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Washington, Tuesday, August 10, 1943

The President

EXECUTIVE ORDER 9367

PROHIBITING, WITH CERTAIN EXCEPTIONS, INSTRUCTION OF APPLICANTS FOR CIVIL SERVICE AND FOREIGN SERVICE EXAMINATIONS BY OFFICERS OR EMPLOYEES OF THE GOVERNMENT

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), and as President of the United States, it is hereby ordered as follows:

1. No officer or employee of the Government shall directly or indirectly instruct or be concerned in any manner in the instruction of any person or classes of persons with a view to their special preparation for the examinations of the United States Civil Service Commission or the examinations of the Boards of Examiners for the Foreign Service of the Department of State: *Provided,* That this order shall not be construed to prevent any agency of the Government from utilizing Government facilities and the services of Federal officers and employees whenever such facilities or services may be necessary or useful in carrying out the duties imposed upon such agency by law in the training and testing of disabled members or former members of the armed forces of the United States or in the conduct of educational or training programs which are open exclusively to members or former members of the armed forces: *Provided further,* That due credit in civil service examinations shall be given by the Civil Service Commission to any member or former member of the armed forces of the United States who has satisfactorily completed any such educational or training program conducted by a Government agency.

2. Violation of the provisions of this order by any officer or employee of the Government shall be considered sufficient cause for removal from the service.

3. This order supersedes Executive Orders No. 359 of October 13, 1905, No. 1277 of December 23, 1910, No. 3088 of May 17, 1919, and No. 3215 of January 13, 1920.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
August 4, 1943.

[F. R. Doc. 43-12808; Filed, August 6, 1943; 12:14 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency

[ACP-1943-15]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

FARM PRODUCTION ADJUSTMENT ALLOWANCE ON CORN, COTTON AND WHEAT

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334,, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.403 (a) (1), (2), and (5) is amended to read as follows:

§ 701.403 *Production adjustment allowance and deductions*—(a) *The farm production adjustment allowance.* * * *

(1) *Corn.* 3.0 cents per bushel of the normal yield of corn for the farm for each acre in the corn allotment.

(2) *Cotton.* 1.0 cents per pound of the normal yield of cotton for the farm for each acre in the cotton allotment.

* * * * *

(5) *Wheat.* 8.5 cents per bushel of the normal yield of wheat for the farm for each acre in the wheat allotment.

Done at Washington, D. C., this 7th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-12883; Filed August 9, 1943; 11:15 a. m.]

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THE PRESIDENT

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FEDERAL REGISTER

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Chapter XI—War Food Administration

[FDO 74–1]

PART 1405—FRUITS AND VEGETABLES

ELBERTA PEACHES GROWN IN OREGON OR WASHINGTON

Pursuant to the authority vested in me by Food Distribution Order No. 74, issued by the War Food Administrator on August 6, 1943, effective in accordance with the provisions of Executive Order No. 9280, dated December 5, 1942; Executive Order No. 9322, dated March 26, 1943; and Executive Order No. 9334, dated April 19, 1943, and in order to effectuate the purposes of the aforesaid orders, *It is hereby ordered*, as follows:

§ 1405.19 *Delegation of authority*—(a) *Definitions.* (1) When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof, the term "order" means Food Distribution Order No. 74, issued by the

War Food Administrator on August 6, 1943.

(2) Each term defined in Food Distribution Order No. 74–1 shall, when used herein, have the same meaning as set forth in said Food Distribution Order No. 74.

(b) *Authority delegated.* In accordance with the provisions of § 1405.18 (g) of the order, there is hereby delegated to Merritt A. Clevenger, as Order Administrator, and Donald R. Rush and Harold A. Brock, as Deputy Order Administrators, the following authority to administer, in the respects hereinafter stated, the aforesaid order:

(1) The aforesaid Order Administrator may, after having received in each instance prior approval by the Chief or Acting Chief of the Fruit and Vegetable Branch, Food Distribution Administration, War Food Administration, issue general authorizations in accordance with the provisions of § 1405.18 (b) (3) of the order, and may, after having received in each instance prior approval as aforesaid, prescribe, in accordance with the provisions of § 1405.18 (b) (4) of the order, the minimum grade of all peaches which may be shipped pursuant to such order.

(2) The aforesaid Order Administrator may exercise the authority conferred on the Director by the provisions of § 1405.18 (b) (5) and § 1405.18 (c) of the order.

(3) The aforesaid Order Administrator or any Deputy Order Administrator may exercise the authority conferred on the Director by the provisions of § 1405.18 (b) (2) of the order.

(c) *Effective date.* The provisions hereof shall become effective at 12:01 a. m., e. w. t., August 9, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 74, 8 F.R. 10969)

Issued this 7th day of August 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-12863; Filed, August 7, 1943, 3:24 p. m.]

[FDO 16, Amdt. 1]

PART 1407—DRIED FRUIT

RESTRICTIONS ON PURCHASE, ACCEPTANCE, AND DELIVERY OF DRIED FRUIT

Food Distribution Order No. 16 (8 F.R. 1705), issued by the Secretary of Agriculture on January 30, 1943, is hereby amended to read as follows:

§ 1407.1 *Restrictions on the purchase, delivery, and use of dried fruit*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "dried fruit" means the whole or fleshy portions of apples, apricots, peaches, pears, prunes, and the Thompson seedless, Muscat, Sultana, and Zante currant varieties of grapes preserved by the removal therefrom of part of the natural moisture and, unless otherwise indicated, shall include such fruit in its natural or processed condition.

(2) The term "packer" means any person engaged in the business of processing and packaging dried fruit or having dried fruit processed and packaged for his account.

(3) The term "producer" means any person engaged in the production of dried fruits; and such term includes, but is not limited to, any owner of fresh fruit at the time such fruit is dried.

(4) The term "processing" means grading, sizing, stemming, seeding, or treating dried fruit by the use of water, steam, chemicals, or compressed or hot air; or cutting fresh apples for the production of dried apples.

