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Washington, Tuesday, July 8, 1941

The President

**BURMA—SUSPENSION OF TONNAGE DUTIES
 BY THE PRESIDENT OF THE UNITED STATES
 OF AMERICA**

A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U.S.C., title 46, sec. 141), provides, in part, as follows:

Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer . . .

AND WHEREAS satisfactory proof was received by me from the Government of Burma on June 10, 1941, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Burma upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, under and by virtue of the authority vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Burma and the produce, manufactures, or merchandise imported in said vessels into the United

States from Burma or from any other foreign country; the suspension to take effect from June 10, 1941, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

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

DONE at the city of Washington this 1st day of July, in the year of [SEAL] our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:
 SUMNER WELLES,
 Acting Secretary of State.

[No. 2495]

[F. R. Doc. 41-4800; Filed, July 7, 1941; 9:42 a. m.]

**CONTROL OF THE EXPORT OF CERTAIN
 ARTICLES AND MATERIALS**

**BY THE PRESIDENT OF THE UNITED STATES
 OF AMERICA**

A PROCLAMATION

WHEREAS section 6 of the act of Congress entitled "AN ACT To expedite the strengthening of the national defense", approved July 2, 1940, provides as follows:

SEC. 6. Whenever the President determines that it is necessary in the interest of national defense to prohibit or curtail the exportation of any military equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation thereof, he may by proclamation prohibit or curtail such exportations, except under such rules and regulations as he shall prescribe. Any such proclamation shall describe the articles or materials included in the prohibition or curtailment contained therein. In case of the violation of any provision of any proclamation, or of any rule or regulation, issued thereunder, such violator or violators, upon conviction, shall be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or by both such fine and im-

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prisonment. The authority granted in this section shall terminate June 30, 1942, unless the Congress shall otherwise provide.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid act of Congress, do hereby proclaim that upon the recommendation of the Administrator of Export Control I have determined that it is necessary in the interest of the national defense that on and after July 23, 1941, the following-described articles and materials shall not be exported except when authorized in each case by a license as provided for in Proclamation 2413 of July 2, 1940, entitled "Administration of section 6 of the Act entitled 'AN ACT To expedite the strengthening of the national defense' approved July 2, 1940":

1. Chemicals
2. Vegetable products

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal

of the United States of America to be affixed.

Done at the city of Washington this 3rd day of July in the year of [SEAL] our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-fifth.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[No. 2496]

[F. R. Doc. 41-4817; Filed, July 7, 1941;
11:08 a. m.]

EXECUTIVE ORDER

REVOKING THE DESIGNATION OF LANCASTER, MINNESOTA, AS A CUSTOMS PORT OF ENTRY

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), it is ordered that the designation of Lancaster, Minnesota, as a customs port of entry in Customs Collection District No. 34 (Dakota), be, and it is hereby, revoked.

This order shall become effective at the close of business on the thirtieth day from the date hereof.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
July 5, 1941.

[No. 8815]

[F. R. Doc. 41-4796; Filed, July 5, 1941;
11:53 a. m.]

EXECUTIVE ORDER

SUSPENDING THE PROVISIONS OF THE SATURDAY HALF-HOLIDAY ACT OF MARCH 3, 1931, AS TO CERTAIN EMPLOYEES OF THE GOVERNMENT

WHEREAS section 5 (a) of the act of June 28, 1940, 54 Stat. 676, 678, authorizes the President "to suspend, in whole or in part, for the War and Navy Departments and for the Coast Guard and their field services, during the period of the national emergency declared by him on September 8, 1939,¹ to exist, the provisions of the Act of March 3, 1931 (46 Stat. 1482; U.S.C. 5, 26 (a)), if in his judgment such course is necessary in the interest of national defense", such provisions, in effect, establishing Saturday half-holidays for certain Government employees; and

WHEREAS I find it necessary in the interest of national defense to suspend the provisions of the said act of March 3, 1931, as to certain employees of the Government to which section 5 (a) of the said act of June 28, 1940, is applicable:

NOW, THEREFORE, by virtue of the authority vested in me by section 5 (a) of the said act of June 28, 1940, I hereby suspend for the duration of the national

emergency declared by me on September 8, 1939, to exist, the provisions of the said act of March 3, 1931, (1) as to all civil employees of the War Department and its field services engaged in the performance of labor or duties in the Canal Zone, Puerto Rico, and the Territory of Alaska, and (2) as to all civil employees of the Coast Guard and its field services engaged in the performance of labor or duties in Puerto Rico and the Territory of Alaska.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
July 5, 1941.

[No. 8816]

[F. R. Doc. 41-4805; Filed, July 7, 1941;
9:44 a. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING VACATION PAY FOR FIELD SERVICE EMPLOYEES OF THE WAR DEPARTMENT, THE NAVY DEPARTMENT, THE COAST GUARD, AND THE PANAMA CANAL WHO FOREGO VACATIONS DURING THE EMERGENCY

By virtue of and pursuant to the authority vested in me by section 3 of the act of June 3, 1941, Public Law 100, 77th Congress, I hereby prescribe the following regulations to govern the administration of section 7 of the act of June 28, 1940, 54 Stat. 676, 678, and section 2 of the act of June 3, 1941, Public Law 100, 77th Congress, providing for payment of compensation in lieu of annual leave to certain employees of the War Department, the Navy Department, the Coast Guard, and The Panama Canal who are required to forego their vacations:

SECTION 1. Except as provided in section 2 of these regulations, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Governor of The Panama Canal may authorize payment of compensation in lieu of annual leave to those employees of the field services of the War Department, the Navy Department, the Coast Guard, and The Panama Canal whose services cannot be spared without detriment to the national defense and who, through being required to forego their vacations, would permanently forfeit because of excess accumulation, or because of lack of accumulation privileges, any leave due them under existing law and regulations. Such compensation shall be only for the portion of the requested leave which otherwise would be forfeited and shall be, in addition to their regular pay, the equivalent of the pay they would have drawn for such leave: *Provided*, That any compensation in lieu of annual leave shall not be subject to deductions for retirement purposes.

SECTION 2. Employees to which section 1 hereof is applicable who are engaged in construction, manufacturing, processing, and similar pursuits, and whose services are of a character in demand

by private industry and cannot be spared without detriment to the national defense, may be allowed compensation in lieu of current annual leave due them under existing law and regulations, regardless of the amount of accumulated leave to their credit: *Provided*, That the maximum leave in lieu of which such compensation may be paid shall not exceed the amount of accrued leave to the credit of the employee at the time of the payment and in any calendar year shall not exceed the current annual leave to which he is entitled during that calendar year and which he has not taken.

SECTION 3. The number of days for which an employee is granted compensation in lieu of annual leave shall be deducted from the leave to which he is entitled by law or regulation.

SECTION 4. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Governor of The Panama Canal may delegate to such subordinate officers as they deem necessary the authority to require employees to forego annual leave when their services cannot be spared without detriment to the national defense and to authorize payment of compensation in lieu of annual leave to such employees in accordance with the provisions of these regulations. Such officers shall be required to authorize specifically in advance all payments of compensation in lieu of annual leave, and specifically to certify that each employee for whom such compensation is authorized was required to forego his vacation because his services could not in the judgment of the certifying officer be spared without detriment to the national defense at that time or at any time during the then current calendar year and that it had been determined that additional qualified employees could not be secured to meet the requirements of the situation. If the employee is deemed to be entitled to compensation under the terms of section 2 above, it must be further certified that he is engaged in construction, manufacturing, processing, or a similar pursuit and that his services are of a character in demand by private industry.

SECTION 5. No employee shall be required to forego his vacation who, because of his physical condition or the character or location of his employment or for any other exceptionally urgent reason, is determined by a responsible officer designated by the head of the proper department or agency to require, in the interest of health or efficiency, all or any portion of the annual leave to which he is entitled under existing law or regulation.

SECTION 6. The Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, and the Governor of The Panama Canal may issue for their respective services necessary instructions not inconsistent herewith to carry out the provisions of section 7 of the act of

¹ 4 F.R. 3851.

June 28, 1940, *supra*, and section 2 of the act of June 3, 1941, *supra*.

SECTION 7. This order shall become effective immediately and shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 5, 1941

[No. 8817]

[F. R. Doc. 41-4806; Filed, July 7, 1941;
9:44 a. m.]

REGULATION NO. 1 OF THE DIVISION OF DEFENSE AID REPORTS

EVALUATION OF DEFENSE ARTICLES, DEFENSE SERVICES AND DEFENSE INFORMATION

Pursuant to the Act of March 11, 1941, Executive Order No. 8751¹ issued by me on May 2, 1941, and the Military Order issued by me on May 6, 1941,² I hereby prescribe the following rules and regulations for the valuation of defense articles, defense services and defense information transferred or received by the United States:

1. The Executive Officer of the Division of Defense Aid Reports, or his designee from that Division, after consultation with representatives of the Treasury Department and the Bureau of the Budget, shall determine the value of defense articles, defense services and defense information transferred or received by the United States. The Executive Officer is also empowered to obtain any information which he may deem necessary to a proper valuation from any department or agency of the Government.

2. Defense articles transferred or received by the United States under the Act of March 11, 1941, shall be valued by the Executive Officer, subject to the procedure set forth in Section 1, by giving such consideration as he deems necessary and proper to the cost, age, character and condition of the defense articles, the degree of depreciation or obsolescence, the use or uses to which the articles are to be or can be put, and any other criteria which he deems relevant to the proper valuation of such defense articles.

3. Defense services rendered or received by the United States under the Act of March 11, 1941, shall be valued by the Executive Officer, subject to the procedure set forth in Section 1, by giving such consideration as he deems necessary and proper to the character, cost, and utility of such services and to any other criteria which he deems relevant to the proper valuation of such defense services.

4. Defense information transferred or received by the United States under the Act of March 11, 1941, shall be valued by the Executive Officer, subject to the procedure set forth in Section 1, by giving such consideration as he deems necessary

and proper to the cost of developing such defense information, the use or uses to which the information is to be or can be put, and any plan, specification, design, prototype or other data conveyed in connection with or as a part of such information, and any other criteria which he deems relevant to the proper valuation of such defense information.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
June 20, 1941.

[F. R. Doc. 41-4772; Filed, July 5, 1941; 9:05
a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 37—CLAIMS ON BEHALF OF THE UNITED STATES¹

§ 37.4 *Demand upon defendant for settlement of claim.* (a) When preliminary investigation indicates that the damage is due to the fault of a commercial concern or its agents, or individuals outside of the military service, such result will be reported immediately to the commanding officer, who, if he approves, will cause demand to be made at once upon the defendant, and confirmed in writing, to have the necessary repairs or replacement made to the satisfaction of the United States.

(b) After completing the investigation, ascertaining the amount of the damage, and fixing the responsibility therefor, the surveying officer will, except in cases where the damage has been completely repaired by or on behalf of the person responsible for it, or when settlement in full has been made in compliance with the demand made under (a) above, cause a demand in writing for the settlement in full of any claim found to exist in favor of the Government to be presented by an officer or other representative to the defendant. This demand will contain a full description of the claim and of the grounds thereof.

(c) If the defendant makes payment of the full amount demanded, or makes the necessary repairs or replacement to the satisfaction of the United States, the commanding officer is authorized to accept a check or draft for such payment even though it contains a form of release; or, on request, to issue to the defendant a receipt or statement containing such a release. (R.S. 161; 5 U.S.C. 22) [Par. 4, AR 35-7220, Mar. 10, 1936, as amended by Cir. 125, W.D., June 28, 1941]

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

[F. R. Doc. 41-4777; Filed, July 5, 1941;
9:45 a. m.]

¹ § 37.4 is amended.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS AUTHORITY

PART 40—AIR CARRIER OPERATING CERTI- FICATION (INTERSTATE)

SPECIAL REGULATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3d day of July 1941.

Having had under consideration the application of § 40.3320 of the Civil Air Regulations requiring an applicant for an air carrier operating certificate for the carriage of goods and mail in interstate air transportation to show that any aircraft having engines with maximum power ratings of 480 h. p. or more to be so equipped that the engine rotation may be promptly stopped during flight, and

It appearing that: Certain air carriers are not able to comply with this provision due to an inability to obtain certain parts of equipment necessary to comply with that section because of the present national emergency, and that its action in this matter is required in the public interest,

Now, therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 601 and 604 of said Act, makes and promulgates the following regulation:

Notwithstanding the provisions of § 40.3320, an applicant for an air carrier operating certificate for the carriage of goods (including mail) in interstate air transportation shall not be required to show until on or after August 1, 1941, that any aircraft to be used in such air transportation which have engines with maximum power ratings of 480 h. p. or more are so equipped that engine rotation may be promptly stopped during flight.

[SEAL] DONALD W. NYROP,
Acting Secretary.

[F. R. Doc. 41-4778; Filed, July 5, 1941;
9:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3532]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FRED P. WEISSMAN, INC.

§ 3.66 (a7) *Misbranding or mislabeling—Composition.* In connection with offer, etc., in commerce, of respondent's coats and other garments, (1) using the term "100% Camel's Hair", or any other term of similar import or meaning, to designate, describe or refer to any fabric or product which is not composed entirely of camel's hair; and (2) represent-

¹ 6 F.R. 2301.

² *Ibid.*

ing in any manner that respondent's products contain camel's hair in greater quantity than is actually the case; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Fred P. Weissmann, Inc., Docket 3532, June 12, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before trial examiners of the Commission therefore duly designated by it, in support of the allegations of said complaint and in opposition thereto, the report of the trial examiners thereon and briefs filed by counsel for the Commission and for respondent (no request for oral argument having been made) and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Fred P. Weissman, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its coats and other garments in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the term "100% Camel's Hair", or any other term of similar import or meaning, to designate, describe or refer to any fabric or product which is not composed entirely of camel's hair;

(2) Representing in any manner that respondent's products contain camel's hair in greater quantity than is actually the case.

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

It is further ordered, That no provisions contained in this order shall be construed as authorizing or permitting, after July 14, 1941, the labeling of any wool product in any manner other than in strict conformity with the provisions of the Wool Products Labeling Act of 1939.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4780; Filed, July 5, 1941; 10:19 a. m.]

¹ 3 F.R. 2503.

[Docket No. 3813]

PART 3.—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ACTINO LABORATORIES, INC., ET AL.

§ 3.6 (o) *Advertising falsely or misleadingly—Old as new:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, second-hand or reconstructed as new—Old and used as unused or new:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* In connection with offer, etc., in commerce, of respondents' orthoptic instruments and machines, (1) representing, directly or by implication, that used or second-hand products are new or unused; and (2) advertising, offering for sale or selling used or second-hand products without disclosing that such products are in fact used or second-hand; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Actino Laboratories, Inc., et al., Docket 3813, June 13, 1941]

In the Matter of Actino Laboratories, Inc., a corporation, and Carl Loeb, an individual

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of June, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence and the exceptions thereto, and briefs filed by R. P. Belinger, attorney for the Commission, and E. Sydney Feinstein, attorney for the respondents (oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Actino Laboratories, Inc., a corporation, its officers, and Carl Loeb, individually and as an officer of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their orthoptic instruments and machines in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

¹ 4 F.R. 4952.

(1) Representing, directly or by implication, that used or second-hand products are new or unused;

(2) Advertising, offering for sale or selling used or second-hand products without disclosing that such products are in fact used or second-hand.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4783; Filed, July 5, 1941; 10:20 a. m.]

[Docket No. 3819]

PART 3.—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF JOHN J. FULTON COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., in connection with offer, etc., of respondent's "Uvursin" medicinal preparation, or any other substantially similar product, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said product, which advertisements represent that respondent's preparation "Uvursin" constitutes a competent or effective treatment for diabetes or has any therapeutic value in the treatment thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, John J. Fulton Company, Docket 3819, June 13, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of June, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, answer of respondent, testimony and other evidence taken before Miles J. Furnas, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed herein, and oral arguments by Donovan Divet, counsel for the Commission, and by Zach Lamar Cobb, counsel for the respondent, and the Commission having made its

¹ 4 F.R. 4755.

findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered. That the respondent, John J. Fulton Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparation "Uvursin," or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents that respondent's preparation "Uvursin" constitutes a competent or effective treatment for diabetes or has any therapeutic value in the treatment of diabetes;

(2) Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's medicinal preparation "Uvursin," which advertisement contains any of the representations prohibited in paragraph 1 hereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4781; Filed, July 5, 1941;
10:20 a. m.]

[Docket No. 3969]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF NEO-VIM COMPANY, ET AL.

§ 3.6(n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., in connection with offer, etc., of respondents' "Neo-Vim" or "Neo-Vem" medicinal preparation, or their "Hi-Ho Tooth Paste" cosmetic preparation, or any other substantially similar products, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said products, which advertisements represent, directly or through inference, (1) that respondents' preparation Neo-

Vim or Neo-Vem is a tonic, that its use will supply increased energy or vitality, that it will increase the appetite or flow of gastric juices or increase the quantity of the blood or improve the quality thereof, that it constitutes a competent or effective treatment for indigestion, or that it has any therapeutic value other than that possessed by an ordinary laxative; and (2) that respondents' preparation Hi-Ho Tooth Paste will remove stain, film or discoloration from the teeth other than those of a surface character, or will serve to keep gums healthy or add firmness to the gums, or that the use of said preparation will prevent impure breath or offensive odors, or that it is a competent or effective agency for brightening the teeth in excess of the results obtained from the use of any ordinary dentifrice; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Neo-Vim Company, et al., Docket 3969, June 14, 1941]

In the Matter of Neo-Vim Company, a corporation; and W. C. Pollard, A. L. Riaff, L. M. Jensen, Carl G. Rossel, Edwin L. Miller, and L. R. Dillow, individually and as officers of said corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of June, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the amended complaint of the Commission and the answers of the respondents, in which answers respondents admit all material allegations of fact set forth in said amended complaint and state that they waive all intervening procedure and further hearings as to the said facts, testimony and other evidence before Lewis C. Russell, a trial examiner of the Commission theretofore duly designated by it, with reference to the extent of participation of the respondent Carl G. Rossel in the acts and practices charged in the amended complaint, the report of the trial examiner upon the evidence and brief in support of the amended complaint filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered. That the respondents, Neo-Vim Company, a corporation, and its officers, agents, representatives and employees, and W. C. Pollard, A. L. Riaff, L. M. Jensen, Carl G. Rossel, Edwin L. Miller, and L. R. Dillow, individuals, and their respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal preparation designated "Neo-Vim" or "Neo-Vem", or their cosmetic preparation designated "Hi-Ho Tooth Paste", or any

¹ 5 F.R. 1182.

other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That respondents' preparation Neo-Vim or Neo-Vem is a tonic; that its use will supply increased energy or vitality; that it will increase the appetite or flow of gastric juices; that it will increase the quantity of the blood or improve the quality of the blood; that said preparation constitutes a competent or effective treatment for indigestion; or that said preparation has any therapeutic value other than that possessed by an ordinary laxative;

(b) That respondents' preparation Hi-Ho Tooth Paste will remove stain, film or discoloration from the teeth other than those of a surface character; that said preparation will serve to keep gums healthy or add firmness to the gums; that the use of said preparation will prevent impure breath or offensive odors; or that it is a competent or effective agency for brightening the teeth in excess of the results obtained from the use of any ordinary dentifrice;

(2) Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondents' preparations Neo-Vim or Neo-Vem or Hi-Ho Tooth Paste, which advertisement contains any of the representations prohibited in paragraph 1 hereof and respective subdivisions thereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4782; Filed, July 5, 1941;
10:20 a. m.]

[Docket No. 3998]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF THOMSEN-KING & COMPANY, INC., ET AL.

§ 3.6 (a) (18.5) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Operations as special or other advertis-*

ing: § 3.6 (a) (22) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer: § 3.6 (f) Advertising falsely or misleadingly—Demand or business opportunities: § 3.6 (r) (7) Advertising falsely or misleadingly—Prices—Usual as reduced or special: § 3.6 (s10) Advertising falsely or misleadingly—Puzzle prize contests: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (dd10) Advertising falsely or misleadingly—Success, use or standing: § 3.6 (ee) Advertising falsely or misleadingly—Terms and conditions: § 3.71 (f) Neglecting, unfairly or deceptively, to make material disclosure—Terms and conditions: § 3.72 (n10) Offering deceptive inducements to purchase—Terms and conditions: § 3.95 (m) Using contest schemes unfairly—Puzzle prize contests. In connection with offer, etc., of cosmetics, toilet preparations or other items of merchandise, and on the part of respondents Thomsen-King & Co., Inc., and The Winship Corp., and their respective officers, etc., and on the part of respondent James M. Woodman and thirty-six other individual respondents and their respective representatives, etc., either individually or by concerted or cooperative action, etc., between any two or more of them, or between any one or more of them and others, etc., and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of any of their said preparations, and in connection with a contest wherein the purchase or sale of cosmetics or other articles of merchandise is essential to participation in any awards given, which advertisements represent, directly or by implication (1) that the respondents are conducting a contest confined to the solution of a picture puzzle or any similar device which involves only competition in skill in submitting solutions thereof, without the expenditure of either money or work on the part of contestants in order to win a prize, or that they are conducting a contest of any character other than one wherein the purchase or sale by the contestants of cosmetics or other articles of merchandise is essential to participation in any grand prize, cash prize or other award to be given; (2) that the respondents are giving away a substantial sum of money or merchandise in the form of prizes to a certain limited number of persons as an introductory or advertising offer through a contest, when the conduct of such so-called contest in fact constitutes the ordinary and usual course of business followed by the respondents; (3) that the awards or prizes offered will be determined or augmented by promptness in answering the advertise-

ment of respondents or in complying with similar conditions named therein; (4) that the winning of the grand prize or any other prize offered by the respondents depends in whole or in part upon lot or chance; (5) that the preparations and products sold to persons who enter said contest are sold at wholesale prices, or at special prices not available to the general public; (6) that respondents' various products are of national reputation, or that they are of such quality that resale to the general public is not difficult; (7) that any of the respondents are manufacturing concerns, or that they originate, prepare or compound the preparations and products sold by them; and (8) that respondents' cosmetic preparations, or any of them, will restore a youthful condition to the skin, produce a youthful appearance, make the skin younger, remove wrinkles or worry lines, tone or strengthen the muscles, or that their dental preparations help make gums healthy; or which advertisements fail to reveal to prospective contestants that participation in the awards given depends in whole or in part, as the case may be, upon the purchase or sale of cosmetics or other articles of merchandise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45) [Cease and desist order, Thomsen-King & Company, Inc., et al., Docket 3998, June 12, 1941]

§ 3.6 (k5) Advertising falsely or misleadingly—Individual's special selection or situation: § 3.6 (s10) Advertising falsely or misleadingly—Puzzle prize contests: § 3.6 (ee) Advertising falsely or misleadingly—Terms and conditions: § 3.72 (f20) Offering deceptive inducements to purchase—Individual's special selection or situation: § 3.72 (n10) Offering deceptive inducements to purchase—Terms and conditions: § 3.95 (m) Using contest schemes unfairly—Puzzle prize contests. In connection with offer, etc., of cosmetics, toilet preparations or other items of merchandise, and on the part of respondents Thomsen-King & Co., Inc., and The Winship Corp., and their respective officers, etc., and on the part of respondent James M. Woodman and thirty-six other individual respondents and their respective representatives, etc., either individually or by concerted or cooperative action, etc., between any two or more of them, or between any one or more of them and others, etc., and among other things, as in order set forth, representing, directly or indirectly, in connection with such offer, etc., of said products or other items in commerce, etc., by means of a contest wherein the purchase or sale of cosmetics or other articles of merchandise is essential to participation in any of the awards given, (1) that offers made to individual contestants are exclusive to the individual addressed, and that such individual has been selected for special individual favor, or has been granted an exclusive advantage in a contest, or that credits given

or offered give the recipient thereof substantial, advanced standing in a contest over that of others entered therein, or that such credits are given or offered to the individual addressed, exclusively; (2) that letters written to contestants and prospective contestants are personal to the one addressed, or that the person addressed is about to be the recipient of the grand prize or other prize offered, or that there is nothing to buy or sell in order to participate in the grand prize contest; (3) that the giving of a certain order for goods and the payment of a specified amount therefor will assure the contestant addressed of securing a money prize or other award; and (4) that the respondents, or any one connected with them has a personal interest in any particular contestant, by means of letters giving so-called advice or suggestions to such contestant, or that such letters of advice are given exclusively to the contestant addressed; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Thomsen-King & Company, Inc., et al., Docket 3998, June 12, 1941]

§ 3.6 (k5) Advertising falsely or misleadingly—Individual's special selection or situation: § 3.6 (s10) Advertising falsely or misleadingly—Puzzle prize contests: § 3.6 (ee) Advertising falsely or misleadingly—Terms and conditions: § 3.71 (f) Neglecting, unfairly or deceptively, to make material disclosure—Terms and conditions: § 3.72 (f.20) Offering deceptive inducements to purchase—Individual's special selection or situation: § 3.72 (n10) Offering deceptive inducements to purchase—Terms and conditions: § 3.95 (m) Using contest schemes unfairly—Puzzle prize contests. In connection with offer, etc., of cosmetics, toilet preparations or other items of merchandise, and on the part of respondents Thomsen-King & Co., Inc., and The Winship Corp., and their respective officers, etc., and on the part of respondent James M. Woodman and thirty-six other individual respondents and their respective representatives, etc., either individually or by concerted or cooperative action, etc., between any two or more of them, or between any one or more of them and others, etc., and among other things, as in order set forth, using, in connection with such offer, etc., of said products or other items in commerce, etc., by means of a contest wherein the purchase or sale of cosmetics or other articles of merchandise is essential to participation in any awards given, (1) congratulatory letters, requests for photographs, purported membership certificates in so-called prize clubs, certificates of award, diplomas, facsimile checks, or other similar means, during the course of any so-called contest, which imply that the recipient is about to win a cash prize, grand prize, or other award in such contest, or that said contestant is within a class which is certain to win some award to be given during the course of the contest; (2) advertising matter in

any contest in which are set out a portion of the terms and conditions the contestant will be required to meet, without stating that said terms and conditions so specified and set out are, in fact, only a portion of the requirements which must be met by contestants in order to enter into or win the contest advertised by the respondents; and (3) advertising matter in any contest which does not disclose all of the terms and conditions which must be performed by the contestant in order to be successful in winning any prize in said contest; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Thomsen-King & Company, Inc., et al., Docket 3998, June 12, 1941]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., of cosmetics, toilet preparations or other items of merchandise, and on the part of respondents Thomsen-King & Co., Inc., and the Winship Corp., and their respective officers, etc., and on the part of respondent James W. Woodman and thirty-six other individual respondents and their respective representatives, etc., either individually or by concerted or cooperative action, etc., between any two or more of them, or between any one or more of them and others, etc., and among other things, as in order set forth, selling, etc., in commerce, etc., cosmetics or any merchandise so packed and assembled that sales thereof to the public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme; supplying to or placing in the hands of others, push or pull cards, pull tabs, punch boards or other lottery devices, with either assortments of cosmetics or any other merchandise, or separately, which said push cards, pull cards, pull tabs, punch boards, or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public; and selling or otherwise disposing of cosmetics or any merchandise by means of a game of chance, gift enterprise or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Thomsen-King & Company, Inc., et al., Docket 3998, June 12, 1941]

In the Matter of Thomsen-King & Company, Inc., Winship Corporation, F. W. Fitch Company, Corporations; James M. Woodman, Jesse L. Stewart, Merrold Johnson, G. Fred Stayton, Joseph Furth, Walter Rubens, Albert L. Bisson, Leta M. Clanton, Glenn Tate, George Thomsen, Amber M. McCluskey, James L. Decker, Sibley F. Everitt, Walter C. Phillips, Paul H. Williams, Don W. Parmelee, George Schaffer, Evelyn Henderson, Richard E. Williams, Prentice W. Shaw, J. G. Hamer, B. Brown, H. Rosenstein, Claude A. Burnett, Ross J. Miller, Joseph Kane, John E. Woodman, Steve E. Phillips, Warren Lee Eastman, Ernie A. Storesund, A. Leon-

ard Anderson, Gerald G. Grant, W. W. Young, Paul Manning, Fred W. Fitch, Mrs. Fred W. Fitch, Lucius W. Fitch, Mrs. Lucius W. Fitch, Gail W. Fitch, Mrs. Gail W. Fitch, Lester R. Sandahl, Mrs. Lester R. Sandahl, Richard H. Young, Mrs. Richard H. Young, Respondents

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, the answers of all the respondents except Thomsen-King & Company, Inc., evidence introduced before Randolph Preston, a duly appointed trial examiner of the Commission theretofore designated by it, in support of the allegations of the complaint, the report of the trial examiner thereon, a stipulation as to the facts, and briefs filed on behalf of the Commission and of respondents; and the Commission having made its findings as to the facts and its conclusion that all of the respondents except J. G. Hamer, B. Brown, H. Rosenstein, Claude T. Burnett, Ross J. Miller, Joseph Kane, Walter Rubens, and the F. W. Fitch Company, a corporation, have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Thomsen-King & Company, Inc., The Winship Corporation (corporations), and their respective officers, directors, agents, representatives and employees, and respondents James M. Woodman, Jesse L. Stewart, Merrold Johnson, G. Fred Stayton, Joseph Furth, Albert L. Bisson, Leta M. Frazier (formerly Leta M. Clanton), Glenn Tate, George Thomsen, Amber M. McCluskey, James L. Decker, Sibley F. Everitt, Walter G. Phillips, Paul H. Williams, Don M. Parmelee (named in complaint as Don W. Parmelee), George Schaffer, Evelyn Henderson, Richard E. Williams, Prentice W. Shaw, John E. Woodman, Steve W. Phillips, Warren Lee Eastman, Ernie A. Storesund, A. Leonard Anderson, Gerald G. Grant, W. W. Young, Paul Manning, Fred W. Fitch, Mrs. Fred W. Fitch, Lucius W. Fitch, Mrs. Lucius W. Fitch, Gail W. Fitch, Mrs. Gail W. Fitch, Lester R. Sandahl, Mrs. Lester R. Sandahl, Richard H. Young and Mrs. Richard H. Young, individuals, and their respective representatives, agents and employees, either individually or by any concerted or cooperative action, agreement or understanding between any two or more of the respondents, or between any one or more of said respondents and others, directly or indirectly, or through any corporate or other device, in connection with the offering for sale, sale and distribution of cosmetics, toilet preparations or other items of merchandise, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means

¹ 5 FR. 1057.

of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, in connection with a contest wherein the purchase or sale of cosmetics or other articles of merchandise is essential to participation in any awards given, which advertisement—

(a) Represents directly or by implication that the respondents are conducting a contest confined to the solution of a picture puzzle or any similar device which involves only competition in skill in submitting solutions thereof, without the expenditure of either money or work on the part of contestants in order to win a prize, or that the respondents are conducting a contest of any character other than one wherein the purchase or sale by the contestants of cosmetics or other articles of merchandise is essential to participation in any grand prize, cash prize or other award to be given;

(b) Represents directly or by implication that the respondents are giving away a substantial sum of money or merchandise in the form of prizes to a certain limited number of persons as an introductory or advertising offer through a contest, when the conduct of such so-called contest in fact constitutes the ordinary and usual course of business followed by the respondents;

(c) Represents, directly or by implication, that the awards or prizes offered will be determined or augmented by promptness in answering the advertisement of respondents or in complying with similar conditions named therein;

(d) Represents, directly or by implication, that the winning of the grand prize or any other prize offered by the respondents depends in whole or in part upon lot or chance;

(e) Represents, directly or by implication, that the preparations and products sold to persons who enter said contest are sold at wholesale prices, or at special prices not available to the general public;

(f) Represents, directly or by implication, that respondents' various products are of national reputation, or that said products are of such quality that resale to the general public is not difficult;

(g) Represents, directly or by implication, that any of the respondents are manufacturing concerns, or that they originate, prepare or compound the preparations and products sold by them;

(h) Represents, directly or by implication, that respondents' cosmetic preparations, or any of them, will restore a youthful condition to the skin, produce a youthful appearance, make the skin younger, remove wrinkles or worry lines, tone or strengthen the muscles, or that respondents' dental preparations help to make gums healthy; or

(i) Fails to reveal to prospective contestants that participation in the awards given depends in whole or in part, as the case may be, upon the purchase or sale of cosmetics or other articles of merchandise.

2. Disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of any of their said preparations, which advertisements contain any of the representations prohibited in paragraph 1 hereof.

3. Representing, directly or indirectly, in connection with the offering for sale, sale and distribution of cosmetics, toilet preparations and other items of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, by means of a contest wherein the purchase or sale of cosmetics or other articles or merchandise is essential to participation in any of the awards given;

(a) That offers made to individual contestants are exclusive to the individual addressed, and that such individual has been selected for special individual favor, or has been granted an exclusive advantage in a contest, or that credits given or offered give the recipient thereof substantial, advanced standing in a contest over that of others entered therein, or that such credits are given or offered to the individual addressed, exclusively;

(b) That letters written to contestants and prospective contestants are personal to the one addressed, or that the person addressed is about to be the recipient of the grand prize or other prize offered, or that there is nothing to buy or sell in order to participate in the grand prize contest;

(c) That the giving of a certain order for goods and the payment of a specified amount therefor will assure the contestant addressed of securing a money prize or other award;

(d) That the respondents, or any one connected with them has a personal interest in any particular contestant, by means of letters giving so-called advice or suggestions to such contestant, or that such letters of advice are given exclusively to the contestant addressed;

4. The use, in connection with the offering for sale, sale and distribution of cosmetics, toilet preparations or other items of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, by means of a contest wherein the purchase or sale of cosmetics or other articles of merchandise is essential to participation in any awards given, of—

(a) Congratulatory letters, requests for photographs, purported membership certificates in so-called prize clubs, certificates of award, diplomas, facsimile checks, or other similar means, during the course of any so-called contest, which imply that the recipient is about to win a cash prize, grand prize, or other award in such contest, or that said contestant is within a class which is certain to win some award to be given during the course of the contest;

(b) Advertising matter in any contest in which are set out a portion of the terms and conditions the contestant will be required to meet, without stating that said terms and conditions so specified and set out are, in fact, only a portion of the requirements which must be met by contestants in order to enter into or win the contest advertised by the respondents;

(c) Advertising matter in any contest which does not disclose all of the terms and conditions which must be performed by the contestant in order to be successful in winning any prize in said contest;

5. Selling or distributing in commerce as "commerce" is defined in the Federal Trade Commission Act, cosmetics or any merchandise so packed and assembled that sales of such merchandise to the public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme. Supplying to or placing in the hands of others, push or pull cards, pull tabs, punch boards or other lottery devices, with either assortments of cosmetics or any other merchandise, or separately, which said push cards, pull cards, pull tabs, punch boards, or other lottery devices are to be used, or may be used in selling or distributing said merchandise to the public; Selling or otherwise disposing of cosmetics or any merchandise by means of a game of chance, gift enterprise or lottery scheme.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to respondents J. G. Hamer, B. Brown, H. Rosenstein, Claude T. Burnett, Ross J. Miller, Joseph Kane and Walter Rubens, individuals, and F. W. Fitch company, a corporation.

It is further ordered, That Thomsen-King & Company, Inc., and The Winship Corporation, corporations, James M. Woodman, Jesse L. Stewart, Merrold Johnson, G. Fred Stayton, Joseph Furth, Albert L. Bisson, Leta M. Frazier, Glenn Tate, George Thomsen, Amber M. McCluskey, James L. Decker, Sibley F. Everitt, Walter C. Phillips, Paul H. Williams, Don M. Parmelee, George Schaffer, Evelyn Henderson, Richard E. Williams, Prentice W. Shaw, Jahn E. Woodman, Steve W. Phillips, Warren Lee Eastman, Ernie A. Storesund, A. Leonard Anderson, Gerald G. Grant, W. W. Young, Paul Manning, Fred W. Fitch, Mrs. Fred W. Fitch, Lucius W. Fitch, Mrs. Lucius W. Fitch, Gail W. Fitch, Mrs. Gail W. Fitch, Lester R. Sandahl, Mrs. Lester R. Sandahl, Richard H. Young and Mrs. Richard H. Young, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4785; Filed, July 5, 1941;
10:23 a. m.]

[Docket No. 4146]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

IN THE MATTER OF OMEGA ELECTROLYSIS
INSTITUTE, ET AL

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product*: § 3.6 (x) *Advertising falsely or misleadingly—Results*: § 3.6 (y) *Advertising falsely or misleadingly—Safety*: § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety*. Disseminating, etc., in connection with offer, etc., of respondents' "Omega Home Use Portable Machine" or "Omega Method", or any other substantially similar device or apparatus, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device or apparatus, which advertisements represent, directly or through inference, that respondents' device "Omega Home Use Portable Machine" or "Omega Method" is a safe device for the electrolytic removal of superfluous hair from the human body by individual self-application in the home; that it is painless, pleasant, quick or simple and easy to use; and that it will have no ill effects upon the human body; or which advertisements fail to reveal that the use of said device or apparatus by persons not trained in the technique of removing superfluous hair from the human body by electrolysis may result in permanent disfigurement, cause infections or other irreparable injury to health, and that said device should not be used to remove hair from cancerous or syphilitic lesions, pigmented moles or other areas showing local pathological conditions; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Omega Electrolysis Institute, et al., Docket 4146, June 12, 1941]

In the Matter of Omega Manufacturing Company, Inc., a Corporation, Trading as Omega Electrolysis Institute and Milton L. Brownshield, Individually and as Officer of Said Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June, A. D. 1941.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, answer of the respondents, testimony and other evidence taken before Robert S. Hall, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence and brief filed in support of the complaint, and the Commission having made its findings as to the facts

¹ 5 F.R. 4283.

and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Omega Manufacturing Company, Inc., a corporation, trading as Omega Electrolysis Institute or trading under any other trade name, and its officers, and respondent Milton F. Brownshield, an individual and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their device or apparatus designated as "Omega Home Use Portable Machine," or "Omega Method," or of any other device or apparatus of substantially similar composition or construction or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that respondents' device "Omega Home Use Portable Machine," or "Omega Method," is a safe device for the electrolytic removal of superfluous hair from the human body by individual self-application in the home; that said device is painless, pleasant, quick or simple and easy to use; that said device will have no ill effects upon the human body, or which advertisement fails to reveal that the use of said device or apparatus by persons not trained in the technique of removing superfluous hair from the human body by electrolysis may result in permanent disfigurement, cause infections or other irreparable injury to health, and that said device should not be used to remove hair from cancerous or syphilitic lesions, pigmented moles or other areas showing local pathological conditions;

(2) Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said device or apparatus designated "Omega Home Use Portable Machine," or "Omega Method," which advertisement contains any of the representations prohibited in paragraph 1 hereof or which fails to reveal that the use of said device or apparatus by persons not trained in the technique of removing superfluous hair from the human body by electrolysis may result in permanent disfigurement, cause infections or other irreparable injury to health, and that said device should not be used to remove hair from cancerous or syphilitic lesions, pigmented moles or other areas showing local pathological conditions.

It is further ordered, That the respondents shall, within ten (10) days

after service upon them of this order, file with the Commission an interim report in writing, stating whether they intend to comply with this order and, if so, the manner and form in which they intend to comply, and that within sixty (60) days after service upon them of this order, said respondents shall file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4784; Filed, July 5, 1941;
10:22 a. m.]

[Docket No. 4161]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF UNITED SALES COMPANY, ETC.

§ 3.69 (b) (5.5) *Misrepresenting oneself and goods—Goods—History of product:* § 3.69 (b) (8) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) (16.6) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* Representing, in connection with offer, etc., in commerce, of photographic enlargements and of frames therefor, and among other things, as in order set forth, directly or by inference, that colored or tinted pictures, photographs, or photographic enlargements are paintings; that pictures submitted to respondent or photographic enlargements made therefrom will be entered in any picture contest unless such contest is then, in fact, being conducted and such pictures or photographic enlargements are eligible for entry therein, or otherwise misrepresenting the existence of any picture contest or the eligibility of customers' pictures or photographic enlargements therein; and that any photograph or colored enlargement of a photograph has been entered in any competitive competition or that any award has been made to such photograph or enlargement in such competitive competition; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Sales Company, etc., Docket 4161, June 12, 1941]

§ 3.69 (a) (9.8) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.69 (a) (10.5) *Misrepresenting oneself and goods—Business status, advantages or connections—Operations as special or other advertising:* § 3.69 (b) (16.4) *Misrepresenting oneself and goods—Goods—Terms and conditions:*

§ 3.69 (b) (16.6) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* Representing, in connection with offer, etc., in commerce, of photographic enlargements and of frames therefor, and among other things, as in order set forth, that the respondent is engaged in the business of procuring pictures for use in advertising of various products or that any picture so procured by him will be sold or offered for sale to any advertiser, or otherwise misrepresenting the nature of respondent's business or the purposes for which pictures are procured; and that respondent is conducting any special campaign or advertising campaign in any particular place or locality unless such campaign is, in fact, then being conducted in such locality for such purpose; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Sales Company, etc., Docket 4161, June 12, 1941]

§ 3.69 (b) (17) *Misrepresenting oneself and goods—Goods—Value:* § 3.69 (c) (2.5) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* Representing, in connection with offer, etc., in commerce, of photographic enlargements and of frames therefor, and among other things, as in order set forth, as customary or regular prices or values for pictures or frames, prices and values which are, in fact, fictitious and greatly in excess of the prices at which said pictures or frames are regularly and customarily offered for sale and sold in the normal and usual course of business; and that the respondent will pay half the cost of the frame of any picture when, in fact, the frame is sold to the purchaser at prices in excess of the price at which such frames are regularly and customarily offered for sale and sold in the normal and usual course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Sales Company, etc., Docket 4161, June 12, 1941]

§ 3.69 (a) (7) *Misrepresenting oneself and goods—Business status, advantages or connections—Government indorsement, sanction or sponsorship.* Representing, in connection with offer, etc., in commerce, of photographic enlargements and of frames therefor, and among other things, as in order set forth, that respondent's business is operated under the sanction of the United States Supreme Court or any other court or tribunal, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Sales Company, etc., Docket 4161, June 12, 1941]

In the Matter of Max Cohen, an individual, trading as United Sales Company; United Art Display and Sales Company; Art Display Company; United Art Display Company; and United Display Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of June, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence before Randolph Preston, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and the report of the trial examiner upon the evidence and exceptions thereto and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Max Cohen, an individual, trading as United Sales Company, United Art Display and Sales Company, Art Display Company, United Art Display Company, and United Display Company, or under any other trade name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with offering for sale, sale, and distribution of photographic enlargements and of frames therefor in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by inference, that colored or tinted pictures, photographs, or photographic enlargements are paintings;

(2) Representing that the respondent is engaged in the business of procuring pictures for use in advertising of various products or that any picture so procured by him will be sold or offered for sale to any advertiser, or otherwise misrepresenting the nature of respondent's business or the purposes for which pictures are procured;

(3) Representing that pictures submitted to respondent or photographic enlargements made therefrom will be entered in any picture contest unless such contest is then, in fact, being conducted and such pictures or photographic enlargements are eligible for entry therein, or otherwise misrepresenting the existence of any picture contest or the eligibility of customers' pictures or photographic enlargements therein;

(4) Representing that any photograph or colored enlargement of a photograph has been entered in any competitive competition or that any award has been made to such photograph or enlargement in such competitive competition;

(5) Representing that respondent is conducting any special campaign or ad-

vertising campaign in any particular place or locality unless such campaign is, in fact, then being conducted in such locality for such purpose;

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

(7) Representing that the respondent will pay half the cost of the frame of any picture when, in fact, the frame is sold to the purchaser at prices in excess of the price at which such frames are regularly and customarily offered for sale and sold in the normal and usual course of business;

(8) Representing that respondent's business is operated under the sanction of the United States Supreme Court or any other court or tribunal.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4786; Filed, July 5, 1941;
10:23 a. m.]

[Docket No. 4328]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF GLAND ESTEMETER CORPORATION ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., in connection with offer, etc., of respondents' "Gland Estemeter" medicinal device, or any other substantially similar device, any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said device, which advertisements represent, directly or through inference, that all ailments or diseases of the human body are caused by the improper or abnormal functioning of the glands; that respondents' device detects or discloses improper or abnormal functioning of the glands, reveals vitamin deficiencies in the body, discloses whether the condition of the body is acid or alkaline, discloses the condition of the blood with respect to energy or activity or any other condition thereof, analyzes or discloses impairments of the mental processes, or possesses any value in the diagnosis of any ailment, disease or condition of the hu-

man body; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Gland Estemeter Corporation et al., Docket 4328, June 13, 1941]

In the Matter of Gland Estemeter Corporation, a corporation; and William Estep, an individual

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of June, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Gland Estemeter Corporation, a corporation, its officers, and William Estep, an individual, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal device known as "Gland Estemeter", or any device of substantially similar construction or possessing substantially similar characteristics, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference:

(a) That all ailments or diseases of the human body are caused by the improper or abnormal functioning of the glands;

(b) That respondents' device detects or discloses improper or abnormal functioning of the glands;

(c) That said device reveals vitamin deficiencies in the body;

(d) That said device discloses whether the condition of the body is acid or alkaline;

(e) That said device discloses the condition of the blood with respect to energy or activity, or that said device discloses any other condition of the blood;

(f) That said device analyzes or discloses impairments of the mental processes;

(g) That said device possesses any value in the diagnosis of any ailment, disease or condition of the human body;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

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

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-4779; Filed, July 5, 1941;
10:19 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5057]

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

PART 9—INCOME TAX UNDER THE REVENUE ACT OF 1938

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

COMPUTATION OF TAX WHERE JOINT RETURNS FILED

To Collectors of Internal Revenue and Others Concerned:

In order to conform Regulations 103¹ [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], Regulations 101² [Part 9, Title 26, Code of Federal Regulations, 1939 Sup.], Regulations 94 [Part 3, Title 26, Code of Federal Regulations], and Regulations 86 to the principles set forth in the decisions handed down by the Supreme Court in the cases of *Helvering v. Janney et al.*, (1940) 311 U. S. 189, 61 S. Ct. 241, and *Taft et ux. v. Helvering*, (1940) 311 U. S. 195, 61 S. Ct. 244, such regulations are amended as follows:

Paragraph 1. The following is inserted in Regulations 103 immediately following section 23 (h) and designated § 19.23 (h)-1; in Regulations 101 immediately following section 23 (h) and designated Art. 23 (h)-1; and in Regulations 94 and 86 immediately following section 23 (g) and designated Art. 23 (g)-1:

Wagering losses. Deductions for losses from wagering transactions are allowed only to the extent of gains from such transactions. In the case of a husband and wife making a joint return, the combined losses of the spouses as a result of

wagering transactions shall be allowed to the extent of the combined gains of the spouses from such transactions.

[SEC. 23. DEDUCTIONS FROM GROSS INCOME]
[In computing net income there shall be allowed as deductions:]

PAR. 2. The fourth paragraph of § 19.23 (o)-1 of Regulations 103, the third paragraph of article 23 (o)-1 of Regulations 101, and the second paragraph of article 23 (o)-1 of Regulations 94, and the second paragraph of article 23 (o)-1 of Regulations 86, as amended by Treasury Decision 4626, approved February 18, 1936, are stricken and the following new paragraph is inserted in lieu of each such paragraph:

In the case of a husband and wife making a joint return, the deduction for contributions or gifts is the aggregate of such contributions or gifts made by the spouses, and is limited to 15 percent of the aggregate net income of the spouses (computed without regard to such contributions or gifts) as shown by the joint return.

PAR. 3. The following new paragraph is inserted immediately following the last paragraph of § 19.25-2 of Regulations 103 and immediately following the last paragraph of article 25-2 of Regulations 101, 94, and 86:

In the case of a husband and wife making a joint return, there is but one earned income credit, computed upon the combined income of the spouses, and the maximum and minimum limitations prescribed with respect to such credit shall be based upon the combined income as if the joint return were the return of one individual.

PAR. 4. The second sentence of § 19.51-1 (c) of Regulations 103, as amended by paragraph 18 (C) of Treasury Decision 5011, approved September 24, 1940, and the second sentence of article 51-1 (b) of Regulations 101 are amended to read as follows:

In such a case, the tax shall be computed on the aggregate income.

PAR. 5. The eighth sentence of article 51-1 of Regulations 94 and the eighth sentence of article 51-1 of Regulations 86, as amended by Treasury Decision 4585, approved September 9, 1935, are amended to read as follows:

If the income of each is included in a single joint return, the tax shall be computed on the aggregate income.

PAR. 6. Section 19.117-5 of Regulations 103 is amended to read as follows:

§ 19.117-5 Application of section 117 in the case of husband and wife—(a) Short-term capital gains and losses. In the case of a husband and wife making a joint return, the limitation under paragraph (2) of section 117 (d), prior to its amendment, and under section 117 (d), as amended, relating to the allowance of short-term capital losses, is to be computed with respect to the

combined short-term capital gains and losses of the spouses.

If a husband and wife making a joint return for any taxable year beginning after December 31, 1938, did not make a joint return for the preceding taxable year, the individual net short-term capital loss of each spouse for the preceding taxable year (in an amount not in excess of the individual net income of such spouse for such year) shall be treated as a short-term capital loss for the taxable year. If, however, a joint return was made for such preceding taxable year, a net short-term capital loss as shown by such joint return (in an amount not in excess of the aggregate net income for such year as shown by such return) shall be treated as a short-term capital loss for the taxable year. If a husband and wife making separate returns for any taxable year beginning after December 31, 1938, made a joint return for the preceding taxable year, a net short-term capital loss shown by such joint return shall be allocated to the spouses on the basis of their individual net short-term capital losses for such preceding taxable year, and the net short-term capital loss allocated to each spouse (in an amount not in excess of the portion of the aggregate net income shown by such joint return attributable to such spouse) shall be treated as a short-term capital loss of such spouse for the taxable year.

(b) Long-term capital gains and losses. In the case of a husband and wife making a joint return, the long-term capital losses of the spouses are to be deducted from their aggregate gross income in computing the tax imposed by sections 11 and 12. The alternative taxes computed under section 117 (c) are in lieu of the tax imposed by sections 11 and 12 and must be compared with the tax imposed by such sections to determine which tax is applicable. In computing the alternative taxes under section 117 (c) in the case of a joint return, the determination of the "net long-term capital gain" or the "net long-term capital loss" is to be made by combining the long-term capital gains and the long-term capital losses of the spouses.

PAR. 7. Article 117-5 of Regulations 101 is amended to read as follows:

ART. 117-5. Application of section 117 in the case of husband and wife—(a) Short-term capital gains and losses. In the case of a husband and wife making a joint return, the limitation under section 117 (d) (2), relating to the allowance of short-term capital losses, is to be computed with respect to the combined short-term capital gains and losses of the spouses.

(b) Long-term capital gains and losses. In the case of a husband and wife making a joint return, the long-term capital losses of the spouses are to be deducted from their aggregate gross income in computing the tax imposed by sections 11 and 12. The alternative taxes

¹ 5 F.R. 348, 437, 569.

² 4 F.R. 616, 700, 802.

computed under section 117 (c) are in lieu of the tax imposed by sections 11 and 12 and must be compared with the tax imposed by such sections to determine which tax is applicable. In computing the alternative tax under section 117 (c) in the case of a joint return, the determination of the "net long-term capital gain" or the "net long-term capital loss" is to be made by combining the long-term capital gains and the long-term capital losses of the spouses.

PAR. 8. Article 117-5 of Regulations 94 and 86 is amended to read as follows:

ART. 117-5. *Application of section 117 in the case of husband and wife.* In the case of a husband and wife making a joint return, the limitation under section 117 (d) on the allowance of losses from sales or exchanges of capital assets is to be computed with respect to the combined gains and losses of the spouses upon such sales or exchanges.

PAR. 9. The following is inserted in Regulations 103 immediately following section 120 and designated § 19.120-1, and also in Regulations 101, 94, and 86 immediately following section 120 and designated Art. 120-1:

Unlimited deduction for charitable and other contributions. Under the circumstances specified in section 120, the 15 percent limitation imposed by section 23 (o) on the deduction for charitable and other contributions is not applicable.

In the case of a husband and wife making a joint return for any taxable year, the 15 percent limitation on the deduction for contributions or gifts imposed by section 23 (o) shall not be applicable if the aggregate amount of the contributions or gifts described in section 23 (o) (or corresponding provisions of prior Revenue Acts) made by the spouses in the taxable year and in each of the ten preceding years, plus the aggregate amount of income, war-profits, or excess-profits taxes paid by the spouses during such year in respect of preceding taxable years, exceeds 90 percent of the aggregate net income of the spouses for each such year, as computed without the benefit of any deduction for contributions or gifts.

PAR. 10. The following new paragraph is inserted immediately following the last paragraph of § 19.122-3 of Regulations 103:

(e) *Joint return by husband and wife.* In the case of a husband and wife, the joint net operating loss for any taxable year for which a joint return is filed is to be computed upon the basis of the combined income and deductions of both spouses, and the exceptions and limitations prescribed by section 122 (d) are to be computed as if the combined income and deductions of both spouses were the income and deductions of one individual.

PAR. 11. Section 19.122-4 of Regulations 103 is amended as follows:

(A) The following is inserted immediately following the section heading:

(a) *In general.*

(B) The following is inserted immediately following the last paragraph:

(b) *Joint return by husband and wife.*

(1) If a husband and wife making a joint return for any taxable year did not make a joint return for any of the preceding taxable years involved in the computation of the net operating loss carry-over, the joint net operating loss carry-over to the taxable year is the sum of the separate net operating loss carry-overs of both spouses to such year, computed as set forth in paragraph (a) of this section.

(2) If a husband and wife making a joint return for any taxable year made a joint return for each of the preceding taxable years involved in the computation of the net operating loss carry-over, the joint net operating loss carry-over to the taxable year is computed in the same manner as the net operating loss carry-over of an individual under paragraph (a) of this section but upon the basis of the joint net operating losses and the combined net income of both spouses.

(3) If a husband and wife making separate returns for any taxable year made a joint return for any or all of the preceding taxable years involved in the computation of the net operating loss carry-over, the separate net operating loss carry-over of each spouse to the taxable year is the net operating loss carry-over computed in the manner set forth in paragraph (a) of this section, but with the following exceptions and limitations:

(i) The net operating loss of such spouse for each of such preceding taxable years for which a joint return was made shall be deemed to be the portion of the joint net operating loss (computed in accordance with § 19.122-3 (e)) attributable to the gross income and deductions of such spouse, both being taken into account to the same extent that they are taken into account in computing such joint net operating loss.

(ii) The net income (computed with the exceptions and limitations provided

in section 122 (d) (1) to (4)) of such spouse for any of such preceding taxable years for which a joint return was made shall be deemed to be:

(a) The portion of the combined net income of both spouses for such year (computed with the exceptions and limitations provided in section 122 (d) (1) to (4) and as though the combined income and deductions of both spouses were those of one individual) attributable to the gross income and deductions of such spouse, both being taken into account to the same extent that they are taken into account in computing such combined net income,

(b) Plus the excess of the portion of such combined net income attributable to the other spouse over the separate net operating loss carry-over of such other spouse to such year, or

(c) Minus the excess of the portion of the separate net operating loss carry-over of the preceding taxable years involved in the computation of the net operating loss of such other spouse for the second preceding taxable year over the portion of such combined net income attributable to such other spouse.

(4) If a husband and wife making a joint return for any taxable year made a joint return for one or more but not all of the preceding taxable years involved in the computation of the net operating loss carry-over, the joint net operating loss carry-over to the taxable year is the sum of the separate net operating loss carry-overs of both spouses, computed in the manner set forth in paragraph (3), above.

Paragraph (3), above, may be illustrated by the following examples:

Example (1). H, a husband, and W, his wife, who make their income tax returns on the calendar year basis, made joint returns for 1939 and 1941 and separate returns for 1940 and 1942. For 1939, 1940, and 1941 they had net incomes (adjusted as provided in section 122 (d) (1) to (4)) and net operating losses as follows:

	1939	1940	1941
H:	\$2,000 (income)	\$5,000 (loss)	\$3,000 (income)
W:	3,000 (loss)	2,000 (loss)	4,000 (income)
	1,000 (joint loss)		7,000 (combined income)

The net operating loss carry-over of H to 1942 is \$1,000, and that of W is zero, computed as follows:

For 1939 H is deemed to have neither a net income nor a net operating loss (there being a joint net operating loss for such year, none of which is attributable to H), and the net operating loss of W is deemed to be \$1,000 (the portion of the joint net operating loss for 1939 attributable to W). See paragraph (3) (i).

For 1940 the net operating losses of H and W are \$5,000 and \$2,000, respectively, no adjustment of such amounts being necessary since separate returns were made for such year.

For 1941 the net income of H is deemed to be \$4,000, i. e., \$3,000, the portion of the combined net income for 1941 attributable to H plus \$1,000, the excess of the portion of such combined net income attributable to W (\$4,000) over the net operating loss carry-over of W to 1941 (\$2,000 from 1940 and \$1,000 from 1939,

or a total of \$3,000). See paragraph (3) (ii) (a) and (b).

For 1941 the net income of W is deemed to be \$4,000, the portion of the combined net income for 1941 attributable to W. No adjustment of such amount is necessary since there is no excess under paragraph (3) (ii) (b) or (c).

Applying the rule set forth in paragraph (a) of this section, the net operating loss carry-over of H to 1942 is \$1,000 (H's net operating loss for 1940 (\$5,000) reduced by the excess of H's net

1939	1940	1941
H: \$2,000 (loss)	\$1,000 (loss)	\$1,000 (income)
W: 4,000 (loss)	2,000 (income)	3,000 (income)
6,000 (joint loss)		4,000 (combined income)

The net operating loss carry-over of H to 1942 is \$1,000, and that of W is zero, computed as follows:

For 1939 the net operating losses of H and W are deemed to be \$2,000 and \$4,000, respectively (the portion of the joint net operating loss for 1939 attributable to H and W, respectively).

For 1940 the net operating loss of H is \$1,000 and the net income of W is \$2,000.

For 1941 the net income of H is deemed to be \$1,000, the portion of the combined net income for 1941 attributable to H. No adjustment of such amount is necessary since there is no excess under paragraph (3) (ii) (b) or (c).

For 1941 the net income of W is deemed to be \$2,000, i. e., \$3,000, the portion of the combined net income for 1941 attributable to W, minus \$1,000, the excess of the portion of H's net operating loss carry-over to 1941 attributable to H's net operating loss for 1939 (\$2,000) over the portion of such combined net income attributable to H (\$1,000). See paragraph (3) (ii) (a) and (c).

Applying the rule set forth in paragraph (a) of this section, the net operating loss carry-over of H to 1942 is \$1,000 (H's net operating loss for 1940 (\$1,000) reduced by zero, H's net income for 1941 (\$1,000) not being in excess of his net operating loss for 1939 (\$2,000)).

income for 1941 (\$4,000) over H's net operating loss for 1939 (zero)).

Similarly, the net operating loss carry-over of W to 1942 is zero (W's net operating loss for 1940 (\$2,000) reduced by the excess of W's net income for 1941 (\$4,000) over W's net operating loss for 1939 (\$1,000)).

Example (2). Assume the same facts as in example (1) except that H and W had net incomes and net operating losses as follows:

The net operating loss carry-over of W to 1942 is zero, there being no net operating loss for either 1940 or 1941.

PAR. 12. The following new paragraph is inserted immediately following the last paragraph of § 19.122-5 of Regulations 103:

In the case of a husband and wife making a joint return for any taxable year, the computation of the net operating loss deduction (as set forth in the first paragraph of this section) is to be made upon the basis of the combined net operating loss carry-over of the spouses to such year (computed as prescribed in § 19.122-4 (b)) and the combined net income of the spouses.

PAR. 13. The following is inserted immediately following § 19.131-8 of Regulations 103, as amended by Treasury Decision 5011, approved September 24, 1940, and designated § 19.131-9, and also immediately following article 131-8 of Regulations 101, 94, and 86 and designated Art. 131-9:

Joint return by husband and wife. In case of a husband and wife making a joint return, the credit for taxes paid or accrued to any foreign country or to any possession of the United States shall be computed upon the basis of the total taxes so paid by or accrued against the spouses, and the limitations prescribed by section 131 (b) upon such credit shall

be applied with respect to the aggregate net income from sources within each such country or possession, the aggregate net income from all sources without the United States, and the aggregate net income from all sources, of the spouses.

PAR. 14. The following new paragraph is inserted immediately following the second paragraph of § 19.251-1 of Regulations 103, immediately following the second paragraph of article 251-1 of Regulations 101 and 94, and immediately following the first paragraph of article 251-1 of Regulations 86:

In the case of a husband and wife making a joint return, the term "gross income", as used in this section, means the combined gross income of the spouses.

(This Treasury decision is issued under the authority contained in sections 23 (h), 23 (o), 25 (a), 51 (b), 62, 117, 120, 122, 131, and 251 of the Internal Revenue Code (53 Stat. 13, 14, 17, 27, 32, 50, 56, and 79; 26 U.S.C., Sup. V, 23 (h), 23 (o), 25 (a), 51 (b), 62, 117, 120, 122, 131, and 251) and in sections 211 (b), 212 (a) (b), and 216 (b) of the Revenue Act of 1939 (53 Stat. 367, 368, and 876; 26 U.S.C., Sup. V, 117, 122, and 131); sections 23 (h), 23 (o), 25 (a), 51 (b), 62, 117, 120, 131, and 251 of the Revenue Act of 1938 (52 Stat. 461, 463, 466, 476, 480, 500, 506, and 532; 26 U.S.C., Sup. IV, 23 (h), 23 (o), 25 (a), 51 (b), 62, 117, 120, 131, and 251); sections 23 (g), 23 (o), 25 (a), 51 (b), 62, 117, 120, 131, and 251 of the Revenue Act of 1936 (49 Stat. 1659, 1660, 1662, 1670, 1673, 1691, 1695, 1696, and 1718; 26 U.S.C., Sup. II, 23 (g), 23 (o), 25 (a), 51 (b), 62, 101, 120, 131, and 251); and sections 23 (g), 23 (o), 25 (a), 51 (b), 62, 117, 120, 131, and 251 of the Revenue Act of 1934 (48 Stat. 689, 690, 692, 697, 700, 714, 718, and 738; 26 U.S.C., 23 (g), 23 (o), 25 (a), 51 (b), 62, 101, 120, 131, and 251).)

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

Approved: July 2, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-4797; Filed, July 5, 1941;
11:55 a. m.]

TITLE 30—MINERAL RESOURCES
CHAPTER III—BITUMINOUS COAL
DIVISION

[Docket No. A-898]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 not heretofore classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Petitioner proposed an "F" classification for rail shipment for coals in Size Groups 4 and 5 produced at Mine Index No. 132 of the B & M Coal Company (John Berger). In Docket No. A-559 an "F" classification had been estab-

lished for coals in Size Groups 4 and 5 produced at this mine, then owned by H. C. Decker. The records of the Bituminous Coal Division show that Mine Index No. 132 has been transferred by H. C. Decker to B & M Coal Company. As price classifications for coals in Size Groups 4 and 5 produced at this mine

for All Shipments Except Truck have already been established, no action need be taken herein in respect to Mine Index No. 132 of the B & M Coal Company (John Berger).

Dated: June 18, 1941.

