of a registered holding company, having filed with this Commission a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by declarant of an aggregate of $2,250,000 in principal amount of 2⅞% unsecured notes, due in five equal annual installments commencing November 1, 1941;

A hearing thereon having been duly held after appropriate notice;[1] the record in this matter having been duly considered; and the Commission having filed its findings herein;

It is ordered, That such declaration be and become effective forthwith on condition, however, that the issue and sale of the aforesaid unsecured notes shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration and, on the further condition, that, within ten days after the issue and sale of said unsecured notes, the declarant shall file with this Commission its certificate of notification showing that such issues and sale have been effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39–1095; Filed, March 31, 1939; 11:08 a. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of March, A. D. 1939.

[File No. 46–97]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

AMENDMENT TO ORDER GRANTING EXEMPTION

The Middle West Corporation, a registered holding company, having heretofore applied pursuant to Section 9 (c) (3) of the Public Utility Holding Com-

[1] 4 F. R. 1095 DI.

pany Act of 1935, for an order exempting from the provisions of Section 9 (a) the applicant's acquisition of not more than 20,000 shares of the $6.00 cumulative preferred stock of Central Illinois Public Service Company, one of its subsidiaries; the Commission having by its order of October 12, 1938,[1] granted such exemption subject to certain conditions specified in such order, one of which was that such order should expire at the close of business on March 31, 1939;

The Middle West Corporation having now filed an application in the same proceeding to extend the length of the said order to the later date of December 31, 1939, representing that it has purchased only 400 shares pursuant to said order of October 12, 1938;

It is ordered, That the life of such order of October 12, 1938, be and the same is hereby amended by striking from condition (No. 2) the words "March 31, 1939" and substituting in lieu thereof the words "December 31, 1939."

It is further ordered, That in all other respects said order of October 12, 1938 and the conditions attached thereto be and remain in full force and effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-1096; Filed, March 31, 1939; 11:08 a. m.]

[1] 3 F. R. 2511 DI.