(5) The term "governmental agency" means (i) the Armed Services of the United States; (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing restricted fruit in accordance with said Food Distribution Regulation 2.

(6) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(8) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) *Restrictions on packers and producers.* (1) No producer may sell or deliver dried fruit except to (i) the Food Distribution Administration (including but not restricted to the Federal Surplus Commodities Corporation); (ii) any person or agency designated by the Director; or (iii) a packer.

(2) Each packer shall, without regard to existing contracts, set aside and hold for delivery to a governmental agency, all dried fruit, and all fresh fruit acquired for use in the production of dried fruit, which was in his possession, under his control, or under contract to him on August 10, 1942, or was acquired by such packer within a period of two calendar years thereafter. All fruit so set aside shall not be processed or packed without instructions furnished by the Director, or any governmental agency, if such fruit is to be purchased by a governmental agency. The Director or any governmental agency may issue specifications at any time as to the processing, packing, labeling, boxing, and strapping of the fruit to be acquired by each such governmental agency.

(3) Each packer shall mail to, or file with, the Director on the 15th and last days of each month reports on Form FDO series. (This reporting requirement has been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.)

(4) If the Director determines that any dried fruit set aside pursuant to this order is not required for a governmental agency, the Director may release such dried fruit at any time by notice directed to the packer. So far as such action is consistent with the defense requirements of the United States, such releases shall be of such a character as to allow all packers substantially equal proportions of their packs of each fruit for sale to purchasers other than governmental agencies.

(5) Any quantities of dried fruit allocated or released shall, unless otherwise specified, be withdrawn by the packer from the earliest reported stocks of such dried fruit.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of dried fruit of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(f) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using dried fruit, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department

of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Director of Food Distribution, War Food Administration, United States Department of Agriculture, Washington 25, D. C., Ref. FDO 16.

(i) *Conservation Order No. M–205, as amended, superseded.* This order supersedes in all respects Conservation Order No. M–205, as amended, issued by the War Production Board on November 11, 1942, except that, as to violations of said order, or rights accrued, liabilities incurred, or appeals taken under said order, said Conservation Order No. M–205, as amended, shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order No. M–205, as amended, shall be considered under (e) hereof.

(j) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., August 10, 1943.

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

Issued this 7th day of August 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43–12884; Filed, August 9, 1943; 11:15 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service

[General Order C–21, Supp. 7]

PART 170—REGISTRATION AND FINGERPRINTING OF ALIENS IN ACCORDANCE WITH THE ALIEN REGISTRATION ACT, 1940

EXEMPTION OF FOREIGN GOVERNMENT OFFICIALS AND FAMILIES

Pursuant to the authority contained in sections 32 (c), 34 (a), and 37 (a) of the Act of June 28, 1940 (54 Stat. 674, 675; 8 U.S.C. 453, 455, 458), § 90.1, Title 8, Chapter I, Code of Federal Regulations (8 F.R. 8735), and all other authority conferred by law, the following proviso is deleted from § 170.1 (h) (1) of Title 8, Chapter I, Code of Federal Regulations:

And provided further, That a claim of exemption as a foreign government official in behalf of any alien shall operate to terminate any status as a permanent resident theretofore acquired by such alien for immigration and naturalization purposes.

and a period is substituted for the semicolon immediately preceding this proviso.

EARL G. HARRISON,
Commissioner of Immigration and Naturalization.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. D. Doc. 43–12882; Filed, August 9, 1943; 11:11 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM INSIGNIA AND DECORATION SPECIFICATIONS

So much of §§ 79.32, 79.33, 79.34, 79.35, 79.36, 79.37, 79.41, 79.42, 79.43, 79.44, 79.45, 79.46, 79.47, 79.48, 79.49, 79.50, 79.51 and 79.52, as require that decorations and service medals be numbered serially, is hereby rescinded. (R.S. 1296; 10 U.S.C. 1391) [Pars. 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, AR 600–35, 10 November 1941, as amended by C 26, 28 July 1943]

Section 79.58 (d) (5) is amended as follows:

§ 79.58 *Service ribbons, bronze stars, miniatures, lapel buttons, and lapel ribbons.* * * *

(d) *Lapel buttons.* * * *

(5) *For service.* A dexter eagle with wings displayed perched within a ring which displays 13 vertical stripes with a chief, the dexter wing of the eagle behind the ring, the sinister wing in front of the ring, all of gold plated plastic. (R.S. 1296; 10 U.S.C. 1391) [Par. 58.AR 600–35, 10 November 1941, as amended by C 26, 28 July 1943]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43–12824; Filed, August 6, 1943; 5:11 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T.D. 5289]

PART 30—REGULATIONS UNDER THE EXCESS PROFITS TAX ACT OF 1940

AVERAGE BASE PERIOD NET INCOME IN CASE OF PRIOR STOCK ACQUISITION

Section 30.742–2 (b) (3) (ii) (B) of Regulations 109, as added by Treasury Decision 5242, approved March 11, 1943, is amended by striking out the last paragraph (including examples (1) and (2) of such paragraph) and by inserting in lieu thereof the following paragraph:

Section 742 (f) (1) also applies in cases in which a component (referred to as the "first corporation") of the taxpayer transfers assets for the stock in a corporation (referred to as the "second corporation") and both corporations become components of the taxpayer (the second corporation becoming a component either directly or as a component of the first corporation). The statute also applies to any other corporation which becomes a component of the taxpayer and which at the time of a stock acquisition by the taxpayer or first corporation (under the circumstances described in section 742 (f) (1) (A) or (B)) was connected, directly or indirectly, through stock ownership with the corporation the stock of which was acquired. In the case of such a corporation connected through stock ownership, the statute applies regardless of the manner of acquisition of the stock of such connected corporation held at such time (for example, whether or not acquired for a consideration other than the issuance of stock). The statute also applies regardless of the date before such time that the corporation holding such stock, directly or indirectly, acquired such stock of such connected corporation. That is, it is immaterial whether the stock of such connected corporation held at such time was acquired before, on, or after December 31, 1935, as long as such stock was acquired before the time the acquisition of stock of the corporation to which it was so connected occurred in a transaction described in section 742 (f) (1) (A) or (B). In the case of any such corporation connected through stock ownership at such time, the amount of its excess profits net income, or deficit, which is to be eliminated under section 742 (f) (1) is to be determined by reference to that part of such amount which is attributable to the period prior to such time and which is attributable to the stock held, directly or indirectly, at such time, and not disposed of thereafter, by the corporation the stock of which was acquired at such time by the taxpayer or first corporation. Such experience to be eliminated is to be attributed to the period prior to such time and to such stock so held upon the basis of the principles previously stated in this subsection. To the extent that the stock of a corporation (later to become a component) was not so held at such time but was subsequently acquired, after December 31, 1935 by the taxpayer or another corporation (a first or second corporation), for assets of the latter, the base period experience of such corporation is to be excluded in accordance with the rules previously set forth in this subsection for excluding the experience of a component when the latter's stock is acquired after December 31, 1935, for assets by the taxpayer. The application of these rules in such cases is illustrated by the following examples:

Example (1). The R, S, T, and U Corporations were in existence prior to January 1, 1936, and at all times made their income tax returns on the calendar year basis. The S Corporation came into existence on January 1, 1935, and issued all of its stock to the stockholders of the T Corporation for the stock of the latter. On January 1, 1937, the S Corporation purchased for cash all of the stock of the U Corporation from stockholders

of the U Corporation. On January 1, 1938, the R Corporation purchased for cash all of the stock of S from the latter's stockholders. On December 31, 1939, S acquired all of the assets of the T and U Corporations in Supplement A transactions. On December 31, 1940, R acquired all of the assets of S in a Supplement A transaction. In computing the Supplement A average base period net income of R, there is to be excluded under section 742 (f) (1) the experience of S, T, and U for 1936 and 1937.

Example (2). Assume the same facts as in example (1) above except that the S Corporation made the acquisition of the U Corporation's stock on January 1, 1939 (after the acquisition by R of the stock of S). In such case, there is to be excluded under section 742 (f) (1) the experience of both S and T for 1936 and 1937 and the experience of U for 1936, 1937, and 1938.

Example (3). The W, X, Y, and Z Corporations were all in existence in 1935 and at all times made their income tax returns on the calendar year basis. In July, 1935, the X Corporation acquired 50 percent of the stock of Y from the stockholders of the latter. On January 1, 1937, the W Corporation acquired for assets (other than its own stock) all of the stock of the X Corporation from the latter's stockholders. On January 1, 1938, the X Corporation acquired for assets (other than its own stock) the remaining 50 percent of the stock of the Y Corporation from other stockholders of the latter. On January 1, 1939, the Y Corporation acquired for assets (other than its own stock) all of the stock of the Z Corporation from the latter's stockholders. On January 31, 1939, the X Corporation acquired all of the assets of the Y Corporation in a Supplement A transaction and on November 30, 1939 the W Corporation acquired all of the assets of the X Corporation in a Supplement A transaction. On December 31, 1939, the W Corporation acquired all of the assets of the Z Corporation in a Supplement A transaction. In computing the Supplement A average base period net income of the W Corporation, there is to be excluded all of the experience of the X Corporation for 1936. There is also to be excluded all of the experience of the Y Corporation for 1936, one-half of such experience being excluded because of the 50 percent ownership of its stock by the X Corporation at the time the stock of X was acquired by W, and the other half being excluded because of the subsequent acquisition of the other 50 percent of the stock of Y by the X Corporation for the assets of the latter. One-half of the experience of the Y Corporation for 1937 is also to be excluded because of the acquisition of one-half of its stock on January 1, 1938 by the X Corporation for assets of the latter. The entire experience of the Z Corporation for 1936, 1937, and 1938 is to be excluded because of the acquisition from the stockholders of Z on January 1, 1939 of the stock of Z for assets of the Y Corporation.

(Sec. 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C. 62), as made applicable by sec. 729 (a) of the Internal Revenue Code (54 Stat. 989; 26 U.S.C. 729 (a)), and sec. 742 (f) (1) of the Internal Revenue Code, as added by sec. 228 (c) of the Revenue Act of 1942 (Pub. Law 753, 77th Cong.))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: August 7, 1943.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 43-12878; Filed, August 9, 1943; 10:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 28]

INTERNAL COMBUSTION ENGINES FOR FARMERS

Pursuant to authority vested in me by Executive Order No. 9024 of January 16, 1942, Executive Order No. 9125 of April 7, 1942, and War Production Board Regulation No. 1 as amended March 24, 1943, and in order to facilitate the distribution of internal combustion engines, rated at not more than twenty (20) H. P., for use in essential agricultural needs, *It is hereby ordered:*

§ 903.40 *Directive 28.* (a) Subject to the provisions of paragraph (b), the War Food Administrator is hereby authorized to assign preference ratings to farmers, and to persons operating farm equipment on farms for hire, to enable them to procure engines for essential agricultural needs.

(b) The War Food Administrator in exercising the authority delegated in paragraph (a) above will comply with such conditions as may be prescribed from time to time by written memorandum from the Program Vice-Chairman in respect to the following matters:

(1) The level of preference ratings assignable pursuant to paragraph (a).

(2) The uses for which such ratings are assigned.

(3) The form of the instruments by which such ratings are assigned.

(4) The total quantity of internal combustion engines, rated at not more than twenty (20) H. P., for which ratings may be so assigned.

(5) The period of time during which ratings may be so assigned.

(c) The War Food Administrator is authorized to inspect the books, records and other writings of engine producers, distributors and dealers to determine their compliance with Priorities Regulations and orders insofar as preference ratings assigned under the authority of this Directive are concerned.

(d) The War Food Administrator may exercise the authority delegated in this Directive through such officials, including the United States Department of Agriculture War Boards, as he may determine.