[SEAL]

H. A. GRAY,
 Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in part 321, minimum Price Schedule for District No. 1 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight origin group No.	1	2	3	4	5
2510	Aughenbaugh, Alton	Aughenbaugh	7	E	45	F	(†)	F	F	(†)
759	Bartholomew, Merle Lester	Bartholomew #1	6	E	78	(†)	(†)	F	F	(†)
2488	Bennett, Howard A.	Shuhart	43	Bakerstown	66	(†)	(†)	H	(†)	(†)
766	Dalley, Thomas	Freeport #1	44	E	66	D	D	D	D	D
790	Freebrook Corporation	Pittshaw #17	11	E	119	H	H	H	J	J
757	Haas Coal Mine (Stephen T. Haas)	Haas Coal Mine	4	B	75	G	G	G	H	H
774	Indian Head Fuel Co. (H. M. Young)	Layman	35	B	100	(†)	(†)	F	(†)	(†)
791	Kriswal Mining Company (Frank Kristianson)	Kriswal #2	8	B	46	(†)	(†)	E	E	E
3064	Miller, H. W.	Miller	18	B	52	(†)	(†)	F	(†)	(†)
655	Milliron, Frank W. (Milliron Coal Company)	Milliron	5	B	119	E	E	(*)	E	E
586	Mottern, Harry E.	Mottern	2	B	117	(†)	(†)	(*)	J	J
1824	Myers, Harold & Grant	Case	4	B	30	(†)	(†)	G	(†)	(†)
3113	Phillips Brothers (Clair Phillips)	Phillips	14	C	45	(†)	(†)	F	(†)	(†)

*Indicates coal in this size group previously classified and priced.

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

Code member index	Mine index No.	Mine	Sub-dist. No.	County	Seam	All lump coal double screened top size 2' and over	Double screened top size 2' and under	Run of mine modified R/M	2' and under slack	34' and under slack
						1	2	3	4	5
Bartholomew, Merle Lester	759	Bartholomew #1	6	Jefferson	E			220		
Burk & Sons, Francis E. & Howard Williams	789	Burk & Williams #2	37	Somerset	D			225	215	205
Dalley, Thomas	766	Freeport #1	44	Allegheny	E	255	230	230	220	210
Freebrook Corporation	790	Pittshaw #17	11	Armstrong	E	240	215	215	205	190
Glessner, Millard F.	775	Glessner	36	Somerset	Pittsburgh			225		
Haas Coal Mine (Stephen T. Haas)	767	Haas Coal Mine	4	Clarion	B	240	215	215	200	190
Indian Head Fuel Co. (H. M. Young)	774	Layman	35	Fayette	B			220		
Kriswal Mining Company (Frank Kristianson)	791	Kriswal #2	8	Clearfield	B			225	215	205
Milliron, Frank W. (Milliron Coal Company)	655	Milliron	5	Jefferson	B	250	225	(*)	215	205
Mottern, Harry E.	586	Mottern	2	Elk	B			(*)	195	185
Shirey, Charles	761	Shirey	4	Clarion	B	240	215	215	200	190
Smail & Smail (J. L. Smail)	792	Smail #2	11	Armstrong	E	240	215	215	205	190
Wolfong, A. H.	755	A. H. Wolfong	4	Clarion	E	240	215	215	200	190

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 41-4755; Filed, July 3, 1941; 9:59 a. m.]

[Docket No. A-903]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 not heretofore classified and priced; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 321.7 (*Alphabetical list of code members*) and § 321.24 (*General prices*) are supplemented to include the price classifications and minimum prices set forth in the schedules marked Supplement R and Supplement T, respectively, hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

As the price classifications and minimum prices proposed in the original petition, for All Shipments Except Truck and for Truck Shipments, for the coals of the Bonner Mine (Mine Index No. 1122) of H. C. Bonner, have heretofore been established in Docket No. A-559, it is unnecessary to grant relief herein for this mine.

As the price classifications and minimum prices proposed in the original pe-

tition for the coals of the Pence Mine (Mine Index No. 1887) of the Pence Coal Co., for All Shipments Except Truck, have been established in Docket No. A-785, it is unnecessary to grant relief herein for this mine.

As the minimum prices proposed in the original petition for coals in Size Group 3 of the Tyler No. 5 Mine (Mine Index No. 2998) of the Underhill Mining Company, for Truck Shipments, has already been established in Docket No. A-515, no minimum prices for the coals, in Size Group 3, of this mine, for Truck Shipment, are established in this proceeding.

As the minimum prices proposed in the

original petition for the coals of the Smith Mine (Mine Index No. 2062) of Claude Smith, for Truck Shipment, have been established temporarily in Docket No. A-132, no minimum prices for these coals, for Truck Shipment, are established in this proceeding.

No relief is granted herein to the Rembold No. 2 Mine (Mine Index No. 786) of J. H. Rembold, for reasons which will be set forth in an order hereafter to be entered.

Dated: June 21, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in part 321, Minimum Price Schedule for District No. 1 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 Alphabetical list of code members—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Sub-dist. No.	Seam	Freight origin group No.	1	2	3	4	5
1093	Ackerman & Raupach (George W. Ackerman)	Bittner	41	C	102	(†)	(†)	F	(†)	(†)
780	Black Beauty Coal Company, c/o J. E. Kellan	Ruth	40	B	100	(†)	(†)	G	(†)	(†)
2768	Bordas, Paul	Six Mile	8	E	45	(†)	(†)	E	(†)	(†)
1176	Cain, Bruno	Bickel	2	B	129	(†)	(†)	H	(†)	(†)
1182	Campbell Coal Company	Big Vein	43	D	66	(†)	(†)	D	(†)	(†)
1257	Culbertson & Sons, Earl	Culbertson	4	B	90	(†)	(†)	G	(†)	(†)
1262	Daugherty Est., W. A.	Daugherty	6	E	119	(†)	(†)	F	(†)	(†)
776	Fye, Ralph and Glenn (Glenn Fye)	Fye #2	9	C	44	(†)	(†)	E	(†)	(†)
795	Gordon Coal (Isaac Finberg)	Navy	13	D	46	(†)	(†)	B	(†)	(†)
788	Haupt's Coal Co. (Milo L. Haupt)	Haupt	4	D	77	(†)	(†)	G	(†)	(†)
798	Gillett, Gerald	Gillett	6	D	119	(†)	(†)	E	(†)	(†)
763	Hayes, Jake	Hayes	6	B	113	(†)	(†)	F	(†)	(†)
809	Heeter, Jesse W.	Richland C. Co.	33	C	49	(†)	(†)	E	(†)	(†)
1525	Holsopple & Sons, Bruce	Holsopple	37	C	100	(†)	(†)	E	(†)	(†)
800	Keys, W. A. (Keys Coal Company)	Keys	6	E	112	(†)	(†)	F	(†)	(†)
1606	King & Reiter Coal Co. (James A. King)	King & Reiter	8	C	45	(†)	(†)	F	(†)	(†)
2336	Lansberry & Son, Abbie E.	Lansberry #5	8	B	44	(†)	(†)	E	(†)	(†)
2337	Lansberry & Son, Abbie E.	Lansberry #7	8	C	44	(†)	(†)	F	(†)	(†)
1654	Light, J. W.	Larson's	7	D	45	(†)	(†)	F	(†)	(†)
167	Light, A. L.	Frances	6	E	112	(†)	(†)	F	(†)	(†)
777	Lobb Coal Mining Company (Wm. T. Lobb)	Lobb #4	21	A	45	(†)	(†)	H	(†)	(†)
2991	Low Ash Coal Co., The (Foster Shaffer)	Shaffer	33	B	49	(†)	(†)	C	(†)	(†)
2885	Lutz and Condon (Walter Condon)	Lutz & Condon	8	C	44	(†)	(†)	F	(†)	(†)
773	Maney, George & Homer (George Maney)	Maney	9	C	44	(†)	(†)	E	(†)	(†)
801	Morrisdale Coal Mining Co., The	Maxton "E"	8	E	44	(†)	(†)	E	(†)	(†)
802	Morrisdale Coal Mining Co., The	Maxton "D"	8	D	44	(†)	(†)	E	(†)	(†)
1822	Myers Brothers (Ralph Myers)	Myers Brothers	10	E	12	(†)	(†)	H	(†)	(†)
797	Myers Brothers (Ralph Myers)	Myers Bros. #2	10	B	12	(†)	(†)	H	(†)	(†)
2572	O'Harah, Robert	O'Harah	6	E	122	(†)	(†)	F	(†)	(†)
1206	Peters, L. B. & William Stratton (L. B. Peters)	Peters	8	D	45	(†)	(†)	E	(†)	(†)
2751	Peterson Coal Co., c/o A. J. Peterson	Linwood #3	8	B	44	(†)	(†)	E	(†)	(†)
765	Pile, R. M.	Pile	37	D	100	(†)	(†)	B	(†)	(†)
772	Reesman, Bartholow	Reesman	11	E	119	(†)	(†)	G	(†)	(†)
2989	Rimersburg Coal Mining Co., Inc.	Fox	4	B	90	(†)	(†)	G	(†)	(†)
762	Rolling Stone Coal Company (Edward T. Kelley)	Rolling Stone	8	E	44	(†)	(†)	E	(†)	(†)
2088	St. Clair, Rinn & Co.	Twolick	23	E	112	(†)	(†)	G	(†)	(†)
2062	Smith, Claude	Smith	6	D	50	(†)	(†)	(*)	(†)	(†)
781	Smith, Jack	Flora Dale	12	D	60	(†)	(†)	G	(†)	(†)
738	Summit Coal Corporation, c/o G. P. Grube	Summit #6	11	E	112	(†)	(†)	G	(†)	(†)
2151	Thompson, George	Lyda	28	Pittsburgh	82	(†)	(†)	G	(†)	(†)
2178	Underhill Coal Mining Company	Tyler #6	2	B	120	(†)	(†)	H	(†)	(†)
2998	Underhill Coal Mining Company	Tyler #5	2	B	120	(†)	(†)	H	(†)	(†)
804	White, James A. (White Coal Company)	White #5	6	E	50	(†)	(†)	F	(†)	(†)

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

TRUCK SHIPMENTS

§ 321.24 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub. dist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	3/4" and under slack
						1	2	3	4	5
Arnold, Walter S.	1025	Arnold	44	Grant	Bakers-town	235	210	(*)	190	180
Beach Grove Coal Co. (Fred Johnson)	3030	Beach Grove	2	Elk	B	235	210	(*)	195	185
Black Beauty Coal Company, J. F. Neilan	780	Ruth	40	Somerset	B			215		
Campbell Coal Company	1182	Big Vein	43	Allegheny	Big Vein	255	230	(*)	220	210
Christy, Charles	807	Marion	10	Armstrong	E	235	215	215	195	185
Clark & Son, J. W. (J. W. Clark)	782	Clark	18	Cambria	D			220		
DePhilippi, Albert	764	DePhilippi	2	Elk	B			210		
Desalve, Donato	2812	Spring Run	2	Elk	D	235	210	(*)	195	185
Ellis, Fred	2313	Ellis	3	Clinton	B	200	235	(*)	225	215
Fye, Ralph and Glenn (Glenn Fye)	776	Fye #2	9	Clearfield	C			225		
Gay, A. J. (Gay Coal Co.)	783	Gay Coal Co.	26	Cambria	B			235		
Gilnett, Gerald	798	Gilnett	6	Jefferson	D	250	225	225	215	205
Gordon Coal (Isaac Finberg)	795	Navy	13	Clearfield	D			240		
Hannah, C. A.	784	Hannah	6	Jefferson	E			220		
Haupt's Coal Co. (Milo L. Haupt)	788	Haupt	4	Clarion	D	240	215	215	200	190
Hayes, Jake	763	Hayes	6	Clearfield	B			220		
Hector Jesse W.	809	Richland C. Co.	33	Cambria	C'			225		
Holsopple & Sons, Bruce	1525	Holsopple	37	Somerset	C'	250		(*)	215	205
Huntington, William	803	W. M. Yarger	4	Armstrong	E	240	215	215	200	19
Keys, W. A. (Keys Coal Company)	800	Keys	6	Indiana	E			220		
Kitzmiller & Lyon Enterprises (Robert P. Kitzmiller)	760	Kitzmiller #1	44	Mineral	Big Vein			230		
Light, A. L.	167	Frances	6	Jefferson	E	245	220	220	210	200
Lobb Coal Mining Company (Wm. T. Lobb)	777	Lobb #4	21	Clearfield	A			210		
Maney, George & Homer (George Maney)	773	Maney	9	Clearfield	C'			225		
Morrisdale Coal Mining Co., The	801	Maxton "E"	8	Clearfield	E	250	225	225	215	205
Morrisdale Coal Mining Co., The	802	Maxton "D"	8	Clearfield	D	250	225	225	215	205
Myers Brothers (Ralph Myers)	797	Myers Bros. #2	10	Armstrong	B	235	215	215	195	185
O'Harah, Robert	2572	O'Harah	6	Jefferson	E	245	220	(*)	210	200
Owens & Sons, S. F. (S. F. Owens)	785	Owens	8	Clearfield	C			220		
Pile, R. M.	765	Pile	37	Somerset	D			240		
Reesman, Bartholow	772	Reesman	11	Armstrong	E			215		
Rolling Stone Coal Company (Edward T. Kelley)	762	Rolling Stone	8	Clearfield	E			225		
St. Clair, Rinn & Co.	2088	Twolick	23	Indiana	E			(*)	(*)	195
Shimmel, Morris	771	Varner #2	8	Clearfield	C			220		
Smith, Jack	781	Flora Dale	12	Indiana	D			215		
Solomon Run Fuel Company	805	Solomon Run Fuel Co. #2	29	Cambria	C'			225		
Summit Coal Corporation, c/o G. P. Grube	738	Summit #6	11	Armstrong	E	240	215	(*)	205	190
White, James A. (White Coal Company)	804	White #5	6	Indiana	E	245	220	220	210	200

*Indicates coal in this size group previously classified and priced.

[F.R. Doc. 41-4756; Filed, July 3, 1941; 10:00 a. m.]

[Docket No. A-913]

PART 330—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 10; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto the schedule marked "Supplement" hereinafter set forth and made a part hereof, and the coals referred to in said schedule shall be subject to minimum prices as provided therein.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated June 25, 1941.

[SEAL]

H. A. GRAY,
Director.

NOTE: The material contained in this "Supplement" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and Supplements thereto.

\$ 330.25 General prices in cents per net ton for shipment into all market areas

[illegible]

[F.R. Doc. 41-4757; Filed, July 3, 1941; 10:00 a. m.]

PART 334—MINIMUM PRICE SCHEDULE,
DISTRICT No. 14

ORDER GRANTING TEMPORARY RELIEF AND
CONDITIONALLY PROVIDING FOR FINAL RE-
LIEF IN THE MATTER OF THE PETITION OF
DISTRICT BOARD NO. 14 FOR THE ESTAB-
LISHMENT OF PRICE CLASSIFICATIONS AND
MINIMUM PRICES FOR THE COALS PRO-
DUCED AT CERTAIN MINES IN DISTRICT
NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the mines of certain code members in District No. 14; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are herein-
after set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Commission.

minous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members—Supplement R*

Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel

Mine index No.	Code member	Mine name	Prod. group No.	Frt. origin grp.	Price classification by size group																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
89	Cloninger Coal Co. (Nelson McFadden).	Cloninger Coal Co.	2	14			A	A	A	A	A	A	A	A	A	A	A	B	B	I	I	I	I	I
49	Hobbs, George	Hobbs	2	14			A	A	A	A	A	A	A	A	A	A	A	B	B	I	I	I	I	I
95	Tornado Coal Co. (J. A. Hancock).	Tornado #1	7	12			J	J	K	K	K	K	K	K	K	K	K	B	B	B	B	N	N	N

TRUCK SHIPMENTS

§ 334.24 General prices for shipment into all market areas—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	County	Subdist. No.	Prices and size group Nos.																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Cloninger Coal Co. (Nelson McFadden).	489	Cloninger Coal Co.	Johnson	2	425														135				320	
Hobbs, George	449	Hobbs	Johnson	2	425														125				320	
Tornado Coal Co. (J. A. Hancock).	495	Tornado #1.	Le Flore	7	405	405	405	405	405	405	405	405	405	405	405	405	405	405	135	115	105		325	

[F.R. Doc. 41-4758; Filed, July 3, 1941; 10:00 a. m.]

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 334.5 (Alphabetical list of code members) and § 334.24 (General prices for shipment into all market areas) are supplemented to include the price classifications and minimum prices set forth in the schedules marked respectively "Supplement R" and "Supplement T", hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: June 25, 1941.

H. A. GRAY,
Director.

[SEAL]

[Docket No. A-910]

PART 334—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the mines of certain code members in District No. 14; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 Alphabetical list of code members—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine Index No.	Code member	Mine name	Prod. group No.	Frt. origin group	Price classification by size group																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
513	A B C Smokeless Fuel Corporation.....	No. 1	2	14																				
511	Paris Purity Coal Co.....	No. 6	5	15																				

TRUCK SHIPMENTS

§ 334.24 General prices for shipment into all market areas—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	County	Sub-dist. No.	Prices and size group Nos.																			
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
A B C Smokeless Fuel Corporation	513	No. 1	Johnson	2																	200	200		
Paris Purity Coal Co....	511	No. 6	Sebastian	5			355																	

[F.R. Doc. 41-4759; Filed, July 3, 1941; 10:01 a. m.]

[Docket No. A-940]

PART 336—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS PRODUCED AT THE PINE CLIFF NO. 2 MINE OF MRS. BERT EAKS, A CODE MEMBER IN DISTRICT NO. 16

of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the Pine Cliff No. 2 Mine (Mine Index No. 145) of Mrs. Bert Eaks, a code member in Subdistrict No. 7 of District No. 16.

The minimum price therein requested for the coals in Size Group 4 produced at Mine Index No. 145 is the same as the effective minimum price for other coals in that size group being produced

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

at the mines in Subdistrict No. 7. The petitioner also requests, however, that any revision of the Schedule of Effective Minimum Prices for District No. 16, For All Shipments, changing the size of the coals included in Size Group 4 and changing the effective minimum prices for the coals in that size group produced in Subdistrict No. 7 of that district be applicable to the coals produced at Mine Index No. 145. Such revision was requested by District Board No. 16 in its petition filed in Docket No. A-489 in which a public hearing has been held and which is now before the Director for consideration.

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 16, For All Shipments, is supplemented to include the minimum price of \$4.55 per net ton for the coals in Size Group 4 produced at Mine Index No. 145 of code member Mrs. Bert Eaks in Subdistrict No. 7 of that district, for shipment by truck into all market areas. Final disposition as to the establishment of the minimum price for the above-designated coals produced at Mine Index No. 145 shall be held in abeyance pending final disposition of related matters in Docket No. A-489.

It is further ordered, That pending final disposition of the above-entitled matter, additional temporary relief is granted as follows: Commencing forthwith, § 336.2 (Code member price index) and § 336.21 (General prices) are supplemented to include the minimum prices set forth in Supplements T-1 and T-2, respectively, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 (d) of the Bituminous Coal Act of 1937.

It is further ordered, That, save as to the coals in Size Group 4 produced at Mine Index No. 145 of code member Mrs. Bert Eaks, the relief herein granted shall become final sixty (60) days from the

date of this Order, unless the Director shall otherwise order.

Dated: June 25, 1941.

[SEAL]

H. A. GRAY,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 16

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 336, Minimum Price Schedule for District No. 16 and Supplements thereto.

FOR ALL SHIPMENTS

§ 336.2 Code member price list—Supplement T-1

The following shall be listed in alphabetical order:

Producer	Mine	Mine index No.	County	Sub-dist. price group	Prices, page	
					Rail	Truck
Eaks, Mrs. Bert.....	Pine Cliff #2.....	145	Boulder.....	7		8

§ 336.21 General prices—Supplement T-2

Insert the following code member name (in alphabetical order), mine name and county, under Sub-District No. 7, and the following prices:

Producer	Mins	County	Size groups												
			1	2	3	4	5	6	8	9	10	11	12	13	
SUB-DISTRICT NO. 7															
Eaks, Mrs. Bert.....	Pine Cliff #2.....	Boulder...	455	405	405	...	405	385	340	265	215	205	185	339	

[F.R. Doc. 41-4760; Filed, July 3, 1941; 10:01 a. m.]

TITLE 32—NATIONAL DEFENSE CHAPTER VII—SELECTIVE SERVICE SYSTEM

[Order No. 16]

KANE CAMP PROJECT

I, Lewis B. Hershey, Deputy Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675¹ dated February 6, 1941, hereby designate the Kane Camp project to be work of national importance. Said camp, located at Kane, McKean County, Pennsylvania, will be the base of operations for forestry work in the State of Pennsylvania, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

¹ 6 F.R. 831.

The work to be undertaken by the men assigned to said Kane Camp will consist of road construction as part of the fire protective system on the Allegheny National Forest, recreational improvements and timber stand improvement, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program and the furnishing of construction equipment. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Deputy Director.

JUNE 27, 1941.

[F. R. Doc. 41-4792; Filed July 5, 1941; 11:00 a. m.]

[Order No. 17]

STRONACH CAMP PROJECT

I, Lewis B. Hershey, Deputy Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 and pursuant to authorization and direction contained in Executive Order No. 8675¹ dated February 6, 1941, hereby designate the Stronach Camp project to be work of national importance. Said camp, located at Manistee, Manistee County, Michigan, will be the base of operations for forestry work in the State of Michigan, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Stronach Camp will consist of planting and ground preparation for planting, plantation release, blister rust control, road improvement and maintenance, and shall be under the technical direction of the Forest Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program and the furnishing of construction equipment. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in the camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Deputy Director.

JUNE 26, 1941.

[F. R. Doc. 41-4793; Filed, July 5, 1941; 11:00 a. m.]

[No. 14]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One¹ of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

1. Addition of a new form designated as DSS Form 172 entitled "Return of Home Address Report (DSS Form 166) and Report of Separation (DSS Form 167)" be adopted for the use of the Selective Service System, effective fifteen (15) days after the filing hereof with the Division of the Federal Register.

¹ 6 F.R. 831.
² 5 F.R. 3779.

The foregoing addition shall, effective fifteen (15) days after the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One of the Selective Service Regulations.

LEWIS B. HERSHEY,
Deputy Director.

JULY 2, 1941.

[F. R. Doc. 41-4791; Filed, July 5, 1941; 11:00 a. m.]

CHAPTER VIII—ADMINISTRATOR OF EXPORT CONTROL

EXPORT CONTROL SCHEDULE No. 12

By virtue of the Military Order of July 2, 1940,¹ and Executive Order No. 8712,² I, Russell L. Maxwell, Administrator of Export Control, have determined that:

1. Effective July 23, 1941, the articles and materials designated in Proclamation No. 2496³ of July 3, 1941, issued pursuant to section 6 of the Act of July 2, 1940, shall include the forms, conversions, and derivatives hereinafter designated:⁴

VEGETABLE PRODUCTS

Unit of quantity	Commodity description	Commodity Nos.	
		B	F
Lb.....	Cocoon shells.....		*9999
	DRUGS, HERBS, LEAVES, AND ROOTS		
Lb.....	Cubé (timbo or barbasco) root, cubé root powder, or cubé root extract. (Rotenone listed under Chemical Specialties.)	*2209	*2209
Lb.....	Derris (tuba) root, derris root powder, or derris root extract. (Rotenone listed under Chemical Specialties.)	*2209	*2209
Lb.....	Red squill.....	*2209	*2209
Lb.....	Pyrethrum or insect flowers.	*2209	*2209

CHEMICALS

Unit of quantity	Commodity description	Commodity Nos.	
		B	F
Lb.....	CHEMICAL SPECIALTIES		
Lb.....	Cocoon shell char in any form.	*8297	*8309
Lb.....	Rotenone (Derris root and Cubé root listed under Drugs, Herbs, Leaves, and Roots.)	*8205.9	*8309
Lb.....	Phenol - formaldehyde resins:		
	Unfabricated in powder, flake, or liquid form.	*8255	*8309
		(*8260)	(*8309)
		(*8261)	(*8309)
		(*8812)	(*9999)
		(*9813)	
Lb. or Units.....	Fabricated.....		

¹ 5 F.R. 2491.² 6 F.R. 1501.³ The President, *supra*.

⁴ The numbers appearing in the columns designated B and F in the following schedule refer to the numbers in Schedule B, "Statistical Classification of Domestic Commodities Exported from the United States," and Schedule F, "Statistical Classification of Foreign Commodities Exported from the United States," respectively, both effective January 1, 1941, issued by the United States Department of Commerce. The words are controlling and the numbers are included solely for the purpose of statistical classification by various Government agencies.

VEGETABLE PRODUCTS—Continued

Unit of quantity	Commodity description	Commodity Nos.	
		B	F
	CHEMICAL SPECIALTIES—continued.		
Lb.....	Urea-formaldehyde resins:		
	Unfabricated in powder, flake, or liquid form.	*8257	*8399
Lb. or Units.....	Fabricated.....	(*8260)	(*8399)
		(*8261)	(*8399)
		(*8812)	(*9999)
		(*9813)	
	INDUSTRIAL CHEMICALS		
Lb.....	Acids and anhydrides:		
	Acetic acid.....	8300	*8309
Lb.....	Acetic anhydride.....	8301	*8309
Lb.....	Alcohols:		
	Methanol.....	8310	*8399
Lb.....	Acetone.....	8315	*8399

2. Effective July 23, 1941, the forms, conversions, and derivatives of Hides (item h, paragraph 2, Proclamation No. 2413) shall consist of the following (superseding Hides and Skins as listed in Export Control Schedule No. 1):

ANIMAL PRODUCTS

Unit of quantity	Commodity description	Commodity Nos.	
		B	F
	HIDES AND SKINS		
Piece and Lb....	Cattle hides.....	0201	(0201)
			(0202)
Piece and Lb....	Calf skins.....	(0206)	(0205)
		(0207)	
Piece and Lb....	Kip skins.....	(0206)	(0206)
		(0207)	
Piece and Lb....	Horse hides.....	*0250	*0250
Piece and Lb....	Carabao hides.....	*0250	*0250

3. Effective July 23, 1941, the forms, conversions, and derivatives of Rubber (item t, paragraph 2, Proclamation No. 2413) shall consist of the following (superseding Rubber as listed in Export Control Schedules No. 1, 8 and 9):

VEGETABLE PRODUCTS

Unit of quantity	Commodity description	Commodity Nos.	
		B	F
	RUBBER		
Lb.....	Crude.....		2001
Lb.....	Reclaimed.....	2011	*2012
Lb.....	Scrap containing 5 percent or more rubber.	*2012	*2012
	Rubber tires and tubes:		
	Automobile casings:		
Units.....	Truck and bus casings.....	2060	*2099
Units.....	Other automobile casings.....	2062	*2099
Units.....	Automobile inner tubes.....	2063	*2099
Units.....	Other casings and tubes.....	2064	*2099
	Solid tires:		
Units.....	For automobiles and motor trucks.....	2066	*2099
	Tire Sundries and Repair Materials:		
Lb.....	Camelback.....	*2099	*2099
	Rubber belts and belting:		
Lb.....	Fan belts for automobiles.....	2085	*2099
Lb.....	Other rubber and balata belting.	2086	*2099

4. Effective July 23, 1941, the forms, conversions, and derivatives of Vegetable Fibers and Manufactures (item i, Proclamation No. 2476) shall include the following (superseding Vegetable Fibers and

Manufactures as listed in Export Control Schedule No. 4):

TEXTILE FIBERS AND MANUFACTURES

Unit of quantity	Commodity description	Commodity Nos.	
		B	F
	VEGETABLE FIBERS AND MANUFACTURES		
	Vegetable fibers and manufactures:		
	Unmanufactured:		
Lb.....	Canton.....	*3409	
Lb.....	Hemp.....	3263	
Lb.....	Istle or tampico.....	3405	
Lb.....	Maguay.....	*3409	
Lb.....	Pacol.....	*3409	
Lb.....	Ramie.....	*3409	
Lb.....	Sisal or henequen.....	3401	
Lb.....	Sunn.....	*3409	
	Manufactures:		
Lb.....	Canton yarn.....	*3499	
Lb.....	Canton twine, cord, and cordage.....	*3419	
Lb.....	Hemp yarn.....	*3499	
Lb.....	Hemp twine, cord, and cordage.....	*3419	
Lb.....	Istle or tampico yarn.....	*3499	
Lb.....	Istle or tampico twine, cord, and cordage.....	*3419	
Lb.....	Maguay yarn.....	*3499	
Lb.....	Maguay twine, cord, and cordage.....	*3419	
Lb.....	Oakum.....	3495	
Lb.....	Pacol yarn.....	*3499	
Lb.....	Pacol twine, cord, and cordage.....	*3419	
Lb.....	Ramie yarn.....	*3499	
Lb.....	Ramie twine, cord, and cordage.....	*3419	
Lb.....	Sisal or henequen yarn.....	*3499	
Lb.....	Sisal or henequen twine, cord, and cordage.....	*3419	
Lb.....	Sunn yarn.....	*3499	
Lb.....	Sunn twine, cord, and cordage.....	*3419	

5. Effective July 23, 1941, the forms, conversions, and derivatives of Machinery (Proclamation No. 2475) shall include the following in addition to items previously determined:

MACHINERY

Unit of quantity	Commodity description	Commodity Nos.	
		B	F
	ELECTRICAL MACHINERY AND APPARATUS		
Units.....	Generators, $\frac{3}{4}$ k. w. and over: ¹	*7000	*7099
Units.....	Direct current.....	*7001	*7099
Units.....	Alternating current.....		
Units.....	Steam turbine generator sets:		
Units.....	Under 500 kilowatts.....	*7006	*7099
Units.....	500 kilowatts and larger.....	7008	*7099
Units.....	Transforming or Converting apparatus, $\frac{3}{4}$ k. w. and over: ¹		
Units.....	Rotating Converters:		
Units.....	Under 300 kilowatts.....	*7027.1	*7099
Units.....	300 kilowatts and larger.....	7027.2	*7099
Units.....	Motors, 1 h. p. and over: ¹		
Units.....	Stationary motors:		
Units.....	1 to 200 horsepower.....	7042	*7099
Units.....	Over 200 horsepower.....	7043	*7099
Units.....	Railway motors.....	7044	*7099

¹ Does not include motors, generators, or converters, installed in machines or apparatus.

By direction of the President,

RUSSELL L. MAXWELL,
Brigadier General, U. S. Army.

[F. R. Doc. 41-4799; Filed, July 5, 1941;
12:50 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Supplementary Order No. M-7-a]

PART 930—BORAX AND BORIC ACID

It is hereby ordered that:

§ 930.2 *Supplementary order.* (a) § 930.1 (c) (2) (General Preference Order No. M-7, issued June 6, 1941)¹ shall continue in effect until the 30th day of July 1941, unless sooner revoked by the Director of Priorities.

NOTE: The term "borosilicate glass", as used in General Preference Order No. M-7, did not, and does not, include glazes or enamels.

(O.P.M. Reg. 3, March 7, 1941, 6 F.R. 1596; E.O. 8629, January 7, 1941, 6 F.R. 191; Sec. 2 (a), Public, No. 671, 76th Congress.)

Issued this 3d day of July 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. No. 41-4770; Filed, July 3, 1941;
3:12 p. m.]

PART 949—CHROMIUM

General Preference Order M-18 to Conserve the Supply and Direct the Distribution of Chromium

Whereas it is found that there exist certain serious shortages of chromium, as hereinafter defined, which may increase in the future by reason of the fact that the present and future domestic supply and probable future imports are now and may be insufficient for all defense and civilian needs, and it is further found that such shortages will prevent the obtaining of priority for deliveries of that material under present and future Naval and Army contracts and orders and related subcontracts and suborders unless the total present and future supply thereof be conserved and the present and future distribution directed, and it is further found that the best interests of the national defense require the exercise of the power conferred upon me to direct and insure such priority;

Now, therefore, it is hereby ordered that:

§ 949.1 *General preference order—(a) Definitions.* For the purposes of this Order:

(1) The term "chromium" means and includes:

(i) Ores or concentrates containing chromium (commercially recognized);

(ii) The element chromium in pure form, ferro-chromium, and other combinations with other elements in semi-manufactured or un-manufactured form, prepared for consumption in the manufacture of steel, in the form of briquettes or otherwise;

¹ 6 F.R. 2791.

(iii) All chemical combinations having chromium as an essential and recognizable component;

(iv) Those products containing chromium known commercially as refractory bricks or refractory material;

(v) All scrap or secondary material containing chromium as defined in (i), (ii), (iii), and (iv), above.

(2) The term "person" means and includes any individual, partnership, association, corporation, or other form of business enterprise.

(3) The term "producer" is hereby defined as any person who mines or otherwise produces natural materials containing recoverable quantities of chromium.

(4) The term "processor" is hereby defined as any person who prepares ores, concentrates, and primary or secondary chemical or metallurgical forms of chromium for:

(i) Consumption by producers of steel in order to form various alloy steels;

(ii) Consumption by any other industries for any purpose whatsoever.

(5) The term "dealer" is hereby defined as any person who imports or procures domestically for storage or resale, any chromium; including selling agents, warehousemen or other commercially recognized agents acting on their own account or for others, and whether or not such person acquires title thereto.

(6) "Defense Orders" mean contracts or orders for material, unfinished, semifinished, or finished, which at any stage of production enters into, or is used for, the manufacture, processing or fabrication of products to be delivered to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the National Defense Research Council;

(ii) The Government of Great Britain, and the Government of any other country whose defense the President deems vital to the defense of the United States under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States";

(iii) Any other Government Agency or any person, when the Director of Priorities determines that such contracts or orders cover defense requirements, direct or indirect, of the United States and shall have assigned a preference rating of A-10, or higher, thereto.

(b) *Deliveries.* Deliveries of chromium by any producer, dealer, or processor shall be made only in accordance with the following directions:

(1) Deliveries under all Defense Orders which do not bear a higher preference rating are hereby assigned a preference rating of A-10.

(2) Preference ratings, in order of precedence, are: AA A-1-a, A-1-b, etc., * * * A-1-j; A-2, A-3, etc., * * * A-10; BB, B-1, B-2, etc., * * * B-8, AA being the highest rating, and B-8 the lowest presently assigned. Except under specific direction of the Director of Priorities, A ratings are assigned only to Defense Orders and B ratings to civilian orders.

(3) Every delivery to which a preference rating has been assigned shall be made upon the date or dates required by the Preference Rating Certificate issued to apply to such delivery, or, if no Certificate has been issued, then upon the date or dates specified in the contract or order therefor. The sequence of deliveries bearing the same preference rating shall be governed by the delivery dates specified in the contracts or orders therefor. Deliveries bearing no preference rating or a lower preference rating shall be deferred to the extent necessary to assure those deliveries bearing a higher preference rating, even though such deferment may cause a default under an existing contract or order.

(4) Each person making deliveries must so schedule his production and deliveries that deliveries bearing a preference rating will be made on the dates required, giving precedence in case of unavoidable delay to deliveries bearing the higher preference ratings. Nothing herein contained shall prevent a person from accepting a contract or order bearing a rating higher than other contracts or orders previously accepted, although such acceptance may necessitate deferment of deliveries under contracts or orders previously accepted.

(5) Whenever there is doubt as to the preference rating applicable to any delivery, the matter is to be referred to the Division of Priorities for determination, with a statement of all pertinent facts.

(6) Any person who obtains a delivery of any chromium under specific direction of the Director of Priorities or a delivery bearing a preference rating, must use such chromium, or an equivalent amount thereof, for the purpose specified in connection with the issuance of the direction or rating.

(7) Preference ratings may be assigned, and other specific directions may be issued, from time to time, by the Director of Priorities with respect to deliveries under contracts or orders other than Defense Orders, including deliveries from any supply of chromium owned or controlled by the Metals Reserve Corporation. Any such assignments of preference ratings, or other directions with respect to deliveries under contracts or orders other than Defense Orders and among competing civilian demands will be made by the Director of Priorities in accordance with such program as the Office of Price Administration and Civilian Supply may determine.

(8) Except as hereinafter limited, deliveries may be made under contracts or

orders other than Defense Orders in the absence of such ratings or directions, after compliance with the preference ratings assigned to Defense Orders.

(9) No producer or dealer, during any calendar month, shall use chromium or deliver chromium to any processor to be used in the manufacture of chemical products, in quantities which will exceed, by weight, one-twelfth (1/12) of such processor's average annual consumption of such material for the period from July 1, 1940, through June 30, 1941, and no processor shall accept deliveries in quantities which would effect such an excess unless specifically authorized by the Director of Priorities.

(10) No processor of refractory brick or refractory material containing chromium shall make deliveries of such material to any customer except for the fulfillment of Defense Orders or for necessary repairs or replacements and no customer shall accept deliveries of such material to be used for other purposes unless specifically authorized by the Director of Priorities.

(11) In addition to the foregoing limitations in subparagraphs (9) and (10), no person shall knowingly make delivery of chromium, and no person shall accept delivery thereof in an amount or quantity which will increase for any current month the inventory of chromium of the person accepting delivery, in the same or other forms, in excess of the amount or quantity necessary to meet required deliveries of the products of the person accepting delivery, on the basis of his current method and rate of operation. This provision shall not prohibit or restrict:

(i) Deliveries for direct export out of the United States, provided that such exports shall have been licensed by the Administrator of Export Control;

(ii) Deliveries of imported material to any dealer or processor importing the same, either directly or through an agent.

(c) *Records, information, and inspection.* All persons affected by this Order shall keep and preserve, for a period of not less than two years, accurate and complete records of their inventories of chromium, and of the details of all transactions in any way regulated or affected by this Order. Such records shall include the dates of all contracts or orders accepted; the delivery dates specified in such contracts or orders, and in any Preference Rating Certificates accompanying them; the dates of actual deliveries thereunder; description of the material covered by such contracts or orders; description of deliveries by classes, types, quantities, and weights; the preference ratings, if any, assigned to such contracts or orders or to deliveries thereunder; the parties involved in each transaction; their sources of supply of ores or concentrates containing chromium; and other pertinent information. All records specified in this paragraph shall, upon request, be submitted to audit and inspection by

duly authorized representatives of the Division of Priorities. All persons affected by this Order shall execute and file with the Division of Priorities such reports and questionnaires as said Division shall from time to time request. No reports or questionnaires are to be filed by any person until Forms therefor are prescribed by the Division of Priorities. All processors of chromium into ferro-chromium or briquettes shall furnish such information as may be required by the Division of Priorities not later than the twenty-fifth (25th) day of each calendar month on such Form or Forms as may be prescribed by the Division of Priorities from time to time. Until further Order by the Director of Priorities, no person who produces chromium by mining such material shall be required to file any report with the Division of Priorities so long as such person regularly files whatever reports may be requested by the Bureau of Mines.

(d) *False statements.* Any person who wilfully falsifies the records referred to in paragraph (c), above, or any other records which he is required to keep by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Division of Priorities, and any person who obtains a delivery or a preference rating for a delivery by means of a material and wilful misstatement, may be prohibited by the Director of Priorities from making or obtaining further deliveries of chromium. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 of the Criminal Code (18 U.S.C. Sec. 80).

(e) *Effective dates.* This Order shall take effect on the 7th day of July 1941, and, unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of November 1941. (O.P.M. Reg. 3, Mar. 7, 1941, 6 F.R. 1596; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; sec. 2 (a), Public No. 671, 76th Congress)

Issued this 7th day of July 1941.

E. R. STETTINIUS, Jr.,
Director of Priorities.

[F. R. Doc. 41-4828; Filed, July 7, 1941;
11:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION AND CIVILIAN SUPPLY

PART 1311—BORAX AND BORIC ACID

AMENDMENT EXTENDING CIVILIAN ALLOCATION PROGRAM TO JULY 30, 1941

On June 6, 1941, the Office of Price Administration and Civilian Supply issued a Civilian Allocation Program for Borax and Boric Acid.¹ This program, unless extended, will expire July 5, 1941. The conditions necessitating the formulation of the program, however, still pre-

¹ 6 F.R. 2792.

vail. Accordingly, it is hereby directed that § 1311.4, *Effective date: expiration*, be amended to read as follows:

§ 1311.4 *Effective date: expiration.* This program shall take effect on the 9th day of June 1941, and shall, unless sooner terminated by the Administrator, expire the 30th day of July 1941.

This amendment is issued pursuant to Executive Order No. 8734.

Issued this 3d day of July 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-4771; Filed, July 3, 1941;
3:20 p. m.]

PART 1319—CIVILIAN ALLOCATION PROGRAM FOR MATERIAL AND EQUIPMENT ENTERING INTO RAILROAD, MINE AND INDUSTRIAL LOCOMOTIVE CONSTRUCTION: STEAM ELECTRIC OR DIESEL

There is a critical shortage in the nation's locomotives. The total demand for material and equipment entering, directly or indirectly, into locomotive construction is presently in excess of the available supply. It is necessary, therefore, to direct the distribution of such material and equipment in order to insure an uninterrupted and unretarded supply for locomotive construction.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734,¹ and particularly section 2 (a) thereof, the following program for allocation of locomotive material and equipment among competing civilian demands is announced:

§ 1319.1 *Preference rating on deliveries.* All deliveries of material and equipment necessary for the construction of locomotives shall be given preference over all material and equipment going into any other civilian use, subject, however, to a prior preference to deliveries for all such material and equipment as may be required under contracts with the United States or any department or agency thereof. The preference rating provided hereby shall be equal to the preference rating announced in §§ 1313.1 and 1313.2 for material and equipment entering into freight car construction and repairs.*

* §§ 1319.1 and 1319.2 issued pursuant to the authority contained in Executive Order No. 8734.

§ 1319.2 *Effective date; expiration.* This program shall take effect on the fifth day of July 1941, and shall continue until terminated by the Administrator.*

Issued this fifth day of July 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-4814; Filed, July 7, 1941;
10:30 a. m.]

¹ 6 F.R. 1917.

PART 1320—CIVILIAN ALLOCATION PROGRAM FOR MATERIAL AND EQUIPMENT ENTERING INTO MOTOR AND ELECTRIC COACH AND RAIL-CAR CONSTRUCTION FOR CITY, SUB-URBAN AND INTER-CITY COMMON CARRIER PASSENGER TRANSPORTATION

There is a critical shortage in the nation's coaches and rail-cars. The total demand for material and equipment entering, directly or indirectly, into coach and rail-car construction is presently in excess of the available supply. It is necessary, therefore, to direct the distribution of such material and equipment in order to insure an uninterrupted and unretarded supply for coach and rail-car construction.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734,¹ and particularly section 2 (a) thereof, the following program for allocation of coach and rail-car material and equipment among competing civilian demands is announced:

§ 1320.1 *Preference rating on deliveries.* All deliveries of material and equipment necessary for the construction of coaches and rail-cars shall be given preference over all material and equipment going into any other civilian use, subject, however, to a prior preference to deliveries for all such material and equipment as may be required under contracts with the United States or any department or agency thereof. The preference rating provided hereby shall be equal to the preference rating announced in §§ 1313.1 and 1313.2 for material and equipment entering into freight car construction and repairs.*

* §§ 1320.1 and 1320.2 issued pursuant to the authority contained in Executive Order No. 8734.

§ 1320.2 *Effective date; expiration.* This program shall take effect on the fifth day of July 1941, and shall continue until terminated by the Administrator.*

Issued this fifth day of July 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-4815; Filed, July 7, 1941;
10:30 a. m.]

PART 1321—CIVILIAN ALLOCATION OF 10,000 TONS OF GALVANIZED SHEETS AND 5,000 TONS OF BLACK SHEETS FOR GRAIN BIN CONSTRUCTION

There is a serious shortage in the facilities for storing grain now being harvested. This grain must be preserved at all costs short of impairing critical military necessities. The time is too short to permit construction of all the required grain bins out of material other than sheet-steel. It is necessary, therefore, to allocate 10,000 tons of Galvanized Sheets and 5,000 tons of Black Sheets immediately, in order that necessary bins may be constructed to contain the grain now coming from the land. The addi-

¹ 6 F.R. 1917.

tional need for grain bins must be met by the use of other suitable material, as a total of 15,000 tons of steel is all that can be diverted from other critical demands.

Accordingly, pursuant to the authority vested in me by Executive Order No. 8734,¹ and particularly section 2 (a) thereof, the following preference rating among competing civilian demands is announced:

§ 1321.1 *Preference rating.* 10,000 tons of Galvanized Sheets and 5,000 tons of Black Sheets for the construction of grain bins shall be given an emergency preference rating effective for obtaining such material to the extent determined by the Office of Production Management to be consistent with the defense program.

The preference provided hereby includes approximately 6,000 tons of Galvanized Sheets already delivered to grain bin manufacturers. In allocating the remaining tonnage, the Director of Priorities will, as in the case of the tonnage already allocated, grant individual preference rating certificates among manufacturers in such manner as may be feasible.*

* §§ 1321.1 and 1321.2 issued pursuant to the authority contained in Executive Order No. 8734.

§ 1321.2 *Effective date.* This preference rating shall take effect on the 5th day of July 1941.

Issued this 5th day of July 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-4816; Filed, July 7, 1941;
10:30 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS¹

§ 203.220 *Inland Waterway of New Jersey and tributaries; bridges.*

(c) When at any time during the day or night any vessel or water craft approaches any bridge affected by these regulations, and under which it cannot pass, the lawful signal of the desire of the master of the vessel or craft to pass through the draw opening shall be three blasts of a whistle or horn blown on the vessel or craft, or notice given in any other convenient manner to the bridge tender of the desire of the master to pass the bridge. These drawbridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal super-

¹ 6 F.R. 1917.

² § 203.220 (c) is amended.

structure. Upon request, the district engineer in charge of the locality will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting those waterways, with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. June 23, 1941 (E.D. 6374 (New Jersey Int. W. W.) 11/2)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-4790; Filed, July 5, 1941;
10:54 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINIS- TRATION

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

BURIAL AND FUNERAL EXPENSES AND TRANS- PORTATION OF BODIES OF VETERANS

§ 5.2692. *Payment of burial expenses of deceased war veterans and veterans of the regular establishment.*—(a) *Death prior to March 20, 1933.* Where a veteran of any war who was not dishonorably discharged died prior to March 20, 1933, under conditions which warrant the payment of or reimbursement for, burial, funeral and transportation expenses, payment or reimbursement may be made in accordance with the laws in effect prior to March 20, 1933, if claim therefor was filed within three months from June 16, 1933, the date of enactment of Public, No. 78, 73d Congress.

(b) *Death on or after March 20, 1933.*

(1) When a veteran of any war as defined in § 5.2694 dies or is buried on or after March 20, 1933, amounts shall be allowed for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, as follows: Where death occurred on or after March 31, 1933, and before January 19, 1934, a sum not exceeding \$75; on or after January 19, 1934, a sum not exceeding \$100.

(c) *Death on or after October 5, 1940.*

When a veteran discharged from the Army, Navy, Marine Corps, or Coast Guard for disability incurred in line of duty, or a veteran of the Army, Navy, Marine Corps, or Coast Guard in receipt of pension for service-connected disability dies after discharge and on or subse-

quent to October 5, 1940, a sum not exceeding \$100 may be allowed for burial and funeral expenses and transportation of the body to the place of burial.

(d) *Limitation as to time for filing and perfecting claim.* (1) All claims for reimbursement or direct payment of burial and funeral expenses and transportation of the body must be filed within two years from the date of permanent burial or cremation of the veteran by the person entitled or by some person acting for him. In the event the claimant's application is not complete at the time of original submission, the claimant and the person acting for him, if any, will be notified of the evidence necessary to complete the application and if such evidence is not received within one year from the date of the request therefor no allowance may be paid: *Provided*, That, if within the two year period from date of permanent burial or cremation, the claim is disallowed because the evidence to complete it was not received within one year from request therefor, and a new claim is filed within such two-year period, the claimant will again be notified of the evidence necessary to complete the claim and if such evidence is received within one year from the date of request therefor the allowance may be paid if the claimant is otherwise entitled.

(2) Where the death or burial of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed in whole or in part because of a payment made by a lodge, union, fraternal organization, society, beneficial organization, insurance company, or because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services a claim filed within two years after October 17, 1940, shall be adjudicated under the provisions of §§ 5.2692 to 5.2706, inclusive: *Provided*,

(3) Where a claim for the statutory burial allowance, based on the death of a veteran on or after March 20, 1933, has been denied for any of the reasons outlined in (2) above, and such claim was otherwise payable under then existing law and regulations, such claim may be reconsidered under present existing law and regulations upon receipt, on or before October 17, 1942, of written request therefor from the claimant or his representative, (Public No. 866, 76th Congress, Act of October 17, 1940). (July 7, 1941.)

[SEAL]

FRANK T. HINES,
Administrator of Veterans Affairs.

[F. R. Doc. 41-4820; Filed, July 7, 1941;
11:19 a. m.]

TITLE 42—PUBLIC HEALTH CHAPTER I—UNITED STATES PUBLIC HEALTH SERVICE

PART 9—GRANTS TO STATES FOR PUBLIC HEALTH SERVICES

SUBPART E—FISCAL YEAR 1942

*Rules and Regulations of the Surgeon General Governing Payments to States From Funds Appropriated Under the Provisions of Title VI of the Social Security Act, as Amended, for the Fiscal Year 1942**

Whereas pursuant to section 602 of the Social Security Act, approved August 14, 1935, 49 Stat. 634, as amended, 53 Stat. 1381 (42 U.S.C. 802), allotments have been made to the States (including the District of Columbia, Alaska, Hawaii and Puerto Rico) for the purpose of assisting State and local governments in establishing and maintaining adequate public health services, on the basis of (a) the population, (b) the extent of the special health problems, and (c) the financial needs of the respective States, in accordance with the following percentage distribution:

(a) *Population.* Twenty-seven and one-half percent of available appropriations in the ratio which the population of each State bears to the population of the United States as shown by the Census Bureau 1940 population census;

(b) *Special health problems.* Forty-five percent of available appropriations on the basis of:

(1) The ratio which the mean annual number of deaths in each State from pneumonia, cancer and other infectious and parasitic diseases, except influenza and syphilis, bears to the total mortality from these causes in the United States as shown by the Bureau of Census "mortality statistics" for the five years 1934-1938;

(2) Prevalence of malaria, hookworm disease, trachoma, typhus fever, and similar geographically limited diseases, special industrial hazards and other conditions that result in an inequality of exposure to these hazards among the States;

(3) Special conditions which create unequal burdens in the administration of equal public health services among the States indicated by the relative population density as shown by the Bureau of Census 1940 population census;

(4) The need for regional training centers;

(5) The health needs occasioned by national defense activities, including the environments of military posts, cantonment and maneuver areas, and defense industrial areas;

(c) *Financial needs.* Twenty-seven and one-half percent on the basis of the financial needs of the States, which is determined to be the ability of the State to raise revenue expressed indirectly in terms of differences in per capita five-year mean income as computed by the United States Department of Commerce for the years 1935-1939;

Now, therefore, pursuant to the statutory authority above referred to, I hereby prescribe the following rules and regulations:

§ 9.401 *Definitions.* As used herein the word "local" means counties, health districts, municipalities, and other political subdivisions of the States; the words "existing appropriations" mean appropriation rates in effect January 1, 1935; the words "new appropriations" mean the increase in the appropriation rate over that in effect January 1, 1935; and the words "State health officer" mean the State official in charge of State health activities.*

* §§ 9.401 to 9.411, inclusive, issued under the authority contained in sec. 602, 49 Stat. 634, as amended, 53 Stat. 1381; 42 U.S.C., Sup. 802.

§ 9.402 *Matching requirements.* The total amount allotted to the States on the basis of population as set forth in subparagraph (a) of the first paragraph above, and on the basis of the special health problems as set forth in subparagraph (b) of the first paragraph above, clauses (1), (2), and (5), shall be available for payment to the States when matched dollar for dollar by State or local public funds for public health services, as follows:

(a) Fifty percent by an equal amount of existing appropriations of public funds for public health services.

(b) Fifty percent by an equal amount of new appropriations of public funds for public health services made since January 1, 1935, or made prior to that date for the specific purpose of matching funds available under the provisions of the Social Security Act: *Provided*, The Surgeon General in his discretion may permit not to exceed 50 percent of the money available for matching with new public funds to be matched with existing State appropriations for local health service where the State is already making a substantial appropriation for this purpose, and may waive in whole or in part matching requirements in those States wherein the per capita¹ appropriation for State health department services (exclusive of funds for the maintenance of institutions) exceeds the average per capita appropriations of all the States for the same purposes.*

§ 9.403 *Method of payments to States and custody of funds.* Payments shall be made quarterly to the Treasurer of the State or other State official authorized by

law to receive such funds. Payments will be certified only after such State has complied with the provisions of Title VI of the Social Security Act and the regulations in this part.

All such payments shall be held by the State official to whom made in a separate fund distinct from other State funds and shall be disbursed and audited in accordance with the fiscal procedure of the State. Expenditures shall be made solely for the purposes specified in budgets approved by the State health officer and the Surgeon General.*

§ 9.404 *State and local appropriations not to be replaced.* No funds paid to a State pursuant to Title VI of the Social Security Act shall be used to replace State or local funds in such a way as to effect a conservation or reduction of appropriations for health work by State and local governmental agencies.*

§ 9.405 *Submission of plans.* To be eligible to receive payments from allotments each State shall submit to the Surgeon General:

(a) A comprehensive statement of any changes in the State health organization (including the administration of personnel on a merit basis) programs, appropriations and budgets since the last outline of such organization, programs, appropriations and budget was filed. This statement should include all activities maintained through local, State or Federal funds under the supervision of or in cooperation with the State health department.

(b) A proposed plan for extending and improving the administrative functions of the State department of health, including the administration of personnel on a merit basis, applicable to any State or local health personnel. When found acceptable, the merit system shall apply to State or local personnel rendering services in accordance with budgets submitted to the Public Health Service as required in § 9.406 of the regulations in this part, provided that, at the option of the State agency the following may be exempted from compliance with the merit system plan: Members of State and local boards or commissions; the executive head of the State agency administering the State public health program; members of advisory councils or committees or similar bodies paid only for attendance at meetings; State and local officials serving ex officio and performing incidental duties, and all part-time professional persons who are paid for any form of medical, nursing, or other professional service, and who are not engaged in the performance of administrative duties under the State plan but who meet the standards of training and experience established by the responsible State authority.

(c) A proposed plan for extending and improving local (county, district, city) health services.*

§ 9.406 *Submission of budgets.* Before payment shall be made to any State,

the State health officer shall submit to the Surgeon General, for approval:

(a) Prior to July 1, 1941, on forms supplied by the Public Health Service, a budget for each project, State or local, in which Public Health Service funds are to be utilized. The budgets shall show the sources, proposed uses, and amounts of all funds, together with such other information relating to such proposed projects as the Surgeon General may require.

(b) Subsequent to July 1, 1941, budgets for new projects and revised budgets for existing projects may be submitted to the Surgeon General for approval in any quarter after the beginning of the fiscal year, but such budgets will not be made effective prior to the beginning of the next succeeding quarter: *Provided*, That exceptions to this rule may be made by the Surgeon General when necessary to meet emergencies.*

§ 9.407 *Submission of application for payment.* Prior to the beginning of each quarter of the fiscal year each State health officer shall submit, on a form provided by the Public Health Service, a request for funds for the quarter. The application for quarterly payment shall include only those funds required for financing budgets actually in force, or which definitely will become operative, in the quarter for which payment is requested. In support of this application there shall be attached a statement itemizing by budgets the amount requested for the quarter.*

§ 9.408 *Balances from payments.* In those instances where savings have accumulated in the State, the Surgeon General shall make deductions from payments due in a subsequent quarter in the amount of such savings. Funds so deducted from the payment to a State shall be paid to such State in any subsequent quarter of the fiscal year upon the submission and approval of budgets.*

§ 9.409 *Financial reports.* The State health officer shall submit to the Surgeon General on forms provided for that purpose financial reports as follows:

(a) A quarterly project financial report for each budget in which Public Health Service funds are being used, which shall show the actual amount of expenditure of Public Health Service funds, of State and of local funds budgeted, and such other information as the Surgeon General may from time to time require.

(b) A consolidated quarterly report summarizing all budget expenditures of Public Health Service funds, and such other information as the Surgeon General may from time to time require. This report must be certified by the State health officer and a responsible State accounting officer.

(c) An annual report of all State expenditures for public health purposes, showing by appropriations all such State expenditures for the State fiscal year ending within the Federal fiscal year.

¹ To be calculated on the Census Bureau 1940 population census.

This report must be certified also by the Treasurer or other State official charged with the responsibility for disbursing State health department funds.*

§ 9.410 *Progress reports of activities.* Reports of activities will be required by the Public Health Service from each State health department as follows:

(a) An annual report in duplicate of all activities of the State health department, which may be submitted in narrative form.

(b) *For the district office.* A quarterly report of all activities from each local health project in which Public Health Service funds are being used, on forms of the State health department.

(c) *For the Surgeon General.* A quarterly consolidated activity report for all local projects in which Public Health Service funds are being used, on forms provided by the Public Health Service for that purpose.

The listing of certain items on the consolidated report form referred to above should not be interpreted as requiring that all such activities be carried out in every local health project. Also, other activities not listed on the report form may be reported in an appropriate manner.

Statistical reports may be submitted with narrative reports wherever considered desirable by the State health officer.*

§ 9.411 *Training of personnel.* In order to meet the needs for properly qualified professional and technical personnel with which to conduct effectively the State and local health services, funds paid to a State may be used to pay living stipends, tuition and traveling expenses for the training of personnel employed or to be employed in the State and local health services. Except where specifically authorized by the Surgeon General the training period shall not exceed one year for any individual. Allowances for stipends for public health trainees shall not exceed the amount specified by the Surgeon General.

A trainee application form provided by the Public Health Service shall be completed by the proposed trainee and submitted by the State health officer with his recommendation, to the district office of the Public Health Service for approval before the trainee enters upon training.*

THOMAS PARRAN,
Surgeon General.

JUNE 24, 1941.

Approved June 30, 1941.

PAUL V. McNUTT,
Administrator, Federal Security
Agency.

[F. R. Doc. 41-4825; Filed, July 7, 1941;
11:46 a. m.]

PART 10—GRANTS TO STATES FOR VENEREAL DISEASE CONTROL

SUBPART D—FISCAL YEAR 1942

Rules and Regulations Governing Allotments and Payments to the States for Venereal Disease Control Activities for the Fiscal Year 1942

Pursuant to the authority contained in section 4d of Chap. XV of the Act of July 9, 1918, as added by the Act of May 24, 1938, 52 Stat. 439 (U. S. Code, title 42, sec. 25d) the following regulations are hereby prescribed:

§ 10.301 *Compliance with law and regulations.* In order that funds allotted to the States may be of maximum use in assisting States, municipalities, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate measures for the control of the venereal diseases, payments made to a State under authority of the act will be certified by the Surgeon General only after such State has complied with the provisions of the act and regulations authorized thereunder. As used in the rules and regulations in this part the word "local" means counties, health districts, municipalities, and other political subdivisions of the States; and the words "State health officer" mean the State officer in charge of State health activities.*

*§§ 10.301 to 10.315, inclusive, issued under the authority contained in sec. 4d, Chap. XV, Act of July 9, 1918, as added by the Act of May 24, 1938, 52 Stat. 439; 42 U.S.C., Sup., 25d.

§ 10.302 *Allotments.* The Surgeon General, pursuant to the authority contained in section 4b of the act, has determined that \$5,566,600 (86.9%) of the total amount available for the fiscal year 1942 shall be allotted to the States, the District of Columbia, Alaska, Puerto Rico, the Virgin Islands, and Hawaii on the bases of (a) population; (b) the extent of the venereal disease problem; and (c) the financial needs of the respective States " * * * in establishing and maintaining adequate measures for the prevention, treatment, and control of the venereal diseases," in accordance with the following percentage distribution:

(1) *Population.* Allotments amounting to 26.0 percent of the available appropriations will be made to the several States in the ratio which the population of each State bears to the population of the United States, as shown by the census of 1940.

(2) *Extent of the venereal disease problem.* Allotments amounting to 34.9 percent of the available appropriations will be made to the several States on the bases of (i) the varying composite and racial prevalence rates for syphilis; (ii) the extent to which treatment facilities

have been provided as evidenced by the population under treatment for syphilis; (iii) the varying costs of providing equal services as determined by the inverse function of the density and the direct function of the size of the population of each State and Territory; (iv) the need for training centers and demonstrations in selected areas; (v) the need for facilities for the prevention and control of the venereal diseases in localities where armed forces or civilian employees engaged in national defense activities are concentrated.

(c) *Financial needs.* Allotments amounting to 26.0 percent of the available appropriations will be made to the several States on the basis of their financial needs, as determined by the ability of the States to raise revenue, expressed in terms of per capita income differences obtained from data supplied by the Bureau of Foreign and Domestic Commerce for the five-year period 1935-1939.*

§ 10.303 *Balances from allotments.* Unpaid balances from allotments at the end of the fiscal year shall not be paid but shall remain in the appropriation for reallocation to the States in the succeeding fiscal year in accordance with the provisions of the act.*

§ 10.304 *Balances from payments.* In those instances where savings have accumulated in the States, the Surgeon General shall make deductions from payments due in a subsequent quarter in the amount of such savings. Funds so deducted from the payment to a State shall be paid to such State in any subsequent quarter upon the submission and approval of budgets.*

§ 10.305 *Submission of plans.* To be eligible to receive payments from allotments each State shall submit to the Surgeon General:

(a) A comprehensive statement of any changes in the State venereal disease control organization, including the administration of personnel on a merit basis, program, appropriations and budget since the last outline of such organization, program, appropriations and budget was submitted. This statement should include all activities maintained through the use of Federal, State or local venereal disease control funds.

(b) A proposed plan for improving the services of the State venereal disease control unit, including the administration of personnel on a merit basis, applicable to any State or local health personnel. When found acceptable, the merit system shall apply to State or

* Martin, J. L.: "Income payments to individuals by States, 1929-1939," Survey of Current Business, October 1940. Table 1, p. 2, modified to include later revisions of the Bureau of Foreign and Domestic Commerce and estimates of per capita income for the Territories.

local personnel rendering services in accordance with budgets submitted to the Public Health Service as required in § 10.306 of the regulations in this part, provided that, at the option of the State agency the following may be exempted from compliance with the merit system plan: Members of State and local boards or commissions; the executive head of the State agency administering the State public health program; members of advisory councils or committees or similar bodies paid only for attendance at meetings; State and local officials serving ex officio and performing incidental duties, and all part-time professional persons who are paid for any form of medical, nursing, or other professional service, and who are not engaged in the performance of administrative duties under the State plan but who meet the standards of training and experience established by the responsible State authority.

(c) Specific plans for the control of gonorrhea.

(d) A proposed plan for extending and improving local (city, district, county) venereal disease control services, for both gonorrhea and syphilis, to be carried out with the assistance of funds available under the provisions of the Act of May 24, 1938.

(e) A statement indicating the ways in which the proposed expenditure of Federal funds may be expected to stimulate permanent progress in prevention and control of the venereal diseases in both urban and rural areas throughout the State.*

§ 10.306 *Submission and approval of budgets.* Before payments will be made to any State, the State health officers shall:

(a) Submit to the Surgeon General and secure approval of a proposed budget for each project on forms supplied by the Public Health Service. The budget shall show the sources, proposed uses, and amounts of all funds, the amounts requested from the Public Health Service for the fiscal year, together with such other information relating to such proposed project as the Surgeon General may require.

(b) Certify that State and local expenditures have not been replaced or curtailed through the use of Federal funds.*

§ 10.307 *New and revised budgets.* Budgets for new projects and revised budgets for existing projects may be submitted in any quarter after the beginning of the fiscal year, but such budgets will not be made effective prior to the beginning of the next succeeding quarter: *Provided*, That exceptions to this rule may be made by the Surgeon General, when necessary, to meet emergencies.*

§ 10.308 *Existing appropriations not to be replaced.* No funds paid to a State pursuant to this act shall be used to replace State or local funds in such a way as to effect a conservation or reduction

of appropriations for venereal disease control work by State and local governmental agencies.*

§ 10.309 *Matching requirements.* Allotments to the several States will be available for payment when matched by State or local public funds which are to be expended for venereal disease control work in an amount equal to the allotment to each State on the bases of the population and the extent of the venereal disease problem.