(e) Nothing herein shall be construed to limit or modify any order heretofore issued by the Director of Priorities of the Office of Production Management, by the Director of Industry Operations of the War Production Board, by the Director General for Operations of the War Production Board, or by the War Production Board, as from time to time amended, nor to delegate to the War Food Administrator the power to extend, amend, or modify any such order.

(f) For the purpose of this Directive:

(1) "Engine" means any internal combustion air-cooled or liquid-cooled gasoline or kerosene driven engine, rated at not more than twenty (20) H. P. This Directive does not cover engines above 20 H. P. nor Diesel engines.

(2) "Farmer" means a person who engages in farming by raising crops, livestock, bees or poultry, and persons operating farm equipment on farms for hire. It does not include a person who raises agricultural products entirely for his own use.

(3) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacturing or assembling of engines.

(4) "Distributor" or "Dealer" means any person engaged in the business of selling engines to farmers or other consumers.

(E.O. 9024, 7 F.R. 329; E.O. 9125; 7 F.R. 2719; WPB Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696)

Issued this 7th day of August 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-12872; Filed, August 7, 1943; 5:03 p. m.]

PART 905—SPECIFICATIONS

[Directive 29]

NATIONAL EMERGENCY SPECIFICATIONS OF GRADE LUMBER

Pursuant to the authority vested in me by Executive Orders No. 9024 of January 16, 1942, No. 9040 of January 24, 1942, and No. 9125 of April 7, 1942, and pursuant to the policy stated in the Joint Directive of the War Production Board and the War and Navy Departments dated May 20, 1942, and the Army and Navy Munitions Board "List of Prohibited Items for Construction Work", dated April 1, 1942, as revised and supplemented, the following policy is prescribed (1) for the War Production Board and for the Army, Navy, Maritime Commission, Reconstruction Finance Corporation, National Housing Agency, and (2) for all other Departments and Agencies in respect to war construction and the financing of war construction.

§ 905.3 *National Emergency specifications for design, fabrication and erection of stress grade lumber and its fastenings for buildings.* (a) "National Emergency Specifications for the Design, Fabrication and Erections of Stress Grade Lumber and its Fastenings for Buildings"[1] issued by the War Production Board on August 9, 1943, shall apply to and shall govern the design, fabrication and erection of all buildings in which stress grades of lumber are used, and which are constructed by, or the construction of which is financed by or must be approved by any of such departments or agencies. Such emergency specifications shall be used only in the design, fabrication and erection of buildings to the extent stress grades of lumber are used and the contracts for which are placed on and after November 1, 1943, but such departments and agencies are empowered to put this directive into immediate effect wherever

[1] Filed as part of the original document. Copies may be obtained from the War Production Board.

possible. As used herein, "stress grade" lumber means lumber which has been graded for strength by a recognized lumber grading or inspection bureau or agency.

(b) Nothing herein shall prevent the Army, Navy, or Maritime Commission from specifying and using higher stresses than those set forth in such emergency specifications for any buildings which are under their control.

(c) With respect to any such contracts already placed by any of said departments or agencies, or entered into prior to November 1, 1943, the department or agency concerned shall review the contract promptly and shall change to said emergency specifications unless such change will result in a substantial delay in the war effort.

(d) The department or agency undertaking or approving the construction shall obtain from the person in responsible charge of the design of each such building a certificate to the effect that such emergency specifications have been complied with. In cases where Forms WPB–617 (formerly PD–200) and WPB–2570 (formerly PD-200C) must be filed with the War Production Board in order to obtain authorization to begin construction of such building, such certificate shall be filed with said forms.

(e) Authority to depart from the provisions of this directive may, upon specific request, be granted by the War Production Board. Applications for such authority shall be submitted in writing with the application for permission to begin construction, or, if no such application is necessary, by letter addressed to: War Production Board, Conservation Division, Washington 25, D. C., Ref.: Directive 29.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amend. March 24, 1943, 8 F.R. 3666, 3696).

Issued this 9th day of August 1943.

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43–12885; Filed, August 9, 1943; 11:31 a. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176.

PART 3291—CONSUMERS DURABLE GOODS[1]

[L–308, Amdt. 1]

DOMESTIC FOOD DEHYDRATORS

Section 3291.296[1] *General Limitation Order L–308* is hereby amended by changing Schedule A to read as follows:

SCHEDULE A

APPROVED PRODUCTION SCHEDULE

	Number of domestic food dehydrators
Albano Co., New York, N. Y.	2,000
Bailey Lumber Co., Bluefield, W. Va.	10,000

[1] Formerly Part 3283, § 3283.1.

SCHEDULE A—Continued

APPROVED PRODUCTION SCHEDULE—continued

	Number of domestic food dehydrators
Beckett Electric Co. Air-O-Line Div., Dallas, Tex.	2,200
Burdick Baron Co., Dallas, Tex.	5,000
Burt Co., Denver, Colo.	500
Climax Machinery Co., Indianapolis, Ind.	500
H. Conrad Manufacturing Co., Minneapolis, Minn.	3,000
Edwards Cabinet Shop, East Point, Ga.	500
Electromaster, Inc., Detroit, Mich.	50
Folding Carrier Co., Oklahoma City, Okla.	1,000
General Bronze Corporation, Long Island City, N. Y.	2,500
General Electric Co., Bridgeport, Conn.	18,000
General Fabricators, Inc., Attica, Ind.	6,000
Gunnison Housing Corporation, New Albany, Ind.	5,000
Houston Ready Cut House, Houston, Tex.	10,000
O. W. Ketcham Co., Crum Lynne, Pa.	1,000
Libman Spanjer Corporation, New York, N. Y.	500
Macon Cabinet Works, Inc., Macon Ga.	200
Metropolitan Device, Brooklyn, N. Y.	7,500
Pierce Phelps, Philadelphia, Pa.	4,500
Refrigeration Corporation of America, New York, N. Y.	3,000
Rome Builders Supply Co., Rome, Ga.	500
Stanford & Inge, Inc., Roanoke, Va.	2,000
A. J. Stephens & Co., Kansas City, Mo.	500
Stewart Warner, Chicago, Ill.	1,000
Tennessee Valley Associates, Nashville, Tenn.	1,000
G. A. Tye & Sons, Americus, Ga.	500

Issued this 6th day of August 1943.