Funds employed for matching purposes shall be identified on Budget Form 8930-A and may be derived either from new or old appropriations, State, or local, and from donations by private individuals or nongovernmental agencies when such nonpublic funds are certified as being available and will be expended for the control of the venereal diseases under the direction of the official health authority.*

§ 10.310 *Training of personnel.* In order to meet the needs for properly qualified professional and technical personnel with which to conduct effectively State and local venereal disease control work, health departments may budget for the training of personnel such sums as may be deemed necessary for this purpose: *Provided*, That the sums used for the training of personnel and the scientific personnel nominated for training be first approved by the Surgeon General.

These funds may also be used to aid training centers in the equipment and maintenance of training courses.

Funds budgeted by a State for the training of personnel may be used to pay living stipends, tuition, and traveling expenses of full-time or part-time personnel employed or to be employed in the State and local health services, such training period not to exceed 1 year for any individual. Allowances for stipends for trainees in venereal disease control shall not exceed the amounts specified by the Surgeon General.

A trainee application form provided by the Public Health Service shall be completed by the proposed trainee and submitted by the State health officer with his recommendation to the district office of the Public Health Service for approval before the trainee enters upon training.*

§ 10.311 *Method of payments to States and custody of funds.* Prior to the beginning of each quarter of the fiscal year each State health officer shall submit, on a form provided by the Public Health Service, a request for funds for the quarter. The application for quarterly payment shall include only those funds required for financing budgets actually in force, or which definitely will become operative, in the quarter for which payment is requested. In support of this application there shall be attached a statement itemizing by budgets the amount requested for the quarter.

Subject to approval by the Administrator of the Federal Security Agency,

payments will be made in quarterly installments to the treasurer of the State or other State official authorized by law to receive such funds.

All such payments shall be held by the State official to whom made, in a separate fund distinct from other State funds, and shall be disbursed and audited in accordance with the fiscal procedure of the State. Expenditures shall be made solely for the purposes specified in budgets approved by the State health officer and the Surgeon General.*

§ 10.312 *Financial reports.* The State health officer shall submit and certify to the Surgeon General on forms provided for that purpose financial reports as follows:

(a) A quarterly project financial report for each budget in force which shall show actual amount of expenditure of Public Health Service, of State, and of local funds budgeted, and such other information as the Surgeon General may from time to time require.

(b) A consolidated quarterly report summarizing all budget expenditures of Public Health Service, of State, and of local funds, and such other information as the Surgeon General may from time to time require.

(c) An annual report of all State expenditures for the control of the venereal diseases showing by appropriations all such State expenditures for the State fiscal year ending within the Federal fiscal year. This report must be certified also by the treasurer or other State official charged with the responsibility of disbursing the health department funds.*

§ 10.313 *Progress reports of activities.* The State health officer shall submit to the Surgeon General the following reports:

(a) A semi-annual report on the status of venereal disease control activities (Form VM-1002, Section I—Statistical, Section II—Narrative). For the period July 1 to December 31 this report should be forwarded in duplicate through the district office of the Public Health Service not later than January 31; for the period January 1 to June 30 not later than July 31.

(b) A monthly clinic report (Form 8954-A Rev. March 1940) for each clinic in the State treating venereal diseases, by the fifteenth day of each succeeding month. Clinics employing the mechanical system for reporting are exempt from the use of this form if the designated machine-tabulated reports are submitted by the State.

(c) A monthly morbidity report (Form 8958-B Rev. March 1940) by the twenty-fifth day of each succeeding month.

(d) A monthly city morbidity report (Form VM-820 Rev. 1940) by the fifteenth day of each succeeding month, for each city in which the population is 200,000 or over.*

§ 10.314 *Reports of activities from other agencies not required.* No detailed reports of activities will be required for

projects for which no Federal venereal disease control funds are budgeted.*

§ 10.315 *Purpose of the act.* Generally accepted minimal services for the control of the venereal diseases shall be made available in each State, Territory, municipality, county, health district, or other political subdivision receiving funds under this act substantially in accordance with the following standards:

(a) The State laboratory, and any local serological laboratory receiving funds under this act shall demonstrate by a suitable method that the tests for syphilis performed therein have a satisfactory sensitivity and specificity rating. Such rating shall be determined in the case of the State laboratory by the Public Health Service.

(b) The State laboratory and any local laboratory receiving funds under this act shall provide laboratory services for the venereal diseases on the same basis as such service is provided for other communicable diseases. No State department of health shall be entitled to receive payments under this act unless such laboratory services are provided within that State.

(c) Free diagnostic and treatment facilities for both syphilis and gonorrhea shall be provided by all health departments or clinics receiving funds under this act for (1) the diagnosis and emergency treatment of all patients who apply; (2) all patients referred by a private physician either for continued treatment or for consultative advice and opinion; and (3) all patients unable to afford private medical care: *Provided*, That in communities where other adequate facilities for the diagnosis and treatment of gonorrhea or syphilis are available, funds may be reallocated in the discretion of the State health officer independently to the gonorrhea or syphilis departments of polyclinics in order to provide complete clinical service. The determination of the ability of patients to pay for private medical care shall be the responsibility of the State or local health department or constituted welfare agencies within these areas. Clinics collecting fees from semi-indigent patients shall not receive assistance under this act unless such fees are used solely by the venereal disease clinic for improvement of diagnostic and therapeutic services rendered therein.

(d) Free distribution of antisyphilitic drugs shall be made on the request of any physician authorized by the law of his State to administer such drugs for the treatment of his patients, provided that where health departments have established the policy of furnishing drugs to the physician conditional upon receiving a morbidity report on the case of syphilis to be treated, that such policy will not in any way be altered by this regulation.

(e) To receive funds under this act, diagnostic and treatment services shall be as freely available to infected residents of other States and counties as to

people who reside in the governmental unit providing the services. Clinics shall be so located as to be easy of access and of maximum convenience to the population, and shall be held in well-lighted and well-ventilated rooms. The number of clinic sessions shall be adequate to meet local needs, and shall be held at such times as to avoid economic loss to employed patients; the physical arrangements shall be such as to insure privacy for the patients when receiving medical attention; and the minimum equipment shall include all apparatus and reagents necessary for the proper examination and treatment of patients infected with syphilis and gonorrhea. Such equipment will also include apparatus for darkfield examination, ophthalmologic examination, and for lumbal punctures, unless there is immediate access to such examinations by some other means. The minimal data included on morbidity, clinical, and epidemiologic records shall be those presented in the reprint of the United States Public Health Service on "A Mechanical System for Reporting Morbidity, Treatment-Progress, and Control of Venereal Diseases," or such minimal data as may be later approved by the members of the Conference of State and Territorial Health Officers. Efficient case-finding and case-holding work shall be conducted in all clinics by qualified personnel.

(f) The services of a properly qualified full-time venereal disease control officer shall be provided in each State, and in any municipality receiving funds under this act, if the population of either exceeds 500,000 on the basis of the 1940 census: *Provided further*, That the State health officer, after consultation and agreement with the Surgeon General, may require that the above regulation will apply in cities of populations of less than 500,000 on the basis of the 1940 census.

(g) In reallocating funds under this act for local venereal disease control services, the State health officer shall give due consideration to the relatively higher prevalence of syphilis and gonorrhea in urban areas, provided that Federal funds shall be withheld from counties, health districts, municipalities, or other political subdivisions where the laws, ordinances, and regulations pertaining to prostitution are not being enforced.

(h) The State health officer shall give due consideration to keeping the total administrative costs for venereal disease control work, including both State and Federal funds, at the lowest possible level consistent with the prosecution of an effective venereal disease control program. The total cost of administration of the venereal disease control program shall not exceed 5 percent of all funds expended for this phase of public health work in States with a population greater than one million and 10 percent in States with a population of one million or less in terms of provision of the following personnel and services:

(1) The State venereal disease control officer. The travel allowance of such officer should not be included as an administrative item because, in most States, this officer performs some duties connected with field work.

(2) The clerical assistant to the venereal disease control officer. The clerical assistant should perform those duties pertaining to the venereal disease control officer's correspondence, filing, or other general office work in this section of the health department.

(3) Any other clerical or stenographic personnel at the State level, provided the major portion of their activities is concerned with general office work under the immediate supervision of the State venereal disease control officer. This item includes personnel concerned with the accounting of funds, but excludes personnel concerned with statistical activities since the latter are included in the category of personnel performing duties connected with consultation and dissemination of technical information.

(4) All activities concerned with the administration of the merit system on the State level.*

THOMAS PARRAN,
Surgeon General.

JUNE 21, 1941.

Approved: June 30, 1941.

PAUL V. McNUTT,
Administrator, Federal Security
Agency.

[F. R. Doc. 41-4824; Filed, July 7, 1941;
11:46 a. m.]

TITLE 45—PUBLIC WELFARE CHAPTER IV—NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 13]

PART 402—OUT-OF-SCHOOL WORK PROGRAM

By virtue of and pursuant to the authority vested in the National Youth Administrator by the Labor-Federal Security Appropriation Act, 1942, approved July 1, 1941, the following rules and regulations applicable to the out-of-school work program of the National Youth Administration are prescribed:

Sec.	Definitions.
402.1	Earnings of non-resident youth employees.
402.2	Proportion of workers in each wage class.
402.3	Deductions for meals.
402.4	Earnings of resident youth employees.
402.5	State youth administrators' subsistence orders.
402.6	Earnings of project supervisory employees.
402.7	Earnings of area supervisory employees.
402.8	Work schedules for youth employees.
402.9	Disability or death compensation and benefits.
402.10	Assignment of wages.
402.11	Determination of need.
402.12	Age.
402.13	Capacity to perform work.
402.14	

- Sec.
 402.15 Employment affidavit and oath of allegiance.
 402.16 Administration of oaths and affidavits.
 402.17 Private employment.
 402.18 Assignment, classification and separation.
 402.19 Illegal activities.
 402.20 Effective date.

§ 402.1 Definitions—(a) *Programs.* The term "out-of-school work program," as used herein, shall mean the program of work projects and area office projects prosecuted by the National Youth Administration. The term "regular program" shall mean the program of projects financed from funds appropriated to the National Youth Administration by the Labor-Federal Security Appropriation Act, 1942, under the heading "National Youth Administration." The term "defense program" shall mean the program of projects financed from funds appropriated to the National Youth Administration by the Labor-Federal Security Appropriation Act, 1942, under the heading "Youth Work Defense Program (National Defense)."

(b) *Projects.* The term "projects," as used herein, shall mean units of work approved for prosecution by the National Youth Administration and financed in whole or in part from funds appropriated to the National Youth Administration. The term "work projects" shall mean projects established to provide work experience for needy youth. The term "area office projects" shall mean projects established to assume the expenses of general supervision of work projects prosecuted in designated areas within the several states. The term "resident projects" shall mean work projects, operated under either the regular program of the defense program, which involve the maintenance of youth in resident facilities under the supervision of the National Youth Administration. The term "full-time resident projects" shall mean resident projects at which employees normally are in continuous residence during their period of assignment. The term "part-time resident projects" shall mean resident projects to which two or more shifts of youth employees are assigned for periods of fifteen days per shift per pay roll month during their period of assignment. The term "non-resident projects" shall mean work projects which do not involve the maintenance of youth in resident facilities under the supervision of the National Youth Administration.

(c) *Youth employees.* The term "youth employees," as used herein, shall mean young persons, determined to be in need, engaged upon projects, and paid from funds authorized for the operation of such projects. The term "resident youth employees" shall mean youth employees engaged upon resident projects. The term "full-time resident employees" shall mean youth employees engaged upon full-time resident projects. The term "part-time resident employees" shall mean youth employees engaged upon

part-time resident projects. The term "non-resident youth employees" shall mean youth employees engaged upon non-resident projects.

(d) *Supervisory employees.* The term "supervisory employees," as used herein, shall mean persons in supervisory positions engaged upon projects and paid by means of pay roll payments from funds authorized for the operation of such projects. The term "project supervisory employees" shall mean supervisory employees paid upon a per diem, monthly or annual salary basis to perform specified services in connection with individual work projects. The term "area supervisory employees" shall mean supervisory employees employed on area office projects and paid upon a per diem or annual salary basis.

(e) *State youth administrator.* The term "State Youth Administrator," as used herein, shall mean the person designated to administer the programs of the National Youth Administration in each of the several states except New York State, in the District of Columbia, and in each territory in which the program is operated. In New York State, the term "State Youth Administrator" shall mean (1) the person designated to administer the programs of the National Youth Administration in New York City and Nassau and Suffolk Counties, and (2) the person designated to administer the programs of the National Youth Administration in the remainder of the state.*

*§§ 402.1 to 402.20 inclusive, issued under authority contained in the Labor-Federal Security Appropriation Act, 1942, Pub. No. 146, 77th Cong. 1st Session, approved July 1, 1941.

§ 402.2 *Earnings of non-resident youth employees.* Except for such projects, portions of projects, or areas as the National Youth Administrator, or his authorized representative, may hereafter exempt, the following schedule of monthly earnings shall be applicable to non-resident youth employees:

Schedule of monthly earnings for non-resident youth employees

Wage regions	Defense program	Regular program	
		Wage class B	Wage class A
I ¹	\$25	\$21	\$24
II ²	24	19	22
III ³	22	17	20

¹ Region I: Alaska, California, Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York City, New York State, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin.

² Region II: Arizona, Colorado, Delaware, District of Columbia, Idaho, Iowa, Kansas, Kentucky, Maryland, Montana, Missouri, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, South Dakota, Texas, Utah, Virginia, West Virginia, Wyoming.

³ Region III: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee.

* § 402.3 *Proportion of workers in each wage class.* Except where exemptions are issued by the National Youth Ad-

ministrator or his authorized representative, at least 95% of the non-resident youth employees on the regular program within each state shall be paid in accordance with the schedule of earnings prescribed in section 402.2 for Wage Class B. Conversely, not more than 5% of the non-resident youth employees on the regular program within each state shall be paid in accordance with the schedule of earnings prescribed for Wage Class A.*

§ 402.4 *Deductions for meals.* The several State Youth Administrators are authorized to make deductions from the monthly earnings of non-resident youth employees who are furnished noonday or other meals by the National Youth Administration, provided the deduction rate does not exceed fifteen cents per employee for each meal which is furnished.*

§ 402.5 *Earnings of resident youth employees.* Except for such projects or portions of projects as the National Youth Administrator, or his authorized representative, may hereafter exempt, the earnings rate shall be \$30 per pay roll month for full-time resident employees, and \$20 per pay roll month for part-time resident employees, with an appropriate charge for subsistence, including items such as lodging, food, sanitation, water and bathing facilities, medical and dental care, including hospitalization, essential clothing, personal laundry service, and other sundry items: *Provided*, That such subsistence charges shall be established on a basis which will permit a net payment of not less than \$8 nor more than \$12 per pay roll month to each resident employee.*

§ 402.6 *State youth administrators' subsistence orders.* Each state youth administrator is authorized and directed to issue State Youth Administrators' Subsistence Orders as follows:

(a) Subsistence Orders which designate non-resident projects at which meals may be furnished to youth employees on a pay roll deduction basis and which establish the deduction rates applicable to such projects; and

(b) Subsistence Orders which specify the items of subsistence that may be furnished at designated resident projects and which establish the deduction rates applicable thereto.*

§ 402.7 *Earnings of project supervisory employees.* Rates of pay for project supervisory employees shall be established by the State Youth Administrator in accordance with the rates customarily paid for work of a similar nature in the same locality. Employees shall be compensated for their services on a per diem, monthly, or annual salary basis, subject to the following conditions:

(a) Project supervisory employees, who are required to work for periods of less than 100 hours per pay roll month, or for indefinite periods per pay roll month, shall be compensated upon a per diem

basis of payment and paid for their actual days, or fractions of days, of service.

(b) Project supervisory employees, who are required to work for definite schedules of not less than 100 hours per pay roll month shall be compensated for their services upon a monthly salary basis. For such employees, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. However, no deduction shall be made for any day or days upon which the employee is not required to work. The minimum deduction for voluntary absence from duty during any fraction of a day shall be one-fourth the deduction made for absence during a full day, and all deductions for voluntary absence during various portions of a day shall be made in multiples of one-fourth.

(c) Project supervisory employees who are required to work not less than 39 hours per week may be compensated for their services on an annual salary basis and, if appointed and compensated on this basis, shall be subject to the leave regulations prescribed for civil employees of the Federal Government.*

§ 402.8 *Earnings of area supervisory employees.* Area supervisory employees shall be compensated on a per diem or annual salary basis, in accordance with rates established by the state youth administrator.

(a) Area supervisory employees who are required to work for periods of less than 100 hours per month, or for indefinite periods per month, shall be compensated upon a per diem basis of payment and paid for their actual days, or fractions of days of service.

(b) Area supervisory employees who are required to work not less than 39 hours per week shall be compensated upon an annual salary basis and shall be subject to the leave regulations prescribed for civil employees of the Federal Government.*

§ 402.9 *Work schedules for youth employees.* Except for such exemptions as the National Youth Administrator, or his authorized representative, may hereafter issue, the several state youth administrators, or their authorized representatives, shall schedule work for youth employees on projects under the regular and the defense programs within the following limits:

(a) *Regular program.* Within a minimum of 80 hours per month and a maximum of 8 hours per day and 120 per month;

(b) *Defense program.* Within a minimum of 80 hours per month and a maximum of 8 hours per day and 160 per month.

Deductions for voluntary absence from duty shall be made only when youth employees are voluntarily absent during periods when they are scheduled to work. For non-resident youth employees on the defense program and for all full-time

resident employees, such deductions shall be made in the amount of one-thirtieth of the monthly wage for each full day of voluntary absence. For non-resident youth employees on the regular program and for all part-time resident employees, deductions shall be made in the amount of one-fifteenth of the monthly wage for each full day of voluntary absence: *Provided*, That not to exceed fifteen days of work shall be scheduled for such employees during any one pay roll month. The minimum deduction for any fraction of a day shall be one-fourth the deduction for a full day, and all deductions for voluntary absence during various portions of a day shall be made in multiples of one-fourth. No wage deduction shall be made against any resident or non-resident youth employee for any day or days upon which the employee is not required to work.*

§ 402.10 *Disability or death compensation and benefits.* The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits, shall apply to employees under the out-of-school work program of the National Youth Administration.*

§ 402.11 *Assignment of wages.* Wages paid by the Federal Government may not be pledged or assigned, and any purported pledge or assignment shall be null and void.*

§ 402.12 *Determination of need.* The determination that youth employees are needy may be made directly by the state youth administration or by public relief agencies requested by the state youth administrator to make such determination. A youth shall be considered as needy if he is:

(a) A member of a family whose income is insufficient to provide the basic requirements of all members of the family, including the youth member, regardless of whether the family is receiving or eligible for any form of public assistance; or

(b) Without family connections and his income is insufficient to provide his basic requirements.*

§ 402.13 *Age.* Except for such exemptions as the National Youth Administrator, or his authorized representative, may issue to permit the employment of youth who are 16 years of age on the regular program of the National Youth Administration, no person under the age of 17 years and no person whose age is 25 years or more, except supervisory employees, may be employed upon projects financed from funds appropriated to the National Youth Administration.*

§ 402.14 *Capacity to perform work.* No person shall be employed or retained in employment if his work habits are such or his work record shows that he is incapable of performing satisfactorily the work to which he may be assigned, and no one whose physical condition is such as to make his employment dangerous to his health or safety, or to the health or

safety of others, may be employed on a project. This paragraph shall not be construed to operate against the employment of physically handicapped persons, otherwise employable, where such persons may be assigned safely to work which they can ably perform.*

§ 402.15 *Employment affidavit and oath of allegiance.* Each youth or supervisory employee, who enters on duty on and after July 1, 1941, whether compensated or uncompensated for his services, shall be required to execute the following employment affidavit and oath of allegiance prior to his entrance on duty. Each youth or project supervisory employee whose employment is being continued into the fiscal year 1942 shall be required to execute the following employment affidavit and oath of allegiance before any payment is made for services rendered on and after July 1, 1941.

Being an applicant for employment or an employee paid or reimbursed from funds appropriated to the National Youth Administration, I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God. I further depose and say that I am a citizen of the United States, or if not a citizen, that I owe allegiance to the United States; and that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the Government of the United States by force or violence.*

§ 402.16 *Administration of oaths and affidavits.* The National Youth Administrator hereby designates employees holding the following positions in the several state youth administrations to administer the employment affidavit and oath of allegiance required by § 402.15 above, and such affidavits and other sworn statements as are required in connection with claims for injury compensation:

- (a) State Youth Administrator.
- (b) Deputy Administrator.
- (c) State Personnel Officer.
- (d) State Director of Youth Personnel.
- (e) State Director of Finance and Statistics.
- (f) Area Director.
- (g) Area Youth Personnel Officer.
- (h) Area Finance Officer.
- (i) Project Timekeeper.

The several state youth administrators, who are the authorized representatives of the National Youth Administrator within their states, are hereby authorized to designate such additional compensated or uncompensated employees as may be required for the purpose. No fee shall be charged for oaths administered by designated employees of the National Youth Administration.*

§ 402.17 *Private employment.* Youth employees shall be expected to accept bona fide offers of public or private employment provided that:

(a) The employee is capable of performing such work;

(b) The wage for such employment is not less than the prevailing wage for such work in the community;

(c) Such employment is not in conflict with established union relationships; and

(d) Such employment provides reasonable working conditions.

No youth employee who refuses a bona fide offer of private employment under the conditions provided in this section shall be retained in employment for the period such private employment would be available. However, a worker shall be entitled to resumption of his previous employment status if he is still in need and if he has lost his private employment through no fault of his own. Youth awaiting assignment who refuses to accept private employment shall be ineligible for employment on any project for the period during which the private employment would be available.*

§ 402.18 *Assignment, classification and separation.* The state youth administrator, or his authorized representatives, shall be responsible for the assignment, classification, transfer and termination of youth employees paid from funds appropriated to the National Youth Administration.*

§ 402.19 *Illegal activities.* Under the Labor-Federal Security Appropriation Act, 1942, the activities listed below are punishable as felonies. No person shall be eligible for further employment with the National Youth Administration if he knowingly and with intent to defraud the United States.

(a) Makes any false statement in connection with any application for any project;

(b) Diverts, attempts to divert, or assists in diverting for the benefit of any persons not entitled thereto, any funds, services or real or personal property of the National Youth Administration;

(c) Deprives, attempts to deprive, or assists in depriving any person of any of the benefits to which he may be entitled under the appropriation by means of fraud, force, threat, intimidation, boycott, or discrimination on account of race, religion, political affiliation, or membership in a labor organization.*

§ 402.20 *Effective date.* Except as provided under § 402.15, the rules and regulations in this part shall become effective at the beginning of pay roll periods on and after July 1, 1941, and shall supersede the provisions of Administrative Order No. 9,¹ dated June 26, 1940, and Administrative Order No. 11,² dated August 22, 1940, which orders shall

¹ 5 F.R. 2574.

² 5 F.R. 3166.

be rescinded upon the effective date of this order.

AUBREY WILLIAMS,
National Youth Administrator.

Approved:

PAUL V. McNUTT,
Federal Security Administrator.

JULY 1, 1941.

[F. R. Doc. 41-4788; Filed, July 5, 1941;
10:41 a. m.]

[Administrative Order No. 14]

PART 403—STUDENT WORK PROGRAM

By virtue of and pursuant to the authority vested in the National Youth Administrator by the Labor-Federal Security Appropriation Act, 1942, approved July 1, 1941, the following rules and regulations applicable to the student work program of the National Youth Administration are prescribed:

Sec.	Definitions.
403.1	Definitions.
403.2	Hours of work for student work employees.
403.3	Earnings of student work employees.
403.4	Assignment of wages.
403.5	Need.
403.6	Age.
403.7	Requirements relative to scholarship.
403.8	Requirements relative to performance of work.
403.9	Employment affidavit and oath of allegiance.
403.10	Administration of oaths and affidavits.
403.11	Illegal activities.
403.12	Assignment of work.
403.13	Safety.
403.14	Effective date.

§ 403.1 *Definitions.*—(a) *Student work program.* The term "student work program," as used herein, shall mean the program of work activities approved by the National Youth Administration and financed in whole or in part from funds appropriated to the National Youth Administration, which provides for the part-time employment of needy students who are in regular attendance at schools, colleges and universities, in order to enable such students to continue properly their education. Schools, colleges and universities participating in the student work program are required to be non-profit making, tax-exempt, bona fide educational institutions and so certified by the principal state educational officer.

(b) *School work program.* The term "school work program," as used herein, shall mean that part of the student work program which provides for the part-time employment of needy students who are in regular attendance at approved institutions not requiring high school graduation or the equivalent for entrance.

(c) *College and graduate work program.* The term "college and graduate work program" as used herein, shall mean that part of the student work pro-

gram which provides for the part-time employment of needy students who are in regular attendance at approved institutions requiring, as a minimum, high school graduation or the equivalent for entrance. The program for undergraduate or professional students who have not obtained their bachelor's degree, or the equivalent, is referred to in this order as the "college work program." The program for students who have obtained their bachelor's degree, or the equivalent, and are pursuing graduate work is referred to in this order as the "graduate work program."

(d) *Student work employees.* The term "student work employees," as used herein, shall mean needy students between the ages of 16 and 24 years inclusive, who are in regular attendance at institutions participating in the student work program and who are employed on a part-time basis and paid by means of pay roll payments from funds authorized for the operation of the student work program.

(e) *State youth administrator.* The term "State Youth Administrator," as used herein, shall mean the person designated to administer the program of the National Youth Administration in each of the several states except New York State, in the District of Columbia, and in each territory in which the program is operated. In New York State, the term "State Youth Administrator" shall mean (1) the person designated to administer the programs of the National Youth Administration in New York City and Nassau and Suffolk Counties, and (2) the person designated to administer the programs of the National Youth Administration in the remainder of the state.

(f) *Official NYA representative.* The term "Official NYA Representative" as used herein, shall mean the person nominated by a participating educational institution to supervise its student work program in accordance with the rules and regulations of the National Youth Administration, and appointed for this purpose by the state youth administrator as an uncompensated employee of the National Youth Administration.*

* §§ 403.1 to 403.14 inclusive, issued under authority contained in the Labor-Federal Security Appropriation Act, 1942, Pub. No., 146, 77th Cong. 1st Session, approved July 1, 1941.

§ 403.2 *Hours of work for student work employees.* The official representative of each participating institution shall be responsible for establishing hours of work for student work employees in attendance at the institution in accordance with the following provisions:

(a) Hours shall be limited to that number which in relation to the established monthly earnings most accurately

reflects the rate of pay prevailing in the locality for the same type of work.

(b) The maximum hours of work under the school work program shall be four hours per day on school days and seven hours per day on non-school days.

(c) The maximum hours of work under the college and graduate work program shall be eight hours per day.*

§ 403.3 *Earnings of student work employees.* Except where exemptions are granted by the National Youth Administrator, or his authorized representative, the monthly earnings of student work employees shall be established within the following limits:

	Minimum	Maximum
School work program-----	\$3.00	\$6.00
College work program-----	10.00	20.00
Graduate work program----	10.00	30.00

§ 403.4 *Assignment of wages.* Wages paid by the Federal Government may not be pledged or assigned, and any purported pledge or assignment shall be null and void.*

§ 403.5 *Need.* Each student work employee must be able to qualify on the basis of need for such employment as he may receive. It shall be determined by the official NYA representatives at participating institutions that employment on the student work program is essential to enable the student to continue properly his education. Consultation with outside agencies to determine this need is recommended.*

§ 403.6 *Age.* No person under the age of 16 years and no person whose age is 25 years or more may be employed on the student work program.*

§ 403.7 *Requirements relating to scholarship.* Students participating in the student work program shall be regular students carrying at least three-fourths of the normal schedule. They shall be of good character and shall possess such ability that they can give assurance of performing good scholastic work. Part-time employment of students who fail to maintain a satisfactory standing in at least three-fourths of their scholastic work shall be discontinued.*

§ 403.8 *Requirements relative to performance of work.* No person shall be employed or retained in employment if his work habits are such, or his work record shows, that he is incapable of performing satisfactorily the work to which he may be assigned, and no one whose physical condition is such as to make his employment dangerous to his health or safety, or to the health or safety of others, may be employed on the student work program. This paragraph shall not be construed to operate against the employment of physically handicapped persons, otherwise employable, where such persons may be assigned safely to work which they can ably perform.*

§ 403.9 *Employment affidavit and oath of allegiance.* Each employee, who enters on duty on the student work program on and after July 1, 1941, whether compensated or uncompensated for his services, shall be required to execute the

following employment affidavit and oath of allegiance prior to his entrance on duty. Each employee whose employment on the student work program is being continued into the fiscal year 1942 shall be required to execute the following employment affidavit and oath of allegiance before any payment is made for services rendered on and after July 1, 1941:

I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God. I further depose and say that I am a citizen of the United States or if not a citizen, that I owe allegiance to the United States; and that I do not advocate, nor am I a member of a political party or organization that advocates, the overthrow of the Government of the United States by force or violence.*

§ 403.10 *Administration of oaths and affidavits.* The National Youth Administrator hereby designates employees holding the following positions in the several state youth administrations to administer the employment affidavit and oath of allegiance required by § 403.9 above:

- (a) State Youth Administrator.
- (b) Deputy Administrator.
- (c) State Director of Student Work.
- (d) State Director of Finance and Statistics.
- (e) Area Director.
- (f) Area Student Work Officer.
- (g) Area Finance Officer.
- (h) Official NYA Representative at a participating institution.

The several state youth administrators, who are the authorized representatives of the National Youth Administrator within their states, are hereby authorized to designate such additional compensated or uncompensated employees as may be required for the purpose. No fee shall be charged for oaths administered by designated employees of the National Youth Administration.*

§ 403.11 *Illegal activities.* Under the Labor-Federal Security Appropriation Act, 1942, the activities listed below are punishable as felonies. No person shall be eligible for further employment with the National Youth Administration if he knowingly and with intent to defraud the United States:

- (a) Makes any false statement in connection with any application for any project;
- (b) Diverts, attempts to divert, or assists in diverting, for the benefit of any persons not entitled thereto, any funds, services or real or personal property of the National Youth Administration;
- (c) Deprives, attempts to deprive, or assists in depriving any person of any of the benefits to which he may be entitled under the appropriation by means of fraud, force, threat, intimidation, boycott, or discrimination on account of

race, religion, political affiliation, or membership in a labor organization.*

§ 403.12 *Assignment of work.* Official NYA representatives at participating institutions shall be responsible for assigning student work employees to suitable work and for direct supervision of the work done by students.*

§ 403.13 *Safety.* The student work program shall be conducted in accordance with safe working conditions, and every effort shall be made for the prevention of accident.*

§ 403.14 *Effective date.* Except* as provided under § 403.9 the rules and regulations in this part shall become effective at the beginning of pay roll periods on and after July 1, 1941, and shall supersede Administrative Order No. 10¹ of the National Youth Administration, dated June 26, 1940, and Administrative Order No. 12,² dated August 22, 1940, which orders shall be rescinded upon the effective date of this order.*

AUBREY WILLIAMS,
National Youth Administrator.

Approved:

PAUL V. McNUTT,
Federal Security Administrator.
JULY 1, 1941.

[F. R. Doc. 41-4789; Filed, July 5, 1941, 10:41 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER E—LOAD LINES

[Order No. 131]

PART 47—TEMPORARY VARIANCE FOR SEA AND GREAT LAKES COASTWISE VOYAGES

§ 47.1 *Establishment of temporary coastwise service regulations.* Load lines are established by the regulations in this part, as authorized by the Coastwise Load Line Act of 1935, as amended June 20, 1936 (49 Stat. 888, 1543; 46 U.S.C., Supp. 88-88i) and further amended by the Act approved July 3, 1941, during the National emergency proclaimed by the President May 27, 1941, but not after June 30, 1943, to provide for a lesser freeboard and less buoyancy than the load line established by the International Load Line Treaty of 1930, for certain vessels while engaged on coastwise voyages by sea from port to port in the continental United States and for variance of the load line marks on certain vessels on the Great Lakes from those established by said treaty, when engaged in coastwise voyages.*

* §§ 47.1 to 47.8, inclusive, issued under the authority contained in sec. 2, 49 Stat. 888, 1543; 46 U.S.C., Supp. 88a, and the act of July 3, 1941.

§ 47.2 *Vessels eligible.* All steamers, except passenger vessels, engaged in coastwise voyages by sea from port to port in the continental United States or on

¹ 5 F.R. 2576.

² 5 F.R. 3166.

the Great Lakes from port to port in the United States, and which have been marked with load lines under §§ 43.01 to 43.67, 43.92 to 43.106, or 45.01 to 45.80 (all inclusive), are eligible to be marked under this part if approved therefor by the Bureau of Marine Inspection and Navigation.*

§ 47.3 *General.* The provisions, where applicable, of §§ 43.01 to 43.67; 43.92 to 43.106, or 45.01 to 45.80 (all inclusive) shall apply to vessels subject to this part, except as modified herein.*

§ 47.4 *Strength.* The structure of the vessel is to be of sufficient strength for the draft corresponding to the freeboard assigned.*

§ 47.5 *Approval by the Bureau of Marine Inspection and Navigation.* Before a vessel shall be marked and certificated with load lines under this part, the findings and recommendations of the assigning authority shall be submitted to the Bureau of Marine Inspection and Navigation for determination as to the amount the summer freeboard ascertained under Part 43 or Part 45, as applicable, may be reduced.*

§ 47.6 *Freeboard.* The summer freeboard for vessels marked under this part may be determined by deducting from the summer freeboard, as determined under Part 43 or Part 45, as applicable, an amount to be approved by the Director of the Bureau of Marine Inspection and Navigation, but not to exceed $\frac{3}{8}$ inch per foot of summer draft.*

§ 47.7 *Seasonal freeboards.* For coastwise voyages by sea, the determination of seasonal freeboards, other than the summer freeboard determined in § 47.6, are to be as provided in Part 43; the freeboard for all seasons is the seasonal freeboard of the loading port. For voyages on the Great Lakes, no change in the position of the intermediate and winter marks will be made from the position determined by Part 45.*

§ 47.8 *Load line certificates.* Load line certificates issued under this Part for coastwise voyages by sea shall be on the form described in § 44.8, amended as necessary, and shall be distinctly marked: "Valid only for voyages by sea from port to port in the continental United States"; and for Great Lakes coastwise voyages on the form shown in § 45.80, and distinctly marked: "Valid only from port to port in the United States." No certificate issued under this part shall remain in force after June 30, 1943, and all such certificates shall be subject to cancellation at any time before expiration by the Secretary of Commerce.*

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.
JULY 5, 1941.

[F. R. Doc. 41-4798; Filed, July 5, 1941;
11:59 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission on July 1, 1941, effective immediately, amended Appendix No. 3¹ to Part 1 of the Rules of Practice and Procedure by establishing the Territory of Alaska as Radio District No. 23. The Radio District will be under the administration of an Inspector-in-Charge, with headquarters at Juneau, Alaska. (Section 4 (i) 48 Stat. 1068; 47 U.S.C. 154 (i)).

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-4795; Filed, July 5, 1941;
11:03 a. m.]

Notices

WAR DEPARTMENT.

[Contract No. W-ORD-496²—Supp. 1]

SUMMARY OF SUPPLEMENTAL CONTRACT TO FIXED-PRICE (LUMP-SUM) MANAGEMENT SERVICE AND TRAINING OF KEY PERSONNEL AND COST-PLUS-A-FIXED-FEE OPERATION CONTRACT³

CONTRACTOR: TROJAN POWDER COMPANY,
ALLENTOWN, PENNSYLVANIA

Fixed-price (lump-sum) for management service under Title I: Original, \$150,000.00; increase, \$60,000.00.

Fixed-price (lump-sum) for training of key personnel under Title II: Original, \$125,000.00; increase, \$40,000.00.

Fixed-fee for operation under Title III: Original: \$ * * * per pound of TNT, \$ * * * per pound of DNT; no increase.

Estimated cost of operation of plant under Title III: Original, \$3,100,000.00; no increase.

Contract for: Supplemental contract to increase capacity of plant provided for in original contract No. W-ORD-496 for the manufacture of TNT and DNT.

Place: Sandusky, Ohio.

The equipment, supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same:

ORD-8226-P11-3052-A1005-01
ORD-8225-P99-A0141-02
ORD-8227-P99-A0141-02
ORD-8129-P11-0270-A1005-01

This supplemental contract, entered into this 19th day of June 1941.

¹ 6 F.R. 2656.

² 6 F.R. 1034.

³ Approved by the Under Secretary of War June 23, 1941.

There is now in force between the parties hereto a certain contract which provides for the furnishing of management service covering supervision, direction and control of designing, engineering, constructing and equipping (including supervision of design and of installation of equipment) of a Plant for the manufacture of TNT and DNT, and training key personnel on a fixed-price (lump-sum) basis, and on a cost-plus-a-fixed-fee basis make necessary preparation for the operation (including the training of operating personnel) and operation of such Plant by the Contractor for the Government at or near Sandusky, Ohio, said contract bearing approval date December 31, 1940, being identified by the Government as "Contract No. W-ORD-496" and being hereinafter sometimes referred to as the "original contract".

The parties hereto do mutually agree that the said original contract shall be and it is hereby modified in the following particulars:

A. Change Article I-A Title I (page 3), to read:

The construction project (hereinafter referred to as the "Plant") shall comprise a Plant at or near Sandusky, Ohio, for the manufacture trinitrotoluene (hereinafter referred to as "TNT") and dinitrotoluene (hereinafter referred to as "DNT"), having an estimated capacity of * * * of TNT and * * * of DNT per day of 24 hours.

C. Change Article I-D, Title I (page 4) to read:

1. As complete consideration for its undertakings under this Title I the Contractor shall receive the sum of two hundred ten thousand dollars (\$210,000.00).

2. Payment of one hundred fifty thousand dollars (\$150,000.00) of the consideration provided in Section 1 of this Article I-D shall be paid to the Contractor in seven (7) equal monthly installments of twenty-one thousand four hundred twenty eight dollars and fifty-seven cents (\$21,428.57) per month, and the payment of sixty thousand dollars (\$60,000.00) of the consideration provided in Section 1 of this Article I-D shall be made to the Contractor in eight (8) equal monthly installments of seven thousand five hundred dollars (\$7,500.00) each.

D. Change Article II-B (page 6) to read:

1. As complete consideration for its undertaking under this Title II the Contractor shall receive the fixed-price (lump-sum) of one hundred sixty five thousand dollars (\$165,000.00), which sum has been determined by negotiation between the Contractor and the Chief of Ordnance.

2. One hundred twenty-five thousand dollars (\$125,000.00) of the consideration provided in Section 1 of this Article

II-B shall be paid to the Contractor in ten (10) equal monthly installments of twelve thousand five hundred dollars (\$12,500.00) per month, and payment of forty thousand dollars (\$40,000.00) of the consideration provided in Section 1 of this Article II-B shall be made to the Contractor in eight (8) equal monthly installments of five thousand dollars (\$5,000.00) each.

E. Change Section 2, Article III-A, Title III (page 8) to read:

The Contractor shall perform all organization service in connection with the planning of and the making of all necessary preparations for the operation of the Plant, including the training of operating personnel (other than the key personnel to be trained under Title II hereof), and perform all other services incident to setting up an efficient and going operating force, including the establishment as soon as practicable of organizations for guard protection and fire protection.

G. Change Article III-F (page 12) to read:

The Contracting Officer may, after consultation with the Contractor and by a written order and without notice to the sureties, if any, require changes in or additions to the specifications for the manufacture of the TNT and DNT, issue additional instructions, require additional work within the limitations of the Plant, or direct the omission of work covered by Title III.

H. Except as herein modified the terms and conditions of said original contract of December 31 shall continue in full force and effect.

This contract is authorized by the following law: Act of July 2, 1940 (Public, No. 703, 76th Cong.)

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-4776; Filed, July 5, 1941;
9:45 a. m.]

[Contract No. W-ORD-478, Supp. 1]

**SUMMARY OF SUPPLEMENTAL CONTRACT TO
FIXED-PRICE (LUMP-SUM) MANAGEMENT
SERVICE AND COST-PLUS-A-FIXED-FEE
OPERATION CONTRACT¹**

CONTRACTOR: TODD & BROWN, INC., 9 ROCKEFELLER PLAZA, NEW YORK, N. Y.

Fixed-price (lump-sum) for management service under Title I: Original, \$249,000; additional, \$100,000.

Fixed-fee for operation under Title II: Original, \$585,000; additional, \$6,000 per mo. for additional * * * mm. line, \$2,200 per mo. for additional detonator

line, \$1,800 per mo. for additional primer line.

Contract for: Supplemental contract to increase capacity of plant covered by original contract No. W-ORD-478 and to include units for the loading of detonators, and primers including assembly thereof.

Place: Near Union Center, Indiana.

Estimated cost of operation under Title II: Original, \$26,000,000; additional, \$750,000 per mo. for additional * * * line, \$275,000 per mo. for additional detonator line, \$225,000 per mo. for additional primer line.

The equipment, supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balance of which is sufficient to cover the cost of the same:

ORD 7668-P-99-A 0141-02
ORD 6793-P-99-A 0141-02
ORD 8016-P-11-3052 A 1005-01
ORD 6951-P-11-0270 A 1005-01

This supplemental contract, entered into this 18th day of June 1941.

There is now in force between the parties hereto a certain contract identified by the Government as "Contract No. W-ORD-478" which provides for management service in connection with designing, engineering, constructing and equipping a plant for the loading of fixed rounds, shells, fuzes, and boosters; preparation for operation, and operation of such plant, said contract bearing approval date of November 8, 1940, and being hereinafter sometimes referred to as the "Original Contract."

The parties hereto do mutually agree that the said Original Contract shall be and is hereby modified in the following particulars:

Change Article I-A (Page 3) to read as follows:

The construction project (hereinafter referred to as "the Plant") shall comprise a plant near Union Center, Indiana, for the loading of Fixed Rounds, Shells, Fuzes, Boosters, Detonators, and Primers (including assembly of such primers), all of which are hereinafter sometimes referred to as the "Ammunition" having an estimated capacity based on working * * * hours per month, as follows:

* * * principal operating lines (for the * * * types of Ammunition herein below mentioned), hereinafter referred to as the "Original Lines", having an estimated capacity based on working * * * hours per month.

Three (3) additional operating lines hereinafter referred to as the "Additional Lines", having an estimated capacity based on working * * * hours per month.

Change Article I-C (Page 4) to read as follows:

1. As complete consideration for its undertaking under this Title I the Contractor shall receive the sums of two hundred forty-nine thousand dollars (\$249,000) in connection with the Original Lines and one hundred thousand dollars (\$100,000) in connection with the Additional Lines.

Change Article II-B (Page 7) to read as follows:

It is estimated that the total cost of the Contractor's performance under Title II of this contract will be approximately twenty-six million dollars (\$26,000,000), (exclusive of the Contractor's fee) for the Original Lines, and with respect to the Additional Lines if any one or more of such lines are required to be operated by the Contractor as provided for in the first sentence of Section 3 of Article II-A hereof will be as follows: seven hundred fifty thousand dollars (\$750,000) per month for operation of the Additional * * * mm. Line, two hundred seventy-five thousand dollars (\$275,000) per month for operation of the detonator line, and two hundred twenty-five thousand dollars (\$225,000) per month for operation of the primer line.

Change Article II-C (Page 7) to read as follows:

As consideration for its undertaking under this Title II the Contractor shall receive the following:

1. Reimbursement for expenditures as provided in Title III.
2. A fixed-fee of five hundred eighty five thousand dollars (\$585,000) for performance of the work in connection with the Original Lines under Title II hereof.
3. A fixed-fee for the initial operation of the Additional Lines as follows:
 - a. For the additional * * * mm. line six thousand dollars (\$6,000) for each calendar month of such operation, and
 - b. For the detonator line two thousand two hundred (\$2,200) for each calendar month of such operation, and
 - c. For the primer line one thousand eight hundred dollars (\$1,800) for each calendar month of such operation.

The fees mentioned above shall constitute complete compensation for the contractor's services under this Title II, including profit.

Change section 2 of Article III-B (Pages 14 and 15) to read as follows:

- a. The lump-sums provided for in section 1 of Article I-C hereof, shall be paid to the Contractor in monthly installments on the last working day of each month. Upon the completion of the said work and services and final acceptance thereof, any unpaid balance of the fee shall be paid to the Contractor.
- b. The fixed-fee provided for in section 2 of Article II-C hereof shall be paid as follows:
 - (1) Seventy five thousand dollars (\$75,000) payable in six (6) monthly installments of twelve thousand five hundred dollars (\$12,500) each.
 - (2) Ninety thousand dollars (\$90,000) payable in three (3) monthly installments of thirty thousand dollars (\$30,000) each.
 - (3) Four hundred twenty thousand dollars (\$420,000) payable in twelve (12) monthly installments of thirty five thousand dollars (\$35,000) each.
- c. The fixed fees provided for in section 3 of Article II-C hereof, shall be paid on the last day of each calendar month of the initial operation of the respective Additional Lines.

Except as herein provided, the terms and conditions of the Original Contract shall continue in full force and effect.

This contract is authorized by the following law: Act of July 2, 1940 (Public, No. 703, 76th Cong.)

FRANK W. BULLOCK,
Major, Signal Corps,
Assistant to the Director
of Purchases and Contracts.

[F. R. Doc. 41-4807; Filed, July 7, 1941;
10:00 a. m.]

¹ 6 F.R. 1028.

² Approved by the Under Secretary of War June 25, 1941.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General 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 THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; AND PETITION OF NEW ENGLAND COAL AND COKE COMPANY, REGISTERED DISTRIBUTOR, CERTIFICATE NO. 6823, FOR AMENDMENT OF THE DEFINITION OF "CARLOAD LOT" CONTAINED IN SECTION 304.10 (b) OF THE DISTRIBUTORS RULES BUT ONLY WITH RESPECT TO TIDEWATER DOCKS IN NEW ENGLAND

NOTICE OF AND ORDER FOR HEARING

The Director of the Bituminous Coal Division, United States Department of the Interior, having on June 19, 1940, entered an order prescribing the maximum discounts that may be allowed by code members to registered distributors; and

Jurisdiction having been reserved in said order to entertain proceedings to modify any of the determinations made therein; and

New England Coal and Coke Company, Registered Distributor, Certificate No. 6823, having filed its petition to reopen General Docket No. 12, praying:

1. That the proceedings in General Docket No. 12 be reopened for the limited purpose of taking testimony and receiving evidence in order to amend the existing definition of "carload lot quantity" contained in § 304.10 (b) of the Distributor's Rules and Regulations so that truck shipments of tidewater coal from New England docks may be carried on in accordance with custom and the Bituminous Coal Act of 1937 without forfeiting the Distributor's discount.

2. That after such proceedings are reopened and said testimony has been received, the Director issue an order modifying the definition of "carload lot quantity" contained in § 304.10 (b) by adding at the end of said § 304.10 (b) the following:

Provided, however, That a Distributor delivering coal from a tidewater dock in New England located East of Portchester, New York, in or into vehicles of insufficient capacity to transport an entire carload lot quantity in one transaction shall not be required to make delivery in a continuous flow in any transaction recognized by custom to be definitely wholesale in character in which the Distributor's vendee has facilities at the time delivery begins to receive and store not less than a carload lot quantity and

a. buys and takes delivery of not less than 500 net tons during any 12 month period; or

b. buys and takes delivery of not less than a carload lot quantity during a period of seven days; or

c. is regularly engaged in the purchase and resale of bituminous coal and buys and takes delivery of not less than a carload lot quantity.

3. For such other and further relief as may to the Director seem just and equitable.

It is, therefore, ordered, That General Docket No. 12 be reopened for the limited purpose of determining whether the modification requested by petitioner should be made, and that a hearing on such matter be held on August 19, 1941, at 10 o'clock a. m. of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, that W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director or Acting Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before August 15, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition. Dated: July 5, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-4808; Filed, July 7, 1941;
10:07 a. m.]

[Docket No. 1625-FD]

IN THE MATTER OF CONSOLIDATED COAL AND STOKER COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1804

ORDER POSTPONING HEARING

The above entitled proceeding having been previously scheduled for hearing at 10 o'clock a. m. in the forenoon of July 10, 1941, at the Council Chamber, City Hall, Spokane, Washington; and

Consolidated Coal and Stoker Company, 830 North Division Street, Spokane, Washington, and Johnson-Bungay Fuel Company, Spokane, Washington, heretofore having been duly served with subpoenas requiring each of them to testify and give evidence in the above entitled proceeding and to produce and bring with each of them certain books and records; and

The Director deeming it necessary that the hearing in the entitled proceeding should be postponed;

Now, therefore, it is ordered, That the hearing in the above entitled proceeding be postponed from 10 o'clock in the forenoon of July 10, 1941, until 10 o'clock in the forenoon of August 11, 1941, at Council Chamber, City Hall, Spokane, Washington, and before the officers previously designated to preside at said hearing; and

It is further ordered, That the said Consolidated Coal and Stoker Company and Johnson-Bungay Fuel Company appear before the designated officers, at the latter named place of hearing at 10 o'clock in the forenoon of August 11, 1941, instead of July 10, 1941, as heretofore directed in said subpoenas and Order of the Director, dated June 7, 1941.

Dated: July 3, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-4809; Filed, July 7, 1941;
10:07 a. m.]

[Docket No. A-698]

PETITION OF GEORGE VANDE VEN, A CODE MEMBER IN DISTRICT NO. 22, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICE FOR CERTAIN COALS PRODUCED AT MINE INDEX NO. 256 IN THAT DISTRICT PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER CHANGING DATE AND PLACE OF HEARING

Intervening petitioner, District Board No. 22, having moved that the hearing in the above-entitled matter presently scheduled on July 7, 1941, at Washington, D. C., be held at Billings, Montana, and there having been no opposition thereto;

Now, therefore, it is ordered, That the date and place presently designated for said hearing be changed and that said hearing be reconvened at 10 o'clock in the forenoon of August 18, 1941, at a hearing room of the Bituminous Coal Division, at the Billings Commercial Club, Billings, Montana, before the of-

ficers previously designated to preside at said hearing.

Dated: July 5, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-4810; Filed, July 7, 1941; 10:07 a. m.]

[Docket No. A-891]

PETITION OF PRINCETON MINING COMPANY, A CODE MEMBER PRODUCER IN DISTRICT NO. 11, FOR THE ESTABLISHMENT OF SEASONAL DISCOUNTS TO APPLY ON SALES OF COAL PRODUCED AT ITS KING STATION MINE FOR TRUCK SHIPMENT TO MARKET AREAS 32, 35, 36 AND 38 DURING CERTAIN SPECIFIED MONTHS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

The original petitioner in the above-entitled matter having filed a motion to withdraw its petition and dismiss the proceedings therein, and there having been no opposition thereto;

Now therefore it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice and the proceedings in this docket closed.

Dated: July 5, 1941.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-4811; Filed, July 7, 1941; 10:08 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL No. 162

ALASKA

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U.S.C. 214, that the public lands in Alaska lying within the following described boundaries be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

NEAR BOUNDARY

Beginning at corner No. 1 (of the Nabesna Airways landing field and radio site) which is a 4" x 4" wood post, located in the Third Judicial Division of the Territory of Alaska, on the east bank of Nabesna Slough at a point approximately 1/2 mile southeast of Nabesna Village, in latitude 62°58' N., longitude 141°58' W. Thence from the point of beginning by metes and bounds as follows:

N. 30° E., 1/4 mile;
S. 80° E., 2 miles;
S. 30° W., 1 1/2 miles;
N. 60° W., 2 miles;
N. 30° E., 1 1/4 miles to place of beginning; containing approximately 1920 acres.

NEAR BIG DELTA

Beginning at corner No. 1, identical with mile post 270 on the east side of the Richard-

son Highway, located in the Fourth Judicial Division of the Territory of Alaska, approximately 10.7 miles south of Big Delta, in latitude 64°02' N., longitude 145°44' W. Thence from the point of beginning by metes and bounds as follows:

East, 1 1/2 miles;
South, 3 miles;
West, 2 miles;
North, 3 miles;
East 1/2 mile to place of beginning, containing approximately 3840 acres, excluding therefrom the area within the right-of-way of the Richardson Highway to the extent of 50 feet on each side of the center line.

NEAR WEST RUBY

Beginning at corner No. 1, a rock monument on the left bank of the Yukon River, in approximate latitude 64°48' N., longitude 157°28' W., in the Fourth Judicial Division, from which a sharp pointed bluff on the west side of the junction of Bishop's Slough and the Yukon River, approximately 12 miles upstream from Koyukuk Village, bears N. 85°57' E., 5711 feet.

Thence from corner No. 1, by metes and bounds:

With meanders on the left bank of the Yukon River,
S. 79°52' E., 711.1 feet;
S. 87°16' E., 566.7 feet;
N. 85°45' E., 441.3 feet;
Thence,
South, 12,780 feet, to a point;
West, 5,280 feet, to a point;
North, 13,200 feet, to a point;
East, 3,094 feet to intersection with left bank of the Yukon River;
Thence with meanders along left bank of Yukon River,
S. 66°28' E., 523.4 feet to place of beginning, containing approximately 1,580 acres.

[SEAL]

E. K. BURLEW,

Acting Secretary of the Interior.

JUNE 25, 1941.

[F. R. Doc. 41-4801; Filed, July 7, 1941; 9:42 a. m.]

STOCK DRIVEWAY WITHDRAWAL No. 48, IDAHO No. 3, ENLARGED

It appearing that the following-described public lands should be added to Stock Driveway Withdrawal No. 48, Idaho No. 3, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, and section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights and to the reclamation and power withdrawals affecting portions of the lands:

BOISE MERIDIAN

T. 10 N., R. 13 E.,
Sec. 6, lots 1 and 2, SW 1/4 NE 1/4, SE 1/4,
Sec. 20, NE 1/4 NE 1/4, S 1/2 NE 1/4, SE 1/4 NW 1/4,
Sec. 21, N 1/2 NE 1/4, SW 1/4 NE 1/4, N 1/2 SW 1/4, NW 1/4;
aggregating 800.56 acres.

Any mineral deposits in the lands shall be subject to location and entry only

in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

[SEAL]

W. C. MENDENHALL,
Acting Assistant Secretary
of the Interior.

JUNE 25, 1941.

[F. R. Doc. 41-4802; Filed, July 7, 1941; 9:43 a. m.]

National Park Service.

DESIGNATING THE McLOUGHLIN HOME NATIONAL HISTORIC SITE

OREGON

Whereas the Congress of the United States has declared it to be a national policy to preserve for the public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States; and

Whereas the McLoughlin Home, located in the public park known as "McLoughlin Park" in the municipality of Oregon City, State of Oregon, is recognized as possessing national significance as the home of Dr. John McLoughlin, a distinguished, influential, and humanitarian leader in the settlement of the Oregon Territory; and

Whereas a cooperative agreement has been made between the McLoughlin Memorial Association, the Municipality of Oregon City, and the United States of America, providing for the preservation and use of the McLoughlin Home as a national historic site:

Now, therefore, I, W. C. Mendenhall, Acting Assistant Secretary of the Interior, under and by virtue of the authority conferred upon the Secretary of the Interior by section 2 of the Act of Congress approved August 21, 1935 (49 Stat. 666), do hereby designate the following described lands, together with all historic structures thereon and all appurtenances connected therewith, to be a national historic site, having the name "McLoughlin Home National Historic Site":

All that tract of land in Block Forty (40) of Oregon City, in Clackamas County, Oregon, as shown on the Town Plats, Clackamas County, Volume 1, Page 2, dated December 8, 1850, bounded by Center Street, Seventh Street, Singer Hill Road, and Eighth Street, containing 8394 acres, and known as "McLoughlin Park."

The administration, protection, and development of this national historic site shall be exercised in accordance with the provisions of the above-mentioned cooperative agreement and the act of August 21, 1935, *supra*.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this historic site.

In witness whereof, I have hereunto set my hand and caused the official seal of

the Department of the Interior to be affixed, in the city of Washington, this 27th day of June 1941.

[SEAL] W. C. MENDENHALL,
Acting Assistant Secretary.

[F. R. Doc. 41-4804; Filed, July 7, 1941;
9:43 a. m.]

Office of Indian Affairs.

CHEYENNE RIVER RESERVATION, SOUTH DAKOTA

ORDER OF RESTORATION

JUNE 12, 1941.

Whereas under authority contained in the Act of Congress approved May 29, 1908 (35 Stat. 460), providing for the disposition of surplus unallotted lands in the Cheyenne River Reservation, South Dakota, certain surplus lands were opened to settlement and entry under the general provisions of the homestead and town-site laws of the United States, by Presidential Proclamation of August 19, 1909 (36 Stat. 2500), and

Whereas there are now remaining undisposed of on the opened or "ceded" portion of the Cheyenne River Reservation a number of tracts of said surplus lands which, while of little value for the original purpose of settlement and entry, upon thorough investigation, have been found to be valuable to the Indians of said reservation in order properly to support and develop their rapidly expanding cattle industry, and

Whereas by relinquishment and cancellation of homestead entries an additional area of similar lands may hereafter be added to the class of undisposed-of surplus lands, and

Whereas the Superintendent of the Cheyenne River Reservation and the Commissioner of Indian Affairs have recommended restoration to tribal ownership of all the undisposed-of ceded lands within the following described areas:

BLACK HILLS MERIDIAN

Township 14 North, Range 17 East, Sections parts of Sections 1, 12, 13, 24, 25 and 36 east of the former Cheyenne River Indian Reservation boundary.

Township 14 North, Range 17 East, Sections 1, 12, 13 and those parts of Sections 2, 11 and 14 east of the former Cheyenne River Indian Reservation boundary.

Township 15 North, Range 17 East, Sections 1, 12, 13, 24, 25, 36 and those parts of Sections 2, 11, 14, 23, 26 and 35 east of the former Cheyenne River Indian Reservation boundary.

Township 10 North, Range 18 East, All.
Township 11 North, Range 18 East, Sections 1, 12, 13, 24, 25, 35 and 36.

Township 13 North, Range 18 East, Sections 1 and 2.

Township 14 North, Range 18 East, Sections 1 to 18, inclusive, 23 to 26, inclusive, 35 and 36.

Township 15 North, Range 18 East, All.
Township 10 North, Range 19 East, All.

Township 11 North, Range 19 East, All.
Township 13 North, Range 19 East, Sections 1 to 6, inclusive.

Township 14 North, Range 19 East, All.

Township 15 North, Range 19 East, All.

Township 10 North, Range 20 East, Sections 13 to 36, inclusive.

Township 13 North, Range 20 East, Sections 4 to 6, inclusive.

Township 14 North, Range 20 East, Sections 1 to 22, inclusive, and 28 to 33, inclusive.

Township 15 North, Range 20 East, All.

Township 10 North, Range 21 East, Sections 13 to 36, inclusive.

Township 14 North, Range 21 East, Sections 1 to 18, inclusive.

Township 15 North, Range 21 East, Sections 3 to 10, inclusive, 15 to 22, inclusive, and 25 to 36, inclusive.

Township 10 North, Range 22 East, Sections 13 to 36, inclusive.

Township 13 North, Range 22 East, Sections 2, 3, 4, 9, 10, 11, 14, 15, 16, N/2 of 21, N/2 of 22 and the NW/4 of 23.

Township 14 North, Range 22 East, All.

Township 15 North, Range 22 East, Sections 25 to 36, inclusive.

Township 14 North, Range 23 East, All.

Township 15 North, Range 23 East, Sections 25 to 36, inclusive.

Township 10 North, Range 24 East, Sections 13 to 36, inclusive.

Township 11 North, Range 24 East, Sections 1 to 12, inclusive.

Township 12 North, Range 24 East, Sections 19 to 36, inclusive.

Township 14 North, Range 24 East, All.

Township 15 North, Range 24 East, Sections 1, 2, 3, 10 to 15, inclusive, and 19 to 36, inclusive.

Township 16 North, Range 25 East, Section 36.

Township 16 North, Range 26 East, SE/4 Section 8, S/2 of Sections 9 and 10, Sections 11 to 17, inclusive, 20 to 29, inclusive, and 31 to 36, inclusive.

Township 16 North, Range 27 East, Sections 7 to 36, inclusive.

Township 16 North, Range 28 East, All.

Township 17 North, Range 28 East, Sections 31 to 36, inclusive.

Township 16 North, Range 29 East, All.

Township 17 North, Range 29 East, E/2, Section 22, 23 to 26, inclusive, E/2 Section 27, 31 to 36, inclusive.

Township 16 North, Range 30 East, All.

Township 17 North, Range 30 East, Sections 19 to 36, inclusive.

Township 16 North, Range 31 East, All.

Township 17 North, Range 31 East, That part south of the former Cheyenne River Indian Reservation boundary.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the Act of June 18, 1934 (48 Stat. 984), I hereby find that restoration to tribal ownership of all lands which are now, or may hereafter be, classified as undisposed-of surplus opened lands within the area above described, being within the boundaries of the former Cheyenne River Reservation, will be in the public interest, and they are hereby restored to tribal ownership for the use and benefit of the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota, and the same are added to and made a part of the existing Reservation, subject to any valid existing rights.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 41-4803; Filed, July 7, 1941;
9:43 a. m.]

DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.

[Docket No. 383]

IN THE MATTER OF THE APPLICATION OF AEROVIAS NACIONALES PUERTO RICO, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF POSTPONEMENT OF HEARING¹

The above-entitled proceeding, being the application of Aerovias Nacionales Puerto Rico, Inc., for a certificate of public convenience and necessity authorizing air transportation between San Juan and Ponce, P. R., San Juan and Mayaguez, P. R., and San Juan, P. R., to Vieques Island, St. Thomas, St. Croix, and return, now assigned for public hearing on July 7, 1941, at 10 o'clock a. m. (Eastern Standard Time) is hereby postponed to July 14, 1941, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales Street NW., Washington, D. C.

Dated, Washington, D. C., July 5, 1941.

[SEAL] FRANK P. MCINTYRE,
Examiner.

[F. R. Doc. 41-4819; Filed, July 7, 1941;
11:19 a. m.]

[Docket Nos. 274, 320, 440, 441]

IN THE MATTER OF THE PETITIONS OF UNITED AIR LINES TRANSPORT CORPORATION, FOR AMENDMENT OF ITS CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (h) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF ORAL ARGUMENT¹

The above-entitled proceeding, being the petitions of United Air Lines Transport Corporation for amendment of its certificates of public convenience and necessity so as to include Klamath Falls, Salem and Eugene, Oregon as intermediate points on route No. 11, and Bellingham, Washington as an intermediate point on route No. 57, is assigned for oral argument before the Board on July 14, 1941, 10 o'clock a. m. (Eastern Standard Time) in Room 5044, Commerce Building, Washington, D. C.

Dated at Washington, D. C., July 5, 1941.

By the Civil Aeronautics Board.

[SEAL] THOMAS G. EARLY,
Secretary.

[F. R. Doc. 41-4818; Filed, July 7, 1941;
11:19 a. m.]

¹ Issued by the Civil Aeronautics Board.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder. (Aug. 16, 1940, 5 F.R. 2862) to the employers listed below effective July 7, 1941.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME, AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Columbus Hickory Furniture Company, Bedford, Indiana; Woven Foot Stools; 12 learners; 4 weeks for any one learner; 25 cents per hour; Hand Weaver; September 15, 1941.

Special Learner Certificate for the Wilson MemIndex Company, 163 St. Paul Street, Rochester, New York, published in the FEDERAL REGISTER of June 19, 1941, was listed in error.