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

[F. R. Doc. 43–12820; Filed, August 6, 1943; 4:33 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–269, Amdt. 1]

STAPLETON HEATING COMPANY

Stapleton Heating Company of Johnstown, Pennsylvania, has appealed from the provisions of Suspension Order S–269, issued April 3, 1943. After a review of the case, it has been determined that the appeal be denied but that Suspension Order S–269 be modified so as to expire on August 6, 1943, instead of October 6, 1943.

In view of the foregoing: *It is hereby ordered*, That Paragraph (c) of § 1010.–269, Suspension Order S–269, issued April 3, 1943, is hereby amended to read as follows:

(c) This order shall take effect on April 6, 1943, and shall expire on August 6, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 6th day of August 1943.

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

[F. R. Doc. 43–12848; Filed, August 7, 1943; 11:27 a. m.]

PART 1010—SUSPENSION ORDERS

[Stay of Execution of Suspension Order S–316]

CLARK OIL COMPANY

A stay of execution was issued, pursuant to direction of the Deputy Chief Compliance Commissioner, on June 11, 1943, which provided that the Government should have an opportunity to arrange for a rehearing in the matter of the Clark Oil Company. A rehearing was held and this stay is issued upon direction of the Deputy Chief Compliance Commissioner pending determination of the rehearing. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.316 *Suspension Order S–316.* (a) The provisions of Suspension Order S–316, issued May 6, 1943, are hereby stayed effective July 11, 1943.

(b) This stay shall expire at such time as the Compliance Commissioner shall have rendered a supplementary report in the above matter and an order has been duly issued pursuant thereto.

Issued this 7th day of August 1943.

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

[F. R. Doc. 43–12849; Filed, August 7, 1943; 11:27 a. m.]

PART 3099—ACETIC ANHYDRIDE, ACETIC ACID AND ACETALDEHYDE

[Allocation Order M–243, as Amended August 7, 1943]

Part 3099 "Acetic Anhydride" is hereby amended to read "Acetic Anhydride, Acetic Acid and Acetaldehyde."

Section 3099.1 *General Preference Order M–243* is hereby amended to read:

§ 3099.1 *Allocation Order M–243*—(a) *Definitions.* (1) "Acetic anhydride" means acetic anhydride (ethanoic anhydride of any grade and from whatever source derived.

(2) "Acetic acid" means acetic acid (ethanoic acid) of any grade and from whatever source derived, including recovered acetic acid. The term does not include acetic acid recirculated as such within a manufacturing process nor does it include acetic acid of less than 12% concentration (vinegar) produced at plants at which there are no facilities for further chemical conversion.

(3) "Recovered acetic acid" means that acid which is removed from a manufacturing process in which that acid was used as a raw material whether introduced as acetic acid or acetic anhydride, or as a solvent or any other material, excluding acetic acid which is recirculated as such within the manufacturing process. By "removed" is meant removal for resale, conversion into acetic anhydride, or use in another manufacturing process in the same plant or separate plants.

(4) "Acetaldehyde" means acetaldehyde (acetic aldehyde or ethyl aldehyde) of any grade and from whatever source derived.

(5) "Producer" means any person who produces or imports acetic anhydride, acetic acid or acetaldehyde, and includes

any person who has acetic anhydride, acetic acid or acetaldehyde produced for him pursuant to toll agreement.

(6) "Distributor" means any person who buys acetic anhydride, acetic acid or acetaldehyde for purposes of resale as such.

(7) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) No supplier shall deliver acetic anhydride, acetic acid or acetaldehyde to any person except as specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (e) hereof.

(2) No person shall accept delivery in any calendar month from all suppliers of more than 27,000 pounds in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, except as specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof. Acetic acid weight shall be calculated on a 100% acid basis.

(3) No person shall accept delivery in any calendar month from all suppliers of 27,000 pounds or less in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, and no person shall place any such order for such delivery, unless and until he shall have furnished each supplier with a use certificate pursuant to paragraph (f) (2) hereof, but such certificate need not be furnished with respect to any one of the chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde where the quantity of such chemical delivered or ordered for delivery in any calendar month from all suppliers is not more than 54 gallons.

(c) *Restrictions on use.* (1) No supplier shall use acetic anhydride, acetic acid or acetaldehyde except as specifically authorized or directed in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof.

(2) Each person who with an order for acetic anhydride, acetic acid and acetaldehyde furnishes the certificate required by paragraph (f) (2), shall use the chemical delivered on such order only as specified in such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) Acetic anhydride, acetic acid and acetaldehyde allocated for inventory shall not be used for any purpose except as specifically authorized or directed in writing by War Production Board.

(d) *General and special instructions of War Production Board.* (1) Authorizations and directions as to deliveries and use to be made by suppliers and with respect to acceptance of delivery in quantities exceeding 27,000 pounds (in the case of acetic acid on a 100% basis) in the aggregate in each month will generally be issued by War Production Board prior to the beginning of such month, but War Production Board may at any time issue special directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of acetic anyhdride, acetic acid or acetaldehyde.

(ii) Production of acetic anhydride, acetic acid or acetaldehyde.

(2) War Production Board may issue to suppliers and other persons, other and different directions with respect to preparing and filing Forms WPB 2945 (formerly PD–600) and WPB 2947 (formerly PD–602) provided for in the paragraphs (e) and (f).

(e) *Applications by suppliers for authorization to deliver.* (1) Each supplier seeking authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him Form WPB 2945 (formerly PD–600) respecting a delivery in such month, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD–602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each supplier seeking authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him the use certificate provided for by paragraph (f) (2) or to any person ordering not more than 54 gallons, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD–602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(f) *Applications and use certificates to be filed by prospective purchasers.* (1) Each person wishing to obtain delivery in any calendar month from all sources of more than 27,000 pounds of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde (and each supplier requiring authority to use any such chemical in any calendar month regardless of quantity) shall file application on or before the 15th of the preceding month. The application shall be made on Form WPB 2945 (formerly PD–600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each person wishing to accept delivery in any calendar month from all sources of not more than 27,000 pounds (but more than 54 gallons) of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde, shall file with each supplier on or before the 15th of the preceding month a certificate stating the use for which he is ordering such chemical. Such certificate must be substantially in the form indicated in Appendix C. It need not be filed with War Production Board. A supplier must not deliver any such chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge, or reason to believe, he may rely on the certificate.

(g) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Approval of reporting requirements.* Forms WPB 2945 and WPB 2947 (formerly PD–600 and PD–602 respectively) provided for in paragraphs (e) (1), (e) (2) and (f) (1), have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

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

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M–243.

This amended order shall take effect September 1, 1943, except that the provisions as to applications for authority to deliver, accept delivery or use during September 1943, shall take effect at once. Order M–243, issued October 20, 1942 shall continue in effect until so superseded.

Issued this 7th day of August 1943.

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

APPENDIX A—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD–602)

(1) *Obtaining forms.* Copies of Form WPB 2947 (formerly PD–602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington, D. C., Ref: M–243, retaining the third copy for your files. The original shall be manually signed by a duly authorized official.

(3) *Separate set of forms for each chemical.* Where the supplier's application relates to deliveries of two or more of the three chemicals, he shall file a separate set of Form WPB 2947 (formerly PD–602) for each.

(4) *Information at top of form.* In the heading, under "name of material" specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde"; leave "grade" blank; under

"WPB Order No."; specify "M-243"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure", specify "pounds", except in the case of acetic acid, where indicate "pounds of 100% acetic acid"; under "Name of Company", specify your name and the address of the plant from which shipment will be made.

(5) *Grade (percent) of acetic acid.* In the case of proposed deliveries of acetic acid, specify grade in Column 7 (Remarks) in terms of percent of acid content.

(6) *Listing of customers.* In Column 1 (except for small orders as explained in (8) below) list the name of each customer from whom an order for delivery during the applicable month has been received. List first the name of each customer who has filed with you Form WPB 2945 (formerly PD-600) in connection with his order. Thereafter, leave a space, and insert in Column 1 "Use certificate", and then list the name of each customer from whom a use certificate has been received under paragraph (f) (2) with respect to a delivery in the applicable month. Do not list names of customers who have not placed with you either Form WPB 2945 or a use certificate. If it is necessary to use more than one sheet to list customers, number each sheet in order and show separately on the last sheet the total poundage ordered by customers filing Form WPB 2945 and the total poundage ordered by customers filing use certificates.

(7) *Primary product and end use.* In Column 1-a, opposite the name of each customer filing a use certificate (obtained under paragraph (f) (2)), specify the product or products in the manufacture or preparation of which acetic anhydride, acetic acid (100% basis) or acetaldehyde will be used by such customer, the end use to which such product or products will be put, Army or Navy contract numbers, Lend-Lease requisition or contract numbers, and export license numbers, all as indicated on such use certificate. The quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde used in the manufacture or preparation of each primary product for each end use shall be shown separately. If the chemical ordered by a customer is for two or more uses, indicate each use separately and list the quantity ordered for each use. It is not necessary to show primary product or end use with respect to a customer filing Form WPB 2945 (formerly PD-600). Instead, in Column 1-a, opposite the name of each customer filing such Form WPB 2945, enter merely "WPB 2945."

(8) *Small orders.* It is not necessary to list the name of any customer to whom the supplier is to deliver in the applicable month not more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, unless such customer has filed a use certificate, nor is it necessary in the case of any such delivery to show the name of the product or end use. Instead, write in Column 1 "Total small order deliveries (estimated)" and in Column 4, specify total estimated quantity of acetic anhydride, acetic acid or acetaldehyde to be delivered on such orders.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 (formerly PD-600) specifying himself as his supplier, shall list his own name as customer in Column 1 on Form WPB 2947 (formerly PD-602).

(10) *Table II.* Each producer shall report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors shall fill out only Columns 10, 12, and 13. In Column 8 producers and distributors shall show, where Form WPB 2947 (formerly PD-602) relates to acetic acid, the percent of acid content or where Form WPB 2947 (formerly PD-602) relates to acetic anhydride or acetaldehyde, will leave Column 8 blank.

(11) *Recovered acetic acid.* In the case of recovered acetic acid show such acid separately from other acetic acid in Table II. If necessary, use supplemental rider and attach to Form WPB 2947 (formerly PD-602).

APPENDIX B—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-600)

(1) *Obtaining forms.* Copies of Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. Forward original and two copies to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, forward one copy to the supplier with whom order is placed, and retain one copy for your files. The original shall be signed by a duly authorized official. Where the application is by a supplier for authorization to use, no copy should be sent to a producer or distributor.

(3) *Separate set of forms for each chemical.* A customer who wishes to obtain delivery of two or more of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, must file a separate set of Form WPB 2945 (formerly PD-600) for each.

(4) *Material.* In the heading under "Name of chemical", specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde", as the case may be; under "WPB Order No.", specify "M-243"; under "Unit of measure", specify "Pounds", except in the case of acetic acid, where specify "Pounds of 100% acetic acid".

(5) *Month and year.* In the heading, at top of Table I, specify the month and year for which delivery is requested.

(6) *Grade (percent) of acetic acid.* Leave blank Columns 1 and 11, except in the case of acetic acid where percent of acid content should be stated.

(7) *Quantities.* In the case of applications for acetic acid, indicate in Columns 2, 13 to 16, inclusive, and 18, quantities in terms of pounds of 100% acetic acid.