Signed at Washington, D. C., this 7th day of July 1941.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-4829; Filed, July 7, 1941; 12:03 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective July 7, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Ace Corporation, 119 East Front Street, Trenton, New Jersey; Apparel; Dresses; 5 learners (75% of the applicable hourly minimum wage); July 7, 1942.

Alpheus Aughinbaugh, Etters P. O., Goldsboro, Pennsylvania; Apparel; Army Flannel O. D. Coat Style; 10 percent (75% of the applicable hourly minimum wage); September 29, 1941.

American Sportswear Company, Inc., 32 Spring Street, Newark, New Jersey; Apparel; Rainwear; 5 learners (75% of the applicable hourly minimum wage); July 7, 1942.

Bridgewater Garment Company, Main Street, Bridgewater, Virginia; Apparel; Pants & Breeches; 75 learners (75% of the applicable hourly minimum wage); November 3, 1941.

Cary and Company, Inc., 119 Chennango Street, Binghamton, New York; Apparel; Men's & Boys' Coveralls, Boys' Shorts & Overalls; 5 percent (75% of the applicable hourly minimum wage); July 7, 1942.

Crown Pants Company, Washington Street, Hammonton, New Jersey; Apparel; Pants; 5 learners (75% of the applicable hourly minimum wage); July 7, 1942.

D & I Shirt Company, Inc., 85 Willow Street, New Haven, Connecticut; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); July 7, 1942.

Excel Garment Manufacturing Company, 310 Second Avenue, North, Minneapolis, Minnesota; Apparel; Sportswear, Leather & Sheeplined Garments; 5 percent (75% of the applicable hourly minimum wage); July 7, 1942.

F. Jacobson and Sons, Inc., Jay & River Streets, Troy, New York; Apparel; Men's Shirts & Pajamas; 75 learners (75% of the applicable hourly minimum wage); November 3, 1941.

New Bedford Manufacturing Company, 686 Belleville Avenue, New Bedford, Massachusetts; Apparel; Flannel Nightwear; 5 percent (75% of the applicable hourly minimum wage); July 7, 1942.

William H. Noggle and Sons, Inc., Bexmont, Pennsylvania; Apparel; Boys' Cotton Pajamas; 4 learners (75% of the applicable hourly minimum wage); November 3, 1941.

William H. Noggle & Sons, Inc., 27-37 East Ferdinand Street, Manheim, Pennsylvania; Apparel; Children's Wash Garments, Pajamas, Suits, Overalls, etc.; 15 learners (75% of the applicable hourly minimum wage); November 3, 1941.

William H. Noggle & Sons, Inc., Corner Grant & High Streets, Manheim, Pennsylvania; Apparel; Shirts; 13 learners (75% of the applicable hourly minimum wage); November 3, 1941.

Patrick-Duluth, 310 Lake Avenue, South, Duluth, Minnesota; Apparel; Single Pants & Breeches, Snowsuits, Jackets; 1 learner (75% of the applicable hourly minimum wage); September 29, 1941.

Piedmont Shirt Company, 25 East Court Street, Greenville, South Carolina; Apparel; Men's Shirts; 120 learners (75% of the applicable hourly minimum wage); November 3, 1941.

J. H. Rudolph & Company, 812 East Locust Street, DeKalb, Illinois; Apparel; Shirts, Sportswear, Slacksuits; 15 learners (75% of the applicable hourly minimum wage); October 20, 1941.

Edward Shuwall Company, Inc., Hanover Street, Pottstown, Pennsylvania; Apparel; Dresses; 25 learners (75% of the applicable hourly minimum wage); November 3, 1941.

Sidele Sportswear, Inc., 1806 East Vantage Street, Philadelphia, Pennsylvania; Apparel; Ladies' Blouses & Sportswear; 5 learners (75% of the applicable hourly minimum wage); July 7, 1942.

West Plains Manufacturing Company, 5½ East Main Street, West Plains, Missouri; Apparel; Overalls; 5 learners (75% of the applicable hourly minimum wage); July 7, 1942.

David L. Wilder, Marshall at Market Streets, Norristown, Pennsylvania; Apparel; Men's Pants; 5 learners (75%

of the applicable hourly minimum wage); July 7, 1942.

Wood Garment Manufacturing Company, Republic, Missouri; Apparel; Men's & Boys' Clothing; 53 learners (75% of the applicable hourly minimum wage); November 3, 1941.

C. D. Osborn Company, Chicago, Illinois; Gloves; Leather Dress Gloves; 15 learners; November 10, 1941.

C. D. Osborn Company, Chicago, Illinois; Gloves; Knit Fabric Gloves; 15 learners; November 10, 1941.

Duplex Hosiery Mills, Inc., Asbury Park, New Jersey; Hosiery; Full Fashioned Hosiery; 25 learners; March 7, 1942.

Phoenix Hosiery Company, Milwaukee, Wisconsin; Hosiery; Full Fashioned Hosiery; 10 percent; July 7, 1942. (This certificate replaces one issued effective October 22, 1940.)

Rambo & Regar, Inc., Norristown, Pennsylvania; Hosiery; Seamless Hosiery; 25 learners; March 7, 1942.

Snow Shoe Knitting Company, Clarence, Pennsylvania; Hosiery; Full Fashioned Hosiery; 5 learners; March 7, 1942.

Reidder Knitting Mill, 757 West Broad Street, Hazleton, Pennsylvania; Knitted Wear; Knitted Underwear; 5 percent; July 7, 1942.

Textile Specialty Corporation, 39 West 19th Street, New York, New York; Knitted Wear; Commercial Knitting; 5 learners; September 29, 1941.

Adler Manufacturing Company, 19 Townsend Street, Port Chester, New York; Millinery; Popular-Priced Millinery; 5 learners; January 7, 1942.

Morris Gordon, 21 Market Street, Paterson, New Jersey; Textile; Yarn; 2 learners; July 7, 1942.

Hyde Textile Company, 1680 Cranston Street, Cranston, Rhode Island; Textile; Braid; 3 learners; July 7, 1942.

Frank IX & Sons, Inc., Ware Street, Charlottesville, Virginia; Textile; Broad Silks & Rayon; 3 percent; July 7, 1942.

The Orinoka Mills, State & Wallace Streets, York, Pennsylvania; Textile; Woven Fabrics; 3 percent; July 7, 1942.

Tuscan Silks, Inc., 6th & Cumberland Street, Allentown, Pennsylvania; Textile; Dress Goods; 4 learners; May 22, 1942.

United Rayon Mills, 460 Globe Street, Fall River, Massachusetts; Textile; Rayon, Silk, Nylon Throwing; 3 percent; July 7, 1942.

Wellun Mills, Inc., 99 Cliff Street, Paterson, New Jersey; Textile; Venetian Blind Tape; 3 learners; July 7, 1942.

S. Zaleschitz & Company, Inc., East Mauch Chunk, Pennsylvania; Textile; Silk, Rayon, Acetate Weaving; 3 percent; July 7, 1942.

Signed at Washington, D. C., this 7th day of July 1941.

GUSTAV PECK,
Authorized Representative
of the Administrator.

[F. R. Doc. 41-4830; Filed, July 7, 1941;
12:03 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 79-A]

HEARING ON JOINT ASSOCIATION OF NEWSPAPERS AND BROADCAST STATIONS, ETC.

Whereas the Commission by Order No. 79¹ (March 20, 1941), directed that an investigation be undertaken "to determine what statement of policy or rules, if any, should be issued concerning applications for high frequency broadcast stations (FM) with which are associated persons also associated with the publication of one or more newspapers and that public hearings with respect thereto be held at such times and such places as the Commission may direct, and that such investigation and public hearings shall also include consideration of statements of policy or rules, if any, which should be issued concerning future acquisition of standard broadcast stations by newspapers";

Now, therefore, it is ordered, That, pursuant to the aforesaid order, testimony and other evidence be taken with reference to the following matters, in addition to such other matters as the Commission may from time to time direct:

1. To what extent broadcast stations are at present associated with persons also associated with publication of one or more newspapers, the classification (in terms of power, location, network affiliation, etc.) of broadcast stations so associated, the circumstances surrounding such association, and the tendency toward such association in the future.

2. Whether joint association of newspapers and broadcast stations tends or may tend to prejudice the free and fair presentation of public issues and information over the air, or to cause editorial bias or distortion, or to inject editorial policy or attitude into the public service rendered by broadcast stations as a medium of public communication.

3. Whether joint association of newspapers and broadcast stations tends or may tend to restrict or distort the broadcasting of news, or to limit the sources of news to the public, or to affect adversely the relation between news-gathering services and broadcast stations.

4. Whether the joint association of newspapers and broadcast stations has or may have any effect upon freedom of access to the radio forum, for the discussion of public issues.

5. Whether the joint association of newspapers and broadcast stations tends or may tend to lessen or increase competition among broadcast stations or to result in the monopolization of local broadcast facilities.

6. Whether the joint association of newspapers and broadcast stations tends or may tend to increase or decrease concentration of control over broadcast facilities or the use thereof.

7. Whether the joint association of newspapers and broadcast stations con-

stitutes or may constitute an undue concentration of control over the principal media for public communication.

8. Whether joint association of newspapers and broadcast stations tends or may tend to result in the utilization of improved facilities and skilled, experienced personnel for the procuring and dissemination of information and opinion by broadcast stations.

9. Whether joint association of newspapers and broadcast stations tends or may tend to insure greater economic stability for broadcast stations and to encourage the maximum technological development of radio.

10. What considerations influence newspaper interests to acquire broadcast stations.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-4794; Filed July 5, 1941;
11:03 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION.

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State nonmember bank, except a District bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Monday, June 30, 1941, on Form 64—Call No. 15.¹ Said report of condition shall be prepared in accordance with the booklet entitled, "Instructions for the Preparation of Reports of Condition on Form 64."

Adopted by the Board of Directors of the Federal Deposit Insurance Corporation on July 1, 1941.

[SEAL]

E. F. DOWNEY,
Secretary.

[F. R. Doc. 41-4774; Filed, July 5, 1941;
9:31 a. m.]

RESOLUTION APPROVING CERTIFIED STATEMENT FORMS

Paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended, provides in part:

The certified statements required to be filed with the Corporation under paragraphs (2), (3), and (4) of this subsection shall be in such form and set forth such supporting information as the board of directors shall prescribe.

Resolved, That pursuant to the provisions of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended, the following described certified statement forms be approved:

¹ 6 F.R. 1580.

¹ Filed as part of the original document.

(1) Certified Statement—Part One, Based on Deposits for the Six Months Ending June 30, 1941, Form 545L, in quadruplicate.¹

(2) Recapitulation of the Monthly Totals of Certified Statement—Part Two, for the Six Months Ending June 30, 1941, Form 555L, in triplicate.¹

Approved by the Board of Directors of the Federal Deposit Insurance Corporation on July 1, 1941.

[SEAL]

E. F. DOWNEY,
Secretary.

[F. R. Doc. 41-4773; Filed, July 5, 1941;
9:29 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5611]

IN THE MATTER OF PACIFIC POWER & LIGHT COMPANY

ORDER RESUMING HEARING AND TO SHOW FURTHER CAUSE

JULY 1, 1941.

It appearing to the Commission that:

(a) On April 16, 1940, the Commission, having under consideration the failure of Pacific Power & Light Company of Portland, Oregon, to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and with the Commission's order adopted May 11, 1937, ordered the Company to show cause, if any there be, at a public hearing:

(1) Why it had failed to comply with Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(2) Why the petition of the Company dated December 20, 1939, for an extension of time to July 1, 1940, should not be denied; and

(3) Why the Commission should not institute appropriate proceedings against the Company, its officers or directors for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(b) Pursuant to the order of April 16, 1940, a public hearing was begun on May 20, 1940, before an Examiner of the Commission at Washington, D. C., and the hearing was recessed from day to day until May 24, 1940, upon which day the hearing was adjourned by the Commission's Examiner, subject to further orders of the Commission;

(c) The Company, since the adjournment of the hearing referred to in paragraph (b) hereof, filed, on July 3, 1940, its proposed reclassification and original cost studies required by Electric Plant

Instruction 2-D of the Commission's Uniform System of Accounts, and the Commission's order of May 11, 1937;

(d) The Commission's staff and the staff of the Public Utilities Commissioner of Oregon have made a field study of the Company's proposed reclassification and original cost studies and have submitted a joint report to this Commission entitled, "Pacific Power & Light Company, Portland, Oregon, Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937", which report is to be served herewith upon the Company;

(e) The Company has not fully complied with the requirements of Electric Plant Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order of May 11, 1937;

(f) The Company has not properly determined the amounts includible in Account 100.5, Electric Plant Acquisition Adjustments;

(g) The joint report, described in paragraph (d) above, proposes certain adjustments of the Company's accounts, the disposition of certain amounts classified in Account 107, Electric Plant Adjustments, and recommends that the Company make a proper reclassification of the amount transferred to Account 100.6, Electric Plant in Process of Reclassification; all as more fully set forth in said joint report;

The Commission finds that:

(1) It is advisable, necessary and proper in the public interest to resume and to enlarge the scope of the hearing which, pursuant to the Commission's order of April 16, 1940, was begun on May 20, 1940, and was by the Commission's Examiner, adjourned on May 24, 1940, subject to the further orders of the Commission;

Therefore the Commission orders that:

(A) The Secretary serve a copy of the report referred to in paragraph (d) hereof upon the Company concurrently with the service of this order upon the Company;

(B) The hearing referred to in paragraphs (b) and (1) hereof be resumed on August 25, 1941, at 9:45 a. m., Pacific Standard Time, in Circuit Court Room 704, New Courthouse Building, at Portland, Oregon;

(C) At said hearing Pacific Power & Light Company show further cause, if any there be;

(i) Why it has failed to comply fully with Electric Plant Accounts, Instruction 2-D of the Commission's Uniform System of Accounts and with the order of the Commission adopted May 11, 1937;

(ii) Why the Company should not make the adjusting entries on its books to conform with the recommendations made by the staffs of this Commission and the Public Utilities Commissioner of Oregon in the joint report referred to in paragraph (d) above;

(iii) Why the Company should not submit a plan for the disposition of the amounts which may be properly established in Account 100.5, Electric Plant Acquisition Adjustments, in accordance with the evidence adduced at said hearing;

(iv) Why the Company should not submit plans for the disposition of the amount of \$9,694,593.47, classified in Account 107, Electric Plant Adjustments;

(v) Why the Company should not prepare and submit to the Commission a proper reclassification of the amount of \$492,571.76 transferred in the joint report, referred to in paragraph (d) hereof, to Account 100.6, Electric Plant in Process of Reclassification;

(vi) Why the Company should not be required to make such other studies as are recommended in the joint report referred to in paragraph (d) hereof, and as fully set forth in the said joint report;

(vii) Why this Commission should not by order determine that disposition be made of the amounts properly established in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments, in accordance with the evidence adduced at said hearing;

(viii) Why the Commission should not institute appropriate proceedings against the Company, its officers, or directors, for failure to comply with the provisions of Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts and the Commission's order dated May 11, 1937;

(D) The Public Utilities Commissioner of the State of Oregon and the Washington Department of Public Service may participate in said hearing, as provided in Part 39, § 39.4 of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-4826; Filed, July 7, 1941;
11:53 a. m.]

[Docket No. G-159]

IN THE MATTER OF THE PEOPLES NATURAL GAS COMPANY

ORDER FIXING DATE FOR RESUMPTION OF PUBLIC HEARING AND PROVIDING FOR THE ISSUANCE OF SUBPOENAS DUCES TECUM

JULY 2, 1941.

It appearing to the Commission that:

(a) By order dated March 12, 1940, the Commission instituted an investigation of The Peoples Natural Gas Company for the purpose of enabling the Commission

(1) to determine with respect to The Peoples Natural Gas Company whether (a) it is a natural-gas company within

¹ Filed as part of the original document.
No. 131—6

the meaning of the Natural Gas Act and whether (b) in connection with any transportation or sale of natural gas subject to the jurisdiction of this Commission, any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential, and

(2) if the Commission, after hearing has been had, shall find that The Peoples Natural Gas Company is a natural-gas company within the meaning of the Natural Gas Act and that any of the rates, charges, classifications, rules, regulations, practices or contracts subject to the jurisdiction of this Commission are unjust, unreasonable, unduly discriminatory or preferential to determine and fix by appropriate order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

(b) As recited in the Commission's order of March 12, 1940, The Peoples Natural Gas Company sells natural gas to the New York State Natural Gas Corporation for transportation and resale by the latter in the State of New York and the price charged the New York State Natural Gas Corporation by The Peoples Natural Gas Company for such natural gas will have a substantial bearing upon the determination of the reasonableness of the rates and charges of the New York State Natural Gas Corporation which latter matter is presently pending before the Commission at Docket No. G-114, *Public Service Commission of the State of New York, Complainant v. New York State Natural Gas Corporation* and Docket No. G-12, *In the Matter of New York State Natural Gas Corporation*;

(c) The Peoples Natural Gas Company is 100% owned by Standard Oil Company (N. J.); New York State Natural Gas Corporation is 100% owned by Lycoming United Gas Corporation; Standard Oil Company (N. J.) owns 81+ % of Lycoming United Gas Corporation and controls the latter company; the sale of natural gas by The Peoples Natural Gas Company to the New York State Natural Gas Corporation is a sale and purchase between affiliates;

(d) By order dated December 21, 1940, the Commission set for public hearing the matters at issue in this proceeding, and after a finding as to their relevancy and materiality, directed The Peoples Natural Gas Company to produce at said hearing certain of the company's accounts, books, records, papers, or memoranda bearing upon the matter of the rates and charges demanded or made by the company;

(e) Pursuant to the order of December 21, 1940, public hearings in this proceed-

ing were held on January 21, January 29, February 5, 6, 7, 1941, and said hearings were adjourned on February 7, 1941, until such further date as may be set by the Commission;

(f) The Peoples Natural Gas Company did not produce the books and records called for by the order of December 21, 1940; among other matters, testimony and evidence was adduced at the hearings above referred to by both The Peoples Natural Gas Company and the staff of this Commission on the subject of the operations of the company bearing upon the status of the Company as a natural-gas company as defined in the Natural Gas Act;

(g) Numerous requests have been made of The Peoples Natural Gas Company, both before, during and after the hearings above referred to, that the company give representatives of this Commission access to its accounts, books, records, papers or memoranda bearing upon the matter of the rates and charges demanded or made by said company, but The Peoples Natural Gas Company has repeatedly refused to grant such access or otherwise made such accounts, books, records, papers or memoranda available;

The Commission, having considered the record made in this matter as of this date and the persistent refusal of The Peoples Natural Gas Company either to grant access to or otherwise make available its accounts, books, records, papers or memoranda referred to above, finds that:

The Peoples Natural Gas Company's General Ledger or Ledgers and all subsidiary Ledgers kept by said company including, without limitation, the company's Plant Ledgers, Accounts Receivable Ledgers, Accounts Payable Ledgers, Expense Ledgers, Revenue Ledgers, Lease Ledgers, Materials and Supplies Ledgers, Work or Job Order Ledgers are relevant and material to this proceeding;

The Commission orders that:

(A) Public hearings in this proceeding be resumed beginning at 9:45 a. m., August 4, 1941, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(B) Appropriate subpoenas duces tecum be issued and directed to The Peoples Natural Gas Company or to its appropriate officers or employees to cause the production before the Commission or its duly designated Trial Examiner of any or all of the books and records described in the finding above made.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-4827; Filed, July 7, 1941; 11:53 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-24]

IN THE MATTER OF PRESCRIBING LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

PROPOSED FINDINGS OF FACT AND REGULATIONS

It is proposed that, by virtue of the Authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 403 (j), 52 Stat. 1048, 21 U.S.C., Sup. V, 343 (j); sec. 701, 52 Stat. 1055, 21 U.S.C., Sup. V, 371), the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C., Sup. V, 133 ff.), and Reorganization Plans No. I (53 Stat. 1423, 4 F.R. 2727) and No. IV (5 F.R. 2421), and upon the basis of the evidence received at the above-entitled hearing duly held pursuant to notice thereof issued by the Administrator on August 31, 1940 (5 F.R. 3565), the following order be promulgated:

Proposed Findings of Fact

1. The value of a food for any special dietary use is determined by its dietary properties, such as the presence or absence of a substance or the quantity or altered character of a constituent. (R. pp. 34-7, 420-2)

2. Information necessary in order to inform the purchaser of the value of a food for a special dietary use includes a statement of the dietary properties upon which its value for such use is based. (R. pp. 34, 420, 1892-3)

3. Among other dietary properties of food, certain vitamins and minerals are known to be essential to the normal functioning of the human organism; the quantity of any vitamin or mineral required is customarily expressed in terms of the quantity required each day and is referred to as the daily requirement. (R. pp. 59-60, 79, 122, 425)

4. Deficiency in the intake of any essential vitamin, mineral, or other dietary property produces pathological conditions known as a deficiency disease, whereas, intake of a certain minimum quantity of such substance prevents the onset of such conditions. (R. pp. 41, 43-4, 59-60, 70-6, 122, 125, 413-4, 564, 418-9, 452, 1376-9)

5. The value of a food for special dietary use may depend on its suitability for the treatment of a deficiency disease. (R. pp. 35-6, 425-8, 632-3)

6. The quantity of a vitamin, mineral, or other dietary property necessary to prevent a deficiency disease is usually less than the quantity necessary for the effective treatment of that disease. (R. pp. 419, 1136, 1887)

7. The quantity and the duration of administration of such a property for the correction of such disease may differ

under different conditions. (R. pp. 61, 81-3, 425-6, 500-4, 511-6)

8. Purchasers in general are unaware of the quantities of dietary constituents or the duration of their consumption necessary for the effective treatment of deficiency diseases. (R. pp. 38, 40, 420-4, 616-7, 776, 826-9)

9. Information required by the purchaser to evaluate a food for the correction of deficiency diseases includes adequate directions for use. (R. pp. 37-8, 422-3, 616-7, 776, 826-9)

10. The value of a food for special dietary use may depend on its content of one or more of the vitamins A (or precursors thereof), B₁, C, D, riboflavin, nicotinic acid, and possibly other vitamins. (R. pp. 70, 348, 354, 519-20, 1876-80)

11. The terms "vitamin B₁" and "thiamine", the terms "vitamin C" and "ascorbic acid", and the terms "riboflavin", "vitamin B₂" and "vitamin G", are synonymous. (R. pp. 52-4, 348, 769, 781)

12. Deficiency in the intake of vitamin A produces the pathological conditions known as nutritional night blindness and as xerophthalmia. (R. pp. 70-1, 285-6, 296, 304-5, 307)

13. Vitamin A exists as such in certain animal tissues and is produced by the animal organism from precursors of vitamin A, which include the vegetable pigments alpha carotene, beta carotene, gamma carotene, and cryptoxanthin. (R. pp. 49-50, 309)

14. The vitamin A activity of food is determined by biological assay; an equal weight of vitamin A and of each of its known precursors, when reacted upon by the animal organism, do not all have the same degree of activity; none of such precursors has as high a degree of activity as vitamin A. (R. pp. 49, 55-9, 311-2)

15. It is necessary, in order fully to inform the purchaser of the value of the precursors of vitamin A for special dietary use, that their activity be measured and stated as vitamin A, but that any such precursor sold as such be designated by its common or usual name and not as vitamin A. (R. pp. 54-9, 311-2)

16. Deficiency in the intake of vitamin B₁ produces the pathological condition known as beriberi. (R. pp. 72-3, 1124-5, 1132, 1141, 1373)

17. Deficiency in the intake of vitamin C produces the pathological condition known as scurvy. (R. pp. 47, 73-4, 1876-80)

18. Deficiency in the intake of vitamin D produces the pathological conditions known as rickets and osteoporosis. (R. pp. 47, 74-5, 520, 522, 1733, 1740-1, 1745, 1751)

19. Deficiency in the intake of riboflavin produces the pathological condition as ariboflavinosis. (R. pp. 76, 346-8)

20. The value of a food for special dietary use may depend on its content of one or more of the mineral elements

calcium, phosphorus, iron, iodine, and possibly other mineral elements. (R. pp. 122, 126, 409, 419, 449, 518-9)

21. Deficiency in the intake of calcium or phosphorus produces the pathological conditions known as rickets and osteoporosis. (R. pp. 122, 124, 498-504, 1025-6, 1679-80, 1789-90)

22. Deficiency in the intake of iron results in the pathological condition known as nutritional anemia. (R. pp. 123, 419-20, 462, 602, 622)

23. Deficiency in the intake of iodine results in the pathological condition known as simple goiter. (R. pp. 124, 409, 1396)

24. The minimum daily requirements for such vitamins and minerals in the human diet are the quantities necessary for the prevention of such deficiency diseases. (R. pp. 106, 285-6, 453, 546, 564, 776, 1136)

25. The requirements of different persons for most of the essential vitamins bear a relationship to body weight which in turn bears a relationship to age groups. Thus, for nutritional purposes, with respect to these and many other dietary factors, persons are commonly classed as infants (persons under one year of age), children (persons one or more but less than 12 years of age), and adults (persons 12 or more years of age); children may be further classified as the groups less than six, and six or more years of age, when nutritional requirements bear an unusually close relationship to body weight. (R. pp. 82, 86)

26. The nutritional requirements for vitamins, A, B₁, C, and riboflavin are so correlated with age, but the requirements for vitamin D and minerals are not. (R. pp. 82-100, 498-503, 1134)

27. Purchasers generally do not know the quantity of vitamins and minerals needed to supply their minimum daily requirements. (R. pp. 77-8, 285, 354, 418-9, 452-4, 484-5, 775-7, 1893)

28. Information necessary for the purchaser to evaluate a food for special dietary use based on its vitamin or mineral property is a statement of the proportion of the minimum daily requirement for such vitamin or mineral supplied by a specified quantity of such food. (R. pp. 77-8, 285, 354, 418, 453, 490, 775-7, 1893)

29. To be reasonably useful to the purchaser, the quantity so specified must be the quantity of the food customarily or usually consumed during a period of one day, or a quantity reasonably suitable for or practicable of consumption during a period of one day. (R. pp. 77-81, 1737-9)

30. The quantity of vitamin A in a food is expressed as the biologically measured activity of vitamin A and its precursors in terms of United States Pharmacopoeia units (commonly referred to as U. S. P. units). (R. pp. 63-7)

31. The quantity of vitamin B₁ in a food is expressed by weight in terms of the metric system or by United States

Pharmacopoeia units (commonly referred to as U. S. P. units). (R. pp. 66-8)

32. The quantity of vitamin C in a food is expressed by weight in terms of the metric system or by United States Pharmacopoeia units (commonly referred to as U. S. P. units). (R. pp. 66-8)

33. The quantity of vitamin D in a food is expressed in terms of United States Pharmacopoeia units (commonly referred to as U. S. P. units). (R. pp. 66-8)

34. The quantity of riboflavin in a food is expressed by weight in terms of the metric system. (R. pp. 101-2, 351-2)

35. The quantities of calcium, phosphorus, iron, and iodine in foods are commonly expressed by weight in terms of the metric system. (R. pp. 129-30)

36. Because of variations in body weight and other factors, the minimum daily requirements of individuals for vitamins vary, even among persons in the same age groups; but in the cases of vitamins A, B₁, C, D, and riboflavin the variation within any age group is of such narrow range that a minimum daily requirement for any such vitamin can be prescribed for different age groups, and the ingestion of the quantity so prescribed will prevent any clinically significant manifestation of the deficiency disease characteristic of deficiency of such vitamin. (R. pp. 82, 295-6, 1140-1)

37. The minimum daily requirement for vitamin A is as follows:

For infants, 1500 U. S. P. units.

For children more than 1 but less than 12 years of age, 3000 U. S. P. units.

For any person 12 or more years of age, 4000 U. S. P. units.

(R. pp. 83-6, 315-7)

38. The minimum daily requirement for vitamin B₁ is as follows:

For infants, 0.25 mg. (83 U. S. P. units).

For children more than 1 but less than 6 years, 0.5 mg. (167 U. S. P. units).

For children 6 or more but less than 12 years old, 0.75 mg. (250 U. S. P. units).

For a person 12 or more years old, 1 mg. (333 U. S. P. units).

(R. pp. 86, 88-90, 94, 1133-9, 1379)

39. The minimum daily requirement for vitamin C is as follows:

For infants, 10 mg. (200 U. S. P. units).

For children more than 1 but less than 12 years old, 20 mg. (400 U. S. P. units).

For a person 12 or more years old, 30 mg. (600 U. S. P. units).

(R. pp. 95-8, 102, 1875-8)

40. The minimum daily requirement for vitamin D is 400 units for any person, irrespective of age, except as hereinafter noted in respect of vitamin D contained in cows' milk and evaporated milk. (R. pp. 98-104, 498-507, 1381)

41. The minimum daily requirement for riboflavin is as follows:

For an infant, 0.5 mg.

For a person 12 or more years old, 2.0 mg.