(8) *Primary product.* In Column 3, applicant must specify in terms of the following the product or products in the manufacture or preparation of which the chemicals subject to this order will be used:

(For acetic anhydride)

Aspirin.
Cellulose acetate.
Cellulose acetate butyrate.
Cellulose acetate propionate.
Explosives.
Synthetic casein fibre.
Synthetic vitamins.
Triacetin.
Other primary products (specify).
Resale (as acetic anhydride).
Export (as acetic anhydride).
Inventory (as acetic anhydride).

(For acetic acid)

Acetic anhydride.
Drugs and pharmaceuticals.
Dyestuffs.
Amyl acetate.
Butyl acetate.
Ethyl acetate.
Isopropyl acetate.
Photographic products.
Sodium acetate.
Vinyl acetate.
Other primary products (specify).
Resale (as acetic acid).
Export (as acetic acid).
Inventory (as acetic acid).

(For acetaldehyde)

Acetic acid.
Butadiene.
Pentaerythritol.
Other primary products (specify).
Resale (as acetaldehyde).
Export (as acetaldehyde).
Inventory (as acetaldehyde).

(9) *End use.* In Column 4, applicant will specify with respect to each primary product the ultimate use to which such primary product will be put in terms of the following:

Opposite any primary product listed in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, "M-326" for cellulose acetate, cellulose acetate butyrate and cellulose acetate propionate; "Order M-159" for butyl acetate; "Order M-327" for ethyl acetate and isopropyl acetate; "Order M-10" for vinyl acetate; "Order M-178" for butadiene; and "Order M-25" for pentaerythritol.

Opposite any primary product listed in Column 3 which is not under allocation, specify end use in terms of the following, giving also Army and Navy contract numbers, and Lend-Lease requisition or contract numbers when available:

Dyestuffs.
Explosives.
Leather tanning and processing.
Mordant.
Paint pigment.
Photographic film.
Other film (specify).
Plastics.
Rubber accelerators.
Solvents.
Surface coatings.
Synthetic resins (specify type and state end use if not under allocation).
Textile bleaching.
Other end uses (specify).

Opposite "Export" in Column 3, specify in Column 4 the name of individual, company or governmental agency to whom or for whose account the material is to be exported, the country of destination and the governing export license number, unless Lend-Lease, in which case merely specify the Lend-Lease requisition or contract number.

Opposite "Resale" in Column 3, distributors shall write into Column 4 "upon further authorization" or "for uncertified small orders of 54 gallons or less." In the case of small orders for acetic acid, also specify "100% basis".

Opposite "Inventory" in Column 3 specify in Column 4 "subject to further authorization".

(10) *Tables II, III and IV.* Fill out Tables II, III and IV completely.

(11) *Table V.* In Column 23, list each primary product produced in last month. In Column 24, list quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde, consumed in last month in the manufacture of each such primary product. In Column 25, list the quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde allocated to you for the manufacture of each such primary product in last month.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-243, that the _____ [specify whether acetic anhydride, acetic acid or acetaldehyde] ordered for delivery in _____, 194__, will be used
month
by him in the manufacture or preparation of the following product(s), and that such product(s) on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Gallons	*Primary product*	*End use*
(A)	_____	_____	_____
(B)	_____	_____	_____

_____
Name of Purchaser

_____ By _____ _____
Date Duly Authorized Official Title

Instructions for customer's certificate

(1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive from all sources more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, a separate certificate shall be filed as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the acetic anhydride, acetic acid or acetaldehyde will be used or incorporated. Primary products should be stated in terms of the primary products listed in paragraph (8) of Appendix B.

(4) Under "End use", purchaser will specify the ultimate or end use to which the primary product will be put in terms of the end uses stated in paragraph (9) of Appendix B. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, indicate contract numbers in the case of military use, requisition or contract numbers in the case of Lend-Lease, and in the case of other export, export license numbers. A distributor ordering acetic anhydride, acetic acid or acetaldehyde for resale as such will leave blank the "End use" column.

[F. R. Doc. 43-12850; Filed, August 7, 1943; 11:27 a. m.]

PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

[Amdt. 1 to Conservation Order M-28, as amended July 10, 1943]

Section 970.1 *Conservation Order M-28, as amended July 10, 1943* is hereby amended in the following respects:

1. That part of paragraph (b) which defines Classes III and IV is amended to read as follows: (leaving the remainder of the paragraph unchanged):

(b) * * *

Class III: (a) Maritime Commission or War Shipping Administration, for charging new refrigeration or air conditioning systems at factories of equipment manufacturers.

(b) Maritime Commission or War Shipping Administration, for charging new refrigeration or air conditioning systems in the field.

(c) Maritime Commission or War Shipping Administration, for maintenance and repair of systems already installed.

Class IV: (a) For maintenance of industrial, wholesale, retail, and household refrigeration systems used for the processing, storage, and dispensing of food and food products; but excluding systems referred to on List A or List B.

(b) For maintenance of industrial refrigeration and air conditioning systems used for processing of products other than food.

(c) For maintenance of all other refrigeration and air conditioning systems not included under (a) or (b) above, and not on List A or List B. This class includes sealed railroad cars.