(R. pp. 101, 350-2, 1381)

42. The minimum daily requirement for riboflavin for children one year or more but less than 12 years of age has not been established. (R. pp. 350-1)

43. A given quantity of vitamin D consumed in cows' milk or evaporated milk is more efficacious in the prevention of rickets than the same quantity of vitamin D consumed in other carriers, but the minimum daily requirement of vitamin D when consumed in cows' milk or evaporated milk has not been established. (R. pp. 190, 1755, 1757, 1766, 1775)

44. Cows' milk containing 135 units of vitamin D per quart, and evaporated milk containing 7.5 U. S. P. units of vitamin D per avoirdupois ounce, usually will prevent clinical rickets when fed to normal infants in customary quantities. (R. pp. 108-9, 182, 1741, 1745, 1767-8, 1778)

45. Cows' milk and evaporated milk with increased vitamin D content are customarily marketed at two levels of vitamin D content, 400 U. S. P. units and 135 U. S. P. units per quart in the case of milk, and 22.2 U. S. P. units and 7.5 U. S. P. units per avoirdupois ounce in the case of evaporated milk. (R. pp. 108-10, 499-501, 1726-8, 1741)

46. In the absence of established fact as to the minimum daily requirement for vitamin D carried in cows' milk and evaporated milk, information essential to the purchaser concerning the value of such milk and evaporated milk for special dietary use based on its vitamin D content includes at least a statement of the number of U. S. P. units of vitamin D in a specified quantity of such milk or evaporated milk. (R. pp. 108-10, 499-501, 1726-8, 1741)

47. The prevalence of rickets among infants and children is such that information essential to purchasers concerning the value of cows' milk for special dietary use based on a vitamin D content increased to less than 135 U. S. P. units per quart, includes at least the statement that additional vitamin D should be supplied from other sources. (R. pp. 108-10, 567)

48. Because of variations in body weight, in the quantity of food ingested, and in other factors, it is impracticable to establish minimum daily requirements applicable to the needs of infants generally for calcium, phosphorus, iron, and iodine. (R. pp. 140, 142, 144, 452-3, 515)

49. Because of variations in the body weight and other factors, individuals other than infants have varying minimum daily requirements for minerals. In the cases of calcium, phosphorus, iron, and iodine, the variation is of such narrow range that a minimum daily requirement for any such mineral can be prescribed, and the ingestion of the quantity so prescribed will prevent any clinically significant manifestation of the deficiency disease characteristic of a deficiency of such mineral, except as specified in Finding 50 with respect to pregnant

and lactating women. (R. pp. 39, 125, 131-2, 138-43, 145, 412-4, 418-9, 454, 511-3)

50. During pregnancy and lactation the requirements of women for calcium, phosphorus, and iron are increased. (R. pp. 455, 502, 510-1)

51. The minimum daily requirement for calcium and for phosphorus is 750 milligrams for any person more than one year of age, except any pregnant or lactating woman for whom 1.5 grams is the minimum daily requirement. (R. pp. 131-9, 455-6, 508-13)

52. The minimum daily requirement for iron is 7.5 milligrams for a child more than one but less than six years of age, 10 milligrams for a person six or more years of age, except any pregnant or lactating woman for whom 15 milligrams is the minimum daily requirement. (R. pp. 139-40, 456-7, 513-4)

53. The minimum daily requirement for iodine is 0.1 milligram for any person more than one year of age. (R. pp. 141-2, 412-4)

54. In order fully to inform purchasers of the value of a food for special dietary use by pregnant or lactating women based in whole or in part on its mineral property in respect of calcium, phosphorus, or iron, a statement of the proportion of the minimum daily requirement furnished thereby must include the proportion for such women, or a statement that the proportion stated is not applicable to their requirements. (R. pp. 138-9, 143, 455-6, 510-1)

55. Simple goiter is endemic to certain geographical areas in the United States, because of the inadequacy of the iodine content of the water and other foods in those areas. (R. pp. 124, 141, 409, 1396-7, 1411)

56. Federal and state public health authorities seek to encourage and increase the consumption of iodine in those areas. (R. pp. 141, 1398, 1411-2)

57. As a means of supplying adequate quantities of iodine to the diet in those areas, such authorities have induced the manufacturers of salt, inasmuch as salt is common to all adequate diets, to produce iodized salt by the addition to salt of 0.023 percent by weight of potassium iodide, equivalent to 0.0176 percent iodine. (R. pp. 141, 1396, 1412)

58. The distribution of iodized salt has resulted in a great decrease in the incidence of simple goiter in those areas. (R. pp. 1401-2, 1411)

59. Under the program so agreed upon between health authorities and salt manufacturers, the quantity of iodine in the usual daily intake of iodized salt is approximately 10 times the minimum daily requirement for iodine of persons other than infants. (R. pp. 412-4, 1406)

60. The statement on the label of iodized salt that the usual daily intake thereof contains 10 times the minimum daily requirement for iodine would be reasonably calculated to result in a decrease in the consumption of iodized salt, even in those areas where goiter is endemic, and thus cause an increase in

the incidence of simple goiter. (R. pp. 1406, 1411, 1414)

61. It is the established practice of manufacturers of iodized salt to declare on the label the percent by weight of potassium iodide in the iodized salt. (R. pp. 1404, 1409, 1411)

62. Purchasers of iodized salt are adequately informed of its value in the prevention of simple goiter by the declaration on the label of the percent by weight of potassium iodide present therein. (R. pp. 1404, 1411)

63. In the consumption of vitamins and minerals it is desirable to have a safety factor above the minimum daily requirements, and fractional proportions of requirements above the minimum daily requirements for vitamins and minerals may be regarded as such a safety factor. (R. pp. 348, 454-5)

64. Such fractions may be disregarded in label statements without depriving the purchaser of essential information. (R. pp. 447, 454-5, 548)

65. The dietary requirements of age groups other than adults are usually estimated by reference to adult intakes as a standard. (R. pp. 97, 215)

66. A statement of the proportion of the minimum daily requirements of adults for vitamins and minerals suffices to furnish full information as to such requirements for persons generally; but, where the food is for the use of a specific age group or groups, full information as to its value for such use includes a statement of the proportion of the minimum daily requirement for such vitamin or mineral for such age group or groups. (R. pp. 77, 86, 107, 142-3, 215, 453)

67. New vitamins essential in human nutrition are frequently discovered and some vitamin and mineral substances at first thought by some investigators to be essential are subsequently determined not to be by experts qualified by scientific training and experience to determine vitamin or mineral needs. (R. pp. 79, 119-20, 126-7)

68. When the need for such a substance has not been so established it is necessary that the purchaser determine its effects by empirical test. (R. p. 128)

69. A food may have special dietary use by reason of its content of a vitamin other than A, B₁, C, D, or riboflavin, or a mineral other than calcium, phosphorus, iron, or iodine. Either the need or the minimum daily requirement for such other substance has not been established by the opinion of experts qualified by scientific training and experience to determine such facts; but in the cases of some such other substance there is substantial, though inconclusive, support in the opinions of such experts that one or both of such facts has been established. (R. pp. 128, 153-4)

70. When the need for such a substance has been established, or is substantially supported, by the opinions of such experts, information necessary to inform the purchaser of the value for special

dietary use of a food containing it includes a statement of the amount of the substance in a quantity of the food practicable of daily consumption. (R. pp. 129, 137-40, 153, 215, 422)

71. When the need for such a substance has not been established, but is substantially supported, by the opinions of such experts, information necessary to fully inform the purchaser of the value for special dietary use of a food containing it includes a statement that the need for such substance has not been established. (R. pp. 79, 119-20, 126-8)

72. When the need for a vitamin or mineral has been so established, or is so supported, it is frequently still unknown what is the minimum daily requirement therefor. (R. pp. 119-20, 127, 142, 144)

73. In such case purchasers must rely on the best available scientific information; and the quantity necessary to accomplish the desired effect in the individual must be determined by empirical test. (R. p. 127)

74. In order to apply such empirical test, it is necessary that the purchaser be informed of the quantity of the vitamin or mineral present in a specified quantity of the food suitable for daily consumption. (R. pp. 128, 192, 205)

75. When such a vitamin or mineral purports to be or is represented solely for use in treating a disease resulting from a dietary deficiency of such substance, the proportion of the quantity of the substances necessary to prevent the disease is usually unrelated to the quantity necessary for such treatment; but, in addition to adequate directions for use, a statement of the quantity of the substance present in a specified quantity of the food is information essential for the purchaser to determine by empirical test its value for such use. (R. pp. 106-7, 419-20)

76. The value of a food for special dietary use may depend on its suitability as a food for infants. (R. pp. 424, 426, 449)

77. The diet of infants is more restricted than that of normal persons of other age groups and the suitability of a food for infant use depends on its ingredients or character. (R. pp. 427, 428-a, 452, 520-1)

78. Information necessary fully to inform the purchaser of the value of a food for such use includes the common or usual name of each ingredient thereof. (R. pp. 426-7, 451)

79. Infants are more susceptible to allergies resulting from plant or animal substances than persons of other age groups. (R. pp. 425-8)

80. Information concerning the source of a food of plant or animal origin for use by infants is necessary properly to evaluate its suitability for use by particular infants. (R. pp. 426-8)

81. The value of an infant food may depend upon its simulation of, or suitability as a complete or partial substitute for, human milk. (R. pp. 450, 517-8)

82. Normal human milk contains adequate quantities of all the factors essential to infant nutrition, except that its content of vitamin C, vitamin D, and iron is insufficient in many cases to prevent scurvy, rickets, and nutritional anemia, respectively. (R. pp. 105, 517-20, 1026)

83. The value of a food as a complete or partial substitute for human milk in infant feeding depends on its content of such factors as moisture, protein, fat, carbohydrates, crude fiber, calcium, phosphorous, iron, and vitamins A, B₁, C, and D, and the calories supplied by such food. (R. pp. 105, 450, 518-9)

84. Information necessary to evaluate a food as a complete or partial substitute for human milk in infant feeding includes a statement of the percent by weight of moisture, protein, fat, available carbohydrates, crude fiber, calcium, phosphorous, and iron, a statement of the number of available calories, and a statement of the number of units of vitamin A, vitamin B₁, vitamin C, and vitamin D supplied by the food. (R. pp. 421, 455, 518-9, 523-4)

85. The most common dietary deficiency diseases in infants are scurvy, rickets, and nutritional anemia, caused respectively by deficiencies of vitamin C, vitamin D, and iron in human milk or in preparations used as substitutes for human milk, including, among others, cows' milk and evaporated milk in which the quantities of such substances have not been increased. (R. pp. 428-a, 428-e, 517-8)

86. Many purchasers are unaware of the deficiencies in these respects of such substitutes. (R. pp. 428-9, 518-9)

87. Such substitutes are customarily diluted and mixed with a soluble carbohydrate for infant feeding. In the proportions usually recommended by pediatricians each 100 calories of the mixed substitute must contain 30 U. S. P. units of vitamin C, 50 U. S. P. units of vitamin D, and 0.75 milligram of iron to supply the minimum daily requirements of infants for such substances. (R. pp. 521-3)

88. Where a food for use as a complete or partial substitute for human milk in infant feeding contains less than such quantities of vitamin C, vitamin D, or iron, information necessary for the purchaser to determine the value of the food includes a statement that such factors must be supplemented from other sources. (R. pp. 421, 429-30, 450, 457, 519-20)

89. The value of cows' milk and evaporated milk used as a complete or partial substitute for human milk in infant feeding is sufficiently well known that, aside from their deficiency in vitamin C, iron, and vitamin D when the quantity of vitamin D has not been adequately increased, a statement relative to their constituents is not necessary to inform the purchaser of their value for such use. (R. pp. 107-10, 112, 779-80, 1890, 1898)

90. 135 U. S. P. units of vitamin D per quart of cows' milk and 7.5 U. S. P. units per avoirdupois ounce of evaporated milk, the equivalent of 135 units per quart of milk when the evaporated milk is reconstituted by the addition of water, being usually sufficient, when fed in customary quantities, for the prevention of clinical rickets in normal infants due to its greater efficacy in milk, a statement that vitamin D must be supplied from other sources is not necessary when the milk or evaporated milk contains such quantities of vitamin D. (R. pp. 108-9, 182, 499, 504)

91. The value of a food for special dietary use may depend on its suitability for use in the control of body weight through regulating the intake of protein, fat, carbohydrates, or calories. (R. pp. 644-9, 701-2, 846, 846-B, 1741-5, 1767-78)

92. The quantity and relative proportions of protein, fat, and carbohydrates, and the number of calories consumed, are important factors in the regulation of body weight. (R. pp. 648-9, 701-2)

93. The value of a food for special dietary use may depend on its suitability for use in dietary management with respect to disease through regulating the intake of protein, fat, carbohydrates, or calories; such management is an important factor in the treatment of many diseases. (R. pp. 644-9, 701-3, 706-9, 846)

94. Some carbohydrate substances are not digested or assimilated by the human organism and supply no food energy. Only the carbohydrates which may be digested and assimilated are available to the metabolic processes of the organism. (R. pp. 644-6, 651, 656, 712-3)

95. Carbohydrates which are non-available to the metabolic processes have a theoretical caloric value but supply no calories to the human organism. (R. pp. 650-2)

96. Information necessary for the purchaser to evaluate a food for use in the control of body weight, or in dietary management with respect to disease, includes a statement on the label of the percent by weight of protein, fat, and available carbohydrates in such food and a statement on the label of the number of available calories supplied by a specified quantity of the food. (R. pp. 653-4, 702-4, 712)

97. The value of a food for special dietary use may depend on the presence therein of a constituent which is not utilized in normal metabolism and which consequently has no nutritive value. (R. pp. 650-2, 655)

98. Its use may be for the reduction of caloric intake, as in the case of mineral oil; for the promotion of laxation, as in the case of fibrous plant matter; or for the satisfaction of taste desires without increasing food value, as in the case of saccharin. (R. pp. 651-2)

99. Information necessary to inform the purchaser of the value of a food for special dietary use by reason of its content of such a constituent includes a statement of the percent by weight of

the constituent in the food, preceded or followed by the word "nonnutritive", except as hereinafter noted in Finding 102 with respect to saccharin. (R. pp. 654-5)

100. If such constituent is fibrous plant matter it is commonly determined as and expressed as crude fiber. (R. pp. 523-4, 649, 653, 848)

101. Saccharin, alone or in combination in a saccharin salt, is a nonnutritive, synthetic sweetening substance sometimes used to satisfy the psychological desire for sweets in the diets of persons who must restrict their intake of carbohydrates. It has no other use as a food and is not utilized in normal metabolism. (R. pp. 652-5)

102. Information necessary to inform the purchaser of the value of a food for special dietary use by reason of its saccharin content is a statement that it contains a specified percent by weight of saccharin, a nonnutritive, artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets. (R. pp. 653-5)

103. The value of a food for special dietary use may depend on its hypoallergenic property; that is, the absence of, or greatly reduced quantity of, a substance which causes allergic reaction. (R. pp. 632-3)

104. Allergic effects are abnormal, toxic tissue disturbances and may be produced by any food constituent. (R. p. 628)

105. Decrease of an allergenic constituent may be accomplished by treatment or processing of the constituent. (R. pp. 422, 633)

106. When a food or ingredient is a plant or animal substance the allergenic property thereof is usually based on a specific factor, most frequently a protein, derivable only from the plant or animal which is its source. (R. pp. 427-8, 631)

107. Persons subject to gastrointestinal allergic effects can avoid them only by elimination of the allergenic substances from their diets or by such a reduction thereof that the quantity is insufficient to produce the toxic disturbances, and in some cases by hyposensitization measures. (R. pp. 629-30, 632, 635)

108. Information necessary to inform the purchaser of the value of a food for hypoallergenic use includes the following: The common or usual name and the quantity or proportion of each ingredient, in case it is fabricated from two or more ingredients; a qualification of the name of the food, in case it consists of a single ingredient, or of the name of each ingredient, in case it is fabricated from two or more ingredients, to reveal the specific plant or animal which is the source of such food or such ingredient, if such food or such ingredient consists in whole or in part of plant or animal matter and such name does not clearly reveal the specific plant or animal which is such source; a statement indicating the nature and effect of any treatment or processing, if the changed allergenic property results from such treatment or

processing. (R. pp. 35-6, 422, 426-8, 631-3, 635)

On the basis of the foregoing findings of facts it is concluded and determined that the label of a food which purports to be or is represented for special dietary uses by man should bear the information concerning the vitamin, mineral, and other dietary properties of such food prescribed in the regulations hereinafter set forth, and that such information concerning such properties of such food is necessary in order fully to inform purchasers as to its value for such uses.

Proposed Regulations

§ 125.01 *Definitions and interpretations of terms.* (a) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable also to such terms when used in these regulations.

(b) Any requirement of the regulations in this part with respect to the quantity of vitamin A means the biologically measured activity of vitamin A and its precursors; but if any such precursor is sold as such or is added to a food the label shall designate such precursor by its common or usual name and not as vitamin A.

(c) Specification in the regulations in this part of a quantity of any vitamin, mineral, or other dietary property as a minimum daily requirement shall not be construed as a determination that such quantity is sufficient for the treatment of any disease resulting from a deficiency in such vitamin, mineral, or other property.

(d) For the purposes of the regulations in this part, the terms "infant", "child", and "adult" mean persons not more than 12 months old, more than 12 months but less than 12 years old, and 12 years or more old, respectively.

§ 125.02 *General label statements.* (a) If a food (including food to which any one or more of §§ 125.03 to 125.08, inclusive, of the regulations in this part is applicable) purports to be or is represented for any special dietary use by man, its label shall bear a statement of the dietary properties upon which such use is based in whole or in part. Such statement shall show the presence or absence of any substance, any alteration of the quantity or character of any constituent, and any other dietary property of such food upon which such use is so based.

(b) If a food (including food to which any one or more of §§ 125.03 to 125.08, inclusive, of the regulations in this part is applicable) purports to be or is represented for special dietary use by reason of its use for treating any disease resulting from a dietary deficiency in man, its label shall bear, in addition to the information required under paragraph (a) hereof, adequate directions for such use.

§ 125.03 *Label statements relating to vitamins.* (a) (1) If a food purports to be or is represented for special dietary

use by man by reason of its vitamin property in respect of—

Vitamin A or its precursors,
Vitamin B₁ (thiamine),
Vitamin C (ascorbic acid),
Vitamin D, or
Riboflavin (vitamin B₂, vitamin G),

the label (except as hereinafter provided with respect to cows' milk and evaporated milk, and unless the exemption under subparagraph (3) of this paragraph applies) shall bear a statement of the proportion of the minimum daily requirement for such vitamin supplied by such food when consumed in a specified quantity during a period of one day. If such special dietary use is for persons within two or more age groups for which minimum daily requirements are set forth in paragraph (b), such statement shall include such proportion for each such group; but if such use is for persons irrespective of age groups, such statement may be limited to the proportion of the minimum daily requirement set forth in paragraph (b) for an adult. The quantity specified as above required shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. When such proportion is a whole number and a fraction it may be expressed as the whole number and the fraction may be disregarded. The foregoing requirements of this paragraph shall not apply to cows' milk and evaporated milk which purport to be or are represented for special dietary use by reason of their content of vitamin D; but in the case of cows' milk in which the vitamin D content has been increased by any means, and in the case of evaporated milk with increased vitamin D content as prescribed in the definition and standard of identity for evaporated milk (§ 18.525), the label shall bear a statement of the number of U. S. P. units in a specified quantity of such milk or evaporated milk. In the case of cows' milk in which the vitamin D content is increased to less than 135 U. S. P. units to each quart, the label shall also bear a statement that additional vitamin D should be supplied from other sources.

(2) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property in respect of any vitamin not listed in subparagraph (1) of this paragraph, and the need in human nutrition for such vitamin is established by the opinion of experts qualified by scientific training and experience to determine such need, the label (unless the exemption under subparagraph (3) of this paragraph applies) shall bear a statement of the quantity of such vitamin in a specified quantity of such food. If the need in human nutrition for such vitamin is not established, but is substantially supported, by the opinion of such experts the label (unless the exemption under subparagraph (3) of this paragraph applies) shall bear

a statement of the quantity of such vitamin in a specified quantity of such food, and shall also bear the statement "The need for ----- in human nutrition has not been established", the blank to be filled in with the name of such vitamin. The quantity of food specified as required herein shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period.

(3) If a food purports to be or is represented for special dietary use by man by reason of its vitamin property, and any such use is for treating any disease resulting from a dietary deficiency of any vitamin the need for which in human nutrition is established by the opinion of such experts, the label shall bear a statement of the quantity of such vitamin in a specified quantity of such food. If the represented special dietary use of such food is solely for treating any such disease, such food shall be exempt from the labeling requirements of subparagraphs (1) and (2) of this paragraph.

(b) For the purposes of the regulations in this section the following are minimum daily requirements:

(1) For vitamin A, 1,500 U. S. P. units for an infant, 3,000 U. S. P. units for a child, 4,000 U. S. P. units for an adult.

(2) For vitamin B₁ (thiamine), 0.25 milligram (83 U. S. P. units) for an infant, 0.5 milligram (167 U. S. P. units) for a child less than six years old, 0.75 milligram (250 U. S. P. units) for a child six or more years old, 1 milligram (333 U. S. P. units) for an adult.

(3) For vitamin C (ascorbic acid), 10 milligrams (200 U. S. P. units) for an infant, 20 milligrams (400 U. S. P. units) for a child, 30 milligrams (600 U. S. P. units) for an adult.

(4) For vitamin D, 400 U. S. P. units for an infant, child, or adult.

(5) For riboflavin (vitamin B₂, vitamin G), 0.5 milligram for an infant, 2.0 milligrams for an adult.

§ 125.04 *Label statements relating to minerals.* (a) (1) If a food purports to be or is represented for special dietary use by man by reason of its mineral property in respect of—

Calcium,
Phosphorus,
Iron, or
Iodine,

the label (except as hereinafter provided with respect to iodized salt, and unless the exemption under subparagraph (3) of this paragraph applies) shall bear a statement of the proportion of the minimum daily requirement for such element supplied by such food when consumed in a specified quantity during a period of one day. If such special dietary use is for persons within two or more age groups or other groups having special dietary requirements, for which minimum daily requirements are set forth in paragraph (b), such statement shall in-

clude such proportion for each such group; but if such use is for persons irrespective of age groups, such statement may be limited to the proportion of the minimum daily requirement set forth in paragraph (b) for an adult. The quantity specified as above required shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period. When such proportion is a whole number and a fraction it may be expressed as the whole number and the fraction may be disregarded. Any statement of the proportion of the minimum daily requirement for calcium, phosphorus, or iron for an adult shall also show such proportion for pregnant or lactating women, or that the proportion stated is not applicable to the requirements of such prospective or nursing mothers. The foregoing requirements of this paragraph shall not apply to iodized salt which purports to be or is represented for special dietary use by reason of its iodine content, if the label bears a statement of the quantity or proportion of iodine, or salt thereof, in the iodized salt and the quantity of iodine present therein is not more than 0.02 percent by weight.

(2) If a food purports to be or is represented for special dietary use by man by reason of its mineral property in respect of any element not listed in subparagraph (1) of this paragraph, and the need in human nutrition for such element is established by the opinion of experts qualified by scientific training and experience to determine such need, the label (unless the exemption under subparagraph (3) of this paragraph applies) shall bear a statement of the quantity of such element in a specified quantity of such food. If the need in human nutrition for such element is not established, but is substantially supported, by the opinion of such experts the label (unless the exemption under subparagraph (3) of this paragraph applies) shall bear a statement of the quantity of such element in a specified quantity of such food, and shall also bear the statement "The need for ----- in human nutrition has not been established" the blank to be filled in with the name of such element. The quantity of food specified as required herein shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period.

(3) If a food purports to be or is represented for special dietary use by man by reason of its mineral property, and any such use is for treating any disease resulting from a dietary deficiency of any element the need for which in human nutrition is established by the opinion of such experts, the label shall bear a statement of the quantity of such element in a specified quantity of such food. If the represented special dietary use of such food is solely for treating any such dis-

ease, such food shall be exempt from the labeling requirements of subparagraphs (1) and (2) of this paragraph.

(b) For the purposes of the regulations in this section, the following are minimum daily requirements:

(1) For calcium (Ca), 750 milligrams for a child or an adult, except a pregnant or lactating woman in which case the minimum daily requirements is 1.5 grams.

(2) For phosphorus (P), 750 milligrams for a child or an adult, except a pregnant or lactating woman in which case the minimum daily requirement is 1.5 grams.

(3) For iron (Fe), 7.5 milligrams for a child less than six years old, 10 milligrams for a child six or more years old or for an adult, except a pregnant or lactating woman in which case the minimum daily requirement is 15 milligrams.

(4) For iodine (I), 0.1 milligram for a child or an adult.

§ 125.05 *Label statements relating to infant food.* If a food which purports to be or is represented for special dietary use is a food for infants, the label shall bear, in case such food is fabricated from two or more ingredients, the common or usual name of each such ingredient including spice, flavoring, and coloring; if such food, or any ingredient thereof in case it is fabricated from two or more ingredients, consists in whole or in part of plant or animal matter and the name of such food or ingredient does not clearly reveal the specific plant or animal which is its source, such name shall be so qualified as to reveal clearly the specific plant or animal which is such source. If such use of the food is by reason of its simulation of human milk or its suitability as a complete or partial substitute for human milk, the label shall also bear

(a) a statement of the percent by weight of moisture, protein, fat, available carbohydrate, crude fiber, calcium (Ca), phosphorus (P), and iron (Fe) contained in such food;

(b) a statement of the number of available calories and of U. S. P. units of vitamin A, vitamin B₁ (thiamine), vitamin C (ascorbic acid), and vitamin D supplied by a specified quantity of such food; and

(c) if less than 30 U. S. P. units of vitamin C (ascorbic acid), less than 50 U. S. P. units of vitamin D, or less than 0.75 milligram of iron (Fe), is supplied by the quantity of such food which, as customarily or usually prepared for consumption, supplies 100 available calories, a statement that additional quantities of such vitamin or iron, as the case may be, should be supplied from other sources.

The provisions of paragraphs (a) and (b) of this section shall not apply to cows' milk and evaporated milk. The provisions of paragraph (c) of this section with respect to vitamin D shall not apply to cows' milk or evaporated milk in which the vitamin D is increased by any

means to not less than 135 U. S. P. units to each quart in the case of cows' milk and not less than 7.5 U. S. P. units to each avoirdupois ounce in the case of evaporated milk.

§ 125.06 *Label statements relating to certain food used in control of body weight or in dietary management with respect to disease.* If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, or calories, for the purpose of controlling body weight, or for the purpose of dietary management with respect to disease, the label shall bear a statement of

(a) the percent by weight of protein; fat, and available carbohydrates in such food; and

(b) the number of available calories supplied by a specified quantity of such food.

§ 125.07 *Label statements relating to nonnutritive constituents.* If a food purports to be or is represented for special dietary use by man by reason of the presence of any constituent which is not utilized in normal metabolism, the label shall bear a statement of the percent by weight of such constituent and, in juxtaposition with the name of such constituent, the word "nonnutritive". If such constituent is fibrous plant matter, it shall be considered to be crude fiber and its percent expressed as such. But if such constituent is saccharin or a saccharin salt, the label shall bear, in lieu of such statement and word, the statement "Contains ---- saccharin (or saccharin salt, as the case may be), a nonnutritive, artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets", the blank to be filled in with the percent by weight of saccharin or saccharin salt in such food. The provisions of this section shall not be construed as authorizing the use of saccharin or its salts in any food other than one for use by persons who must restrict their intake of carbohydrates, or as relieving any food from compliance with any requirement of sections 402 (b) or (d), 403 (g), or other provisions of the Act.

§ 125.08 *Label statements relating to hypoallergenic food.* If a food purports to be or is represented for special dietary use by man by reason of the decrease or absence of any allergenic property, the label shall bear

(a) the common or usual name and the quantity or proportion of each ingredient including spices, flavoring, and coloring, in case the food is fabricated from two or more ingredients;

(b) a qualification of the name of the food, or of the name of each ingredient thereof in case the food is fabricated from two or more ingredients, to reveal clearly the specific plant or animal which is the source of such food or of such ingredient, if such food or such ingredient consists in whole or in part of plant or animal matter and such name does not

clearly reveal the specific plant or animal which is such source; and

(c) a statement indicating the nature and effect of any treatment or processing of the food or any ingredient thereof, if the changed allergenic property results from such treatment or processing.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

Proposed General Regulation

It is also proposed, by virtue of the provisions of subsection (a) of section 701 of said Act (21 U.S.C. 371 (a)), and upon consideration of the oral and written statements submitted at the hearing duly held pursuant to notice thereof issued by the Federal Security Administrator on September 5, 1940 (5 F.R. 3566), that the following general regulation under section 403 (j) of said Act be promulgated:

§ 2.10a *General.* (a) The term "special dietary uses", as applied to food for man, means particular (as distinguished from general) uses of food, as follows:

(1) Uses for supplying particular dietary needs which exist by reason of a physical, physiological, pathological or other condition, including but not limited to the conditions of disease, convalescence, pregnancy, lactation, allergic hypersensitivity to food, underweight, and overweight;

(2) Uses for supplying particular dietary needs which exist by reason of age, including but not limited to the ages of infancy and childhood;

(3) Uses for supplementing or fortifying the ordinary or usual diet with any vitamin, mineral, or other dietary property.

Any such particular use of a food is a special dietary use, regardless of whether such food also purports to be or is represented for general use.

(b) No provision of any regulation under section 403 (j) of the Act shall be construed as exempting any food from any other provision of the Act or regulations thereunder, including sections 403 (a) and (g) and, when applicable, the provisions of Chapter V.

Any interested person may, within 20 days from the date of publication of this proposed general regulation in the FEDERAL REGISTER, file with the Hearing Clerk

of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Such exceptions may be accompanied with a memorandum or brief in support thereof.

WATSON B. MILLER,
Asst. Administrator.

July 2, 1941.

[F. R. Doc. 41-4787; Filed, July 5, 1941; 10:41 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-342]

IN THE MATTER OF WISCONSIN ELECTRIC POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of July A. D. 1941.

An application or declaration (or both) pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on July 24, 1941, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted, as a party to such proceeding shall file a notice to that effect with the Commission on or before July 19, 1941.

The matter concerned herewith is in regard to (1) the proposal of Wisconsin Electric Power Company, a subsidiary of The North American Company, to acquire from The North American Company:

(a) all of the common stock of Wisconsin Gas & Electric Company consist-

ing of 300,000 shares of a par value of \$20 per share or an aggregate par value of \$6,000,000, and

(b) all of the common stock of Wisconsin Michigan Power Company consisting of 300,000 shares of a par value of \$20 per share or an aggregate par value of \$6,000,000, and

(2) the proposal of Wisconsin Electric Power Company to issue to The North American Company 1,265,000 shares of the common stock of Wisconsin Electric Power Company having a par value of \$10 per share or an aggregate par value of \$12,650,000 in payment for the above described securities to be acquired by it.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-4821; Filed, July 7, 1941;
11:34 a. m.]

[File No. 812-90]

IN THE MATTER OF COLLATERAL INVESTMENT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of July, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) for an exemption from the provisions of section 28 (b) of the Investment Company Act of 1940;

It is ordered, That a hearing on the aforesaid application be held on July 15, 1941 at 10:30 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1101 will advise interested parties where such hearing will be held;

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside on such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-4822; Filed, July 7, 1941;
11:34 a. m.]

No. 131—7

[File No. 70-163]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS COMPANY

SUPPLEMENTAL ORDER EXTENDING TIME FOR CONSUMMATION OF ACQUISITIONS ALREADY APPROVED

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of July, A. D. 1941.

An order having been entered by the Commission on January 30, 1941 approving an application filed by Michigan Consolidated Gas Company pursuant to section 10 of the Public Utility Holding Company Act of 1935, permitting the acquisition of certain real and personal property known as the Austin Natural Gas Field; and an order having previously been entered on March 27, 1941, extending the time for consummation of aforesaid acquisitions for a period of 90 days from March 31, 1941; and

A further request having been made by Michigan Consolidated Gas Company for an additional 90-day extension of time for the period in which to consummate the remaining transactions incidental to the acquisition, the representation being made that interests in certain parcels of the property, amounting to approximately 0.75% of the entire proposed acquisition, are still awaiting the consummation of negotiations and litigation pending concerning such parcels; and

The Commission deeming such extension of time for the purpose requested reasonable and necessary;

It is ordered, That the requested extension of time for consummation of the aforesaid transactions for a period of 90 days from June 29, 1941, be and is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41-4823; Filed, July 7, 1941; 11:34 a. m.]

UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS MONDAY, JUNE 30, 1941

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original

appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
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IN ARREARS

1. Virgin Islands.....	12	0
2. Puerto Rico.....	897	46
3. Hawaii.....	203	22
4. California.....	3,316	1,127
5. Alaska.....	35	12
6. Texas.....	3,144	1,477
7. Louisiana.....	1,135	549
8. Michigan.....	2,523	1,300
9. Arizona.....	240	134
10. South Carolina.....	912	541
11. Kentucky.....	1,366	853
12. Mississippi.....	1,048	672
13. Georgia.....	1,500	962
14. New Mexico.....	255	165
15. Alabama.....	1,360	891
16. North Carolina.....	1,715	1,168
17. Arkansas.....	936	652
18. Ohio.....	3,316	2,324
19. New Jersey.....	1,997	1,435
20. Nevada.....	53	40
21. Tennessee.....	1,400	1,120
22. Florida.....	911	744
23. Indiana.....	1,645	1,469
24. Illinois.....	3,791	3,425
25. Idaho.....	252	228
26. Oklahoma.....	1,122	1,045
27. Oregon.....	523	490
28. Wisconsin.....	1,506	1,441
29. Delaware.....	128	123
30. Washington.....	833	823
31. West Virginia.....	913	906

IN EXCESS

32. Connecticut.....	821	830
33. Vermont.....	173	175
34. Pennsylvania.....	4,752	4,894
35. Maine.....	407	417
36. New Hampshire.....	226	242
37. New York.....	6,470	6,703
38. Massachusetts.....	2,072	2,163
39. Missouri.....	1,817	1,896
40. Minnesota.....	1,340	1,409
41. Wyoming.....	120	120
42. Colorado.....	539	609
43. Iowa.....	1,218	1,358
44. Rhode Island.....	342	383
45. Utah.....	264	305
46. South Dakota.....	309	379
47. Montana.....	269	340
48. Kansas.....	865	1,193
49. North Dakota.....	308	437
50. Virginia.....	1,285	2,137
51. Nebraska.....	567	969
52. Maryland.....	874	2,294
53. District of Columbia.....	318	8,937

GAINS

By appointment.....	1,416
By transfer.....	16
By reinstatement.....	2
By correction.....	3

Total.....1,437

LOSSES

By separation.....	86
By transfer.....	105
By correction.....	2

Total.....193

Total appointments.....64,353

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 18,544.

By direction of the Commission:

[SEAL] L. A. MOYER,
Executive Director,
and Chief Examiner.

[F. R. Doc. 41-4775; Filed, July 5, 1941;
9:44 a. m.]