2. Subparagraph (d) (3) is amended to read as follows:

(d) * * *

(3) *Deliveries by suppliers after August 7, 1943, for uses in* (b) *and* (c) *of Class IV.* Chlorinated hydrocarbon refrigerants will not be allocated for the uses described in parts (b) and (c) of Class IV by regular monthly deliveries to suppliers. In the event a system operated for any of such uses becomes inoperative for lack of refrigerant, a separate application for refrigerants must be made by the owner of the system, directly to the War Production Board, General Industrial Equipment Division, by letter, telegram, or other communication, stating (i) whether the system is used for air conditioning or refrigeration, (ii) its size or capacity by horsepower or tons of refrigeration, (iii) the minimum operating charge necessary to restore the systems to operation, (iv) why conversion to another type of refrigerant is not practicable, (v) the functional use of the system in the plant, and (vi) the end product being processed by its use. If the application is granted, the Board will issue a specific direction to the producer authorizing and directing delivery of a specified quantity to be made to the owner of the particular system for the use specified. No user, supplier, or other person shall deliver any chlorinated hydrocarbon refrigerant to the owner of such a system unless and until the Board has specifically directed such delivery to be made. This paragraph (d) (3) shall be followed, as long as it remains in effect, notwithstanding any other provisions of this order. However, suppliers will continue to place their orders for refrigerants, for uses described in Class IV in parts (a), (b) and (c) (listing (a), (b) and (c) separately), in accordance with paragraph (d).

NOTE: This reporting requirement has been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 7th day of August 1943.

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

[F. R. Doc. 43-12864; Filed, August 7, 1943; 4:00 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-368]

HOWARD GRAHAM, INC.

Howard Graham, Inc. is engaged in the operation of a retail furniture store at 1359 Madison Street, Memphis, Tennessee. Between September 1, 1942 and December 17, 1942, it sold and delivered new metal heating equipment, consisting of more than 50% metal by weight, although the orders therefor bore no preference ratings and had no certificates endorsed thereon, in violation of Limitation Order L-79. At the time of the transactions, respondent, through its officers, had general knowledge of the existence of War Production Board regulations and specifically of General Limitation Order L-79, and the officers of said corporation were under a duty to inform themselves of the regulations applicable to the business of the corporation. Their failure properly to inform themselves of these regulations constituted wilful violations of the order.

These violations of General Limitation Order L-79, as amended, have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.368 *Suspension Order S-368.* (a) Howard Graham, Inc., its successors and assigns, shall not directly or indirectly purchase, accept delivery of, sell, deliver, or deal in, new metal heating equipment (as defined in Limitation Order L-79), either as complete units or parts therefor, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Howard Graham, Inc., its successors, or assigns from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on August 9, 1943, and shall terminate on November 9, 1943.

Issued this 2d day of August 1943.

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

[F. R. Doc. 43-12888; Filed, August 9, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-380]

WALLICK AND BUENGER REALTY CO.

O. D. Wallick and Leonard H. Buenger, partners, doing business as Wallick & Buenger Realty Company, of Cheyenne, Wyoming, are, and for several years have been, realtors, title abstractors, and builders of residences. On August 29, 1942 the company applied to the War Production Board on Form PD-105 for a preference rating on Preference Rating Order P-55, to be used in procuring materials for the construction of 16 one-family dwelling units in Cheyenne. In this application the company agreed that in consideration of the issuance of the order, which was issued, 8 of the units would be held for rental to defense workers and would not be sold. In violation of this agreement the company did not hold any of those units for rental, but entered into contracts to sell, and sold, each of them before its construction was completed. In purchasing the materials that were used in constructing the 16 units, the company did not apply or extend any preference ratings and purchased and used 16 twenty-gallon water heaters and 16 hot-air furnaces which it was not authorized to purchase. The company kept no records of preference ratings assigned, or which should have been assigned, to purchase orders for materials used in con-

structing the 16 units, as required by Priorities Regulation No. 1.

The company, in constructing and selling the units, acted in reckless disregard of, and made no effort to familiarize itself with, the provisions and restrictions of its PD-105 application, the Preference Rating Order P-55 issued to it, and Priorities Regulation No. 1, and is guilty of wilful and significant violations of each of them.

This conduct of Wallick & Buenger Realty Company has hampered and impeded the war effort of the United States. In view of the foregoing, *It is hereby ordered,* That:

§ 1010.380 *Suspension Order No. S-380.* (a) Deliveries of material to O. D. Wallick and Leonard H. Buenger doing business as Wallick & Buenger Realty Company, a partnership, or otherwise, their successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference ratings shall be assigned, applied or extended to such deliveries to them, their successors or assigns, by means of preference rating certificates, preference rating orders, general preference orders, or any other orders and regulations of the War Production Board, unless hereafter approved in writing by the War Production Board.

(b) No allocation or allotment shall be made to O. D. Wallick and Leonard H. Buenger doing business as Wallick & Buenger Realty Company, a partnership, or otherwise, their successors or assigns, of any material or product, the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve O. D. Wallick and Leonard H. Buenger doing business as Wallick & Buenger Realty Company, a partnership, or otherwise, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 9, 1943, and shall expire on December 9, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 2d day of August 1943.

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

[F. R. Doc. 43-12889; Filed, August 9, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-385]

W. H. DEISROTH, INC.

W. H. Deisroth Incorporated is engaged in the manufacture of paper boxes at Third and Cambria Streets, Philadelphia, Pennsylvania. On October 30, 1942, it extended a preference rating, which had been received by it on May 7, 1942 for paper boxes, to the purchase of five fluorescent lighting fixtures which were capital equipment. This extension occurred more than ninety days after receipt of the rating and was an improper extension for obtaining capital equipment, and therefore constituted a violation of Priorities Regulation No. 3.

On November 2, 1942, respondent extended a preference rating for the purchase of a water lifter which was not to be delivered to respondent or to be incorporated in any materials made by respondent, but was delivered to respondent's landlord. It possessed no rating available to purchase this water lifter, and such action constituted a violation of Priorities Regulation No. 3. On or about May 8, 1942, respondent purchased a suction conveyor, which is used in the making of paper boxes, pursuant to a P-11-a preference rating certificate which it had no right to use. The respondent's false representations in connection with said certificate constituted a violation of Priorities Regulation No. 1. On December 10, 1942, respondent extended a preference rating for the purchase of an electric motor to replace one which had been burned in respondent's plant. This was done without authority from the War Production Board and the rating extended was not proper for the purchase of capital equipment.

Responsible officers of the company must be deemed either to have had direct knowledge of the aforesaid Regulations or from their past experience and general knowledge of the Orders of the War Production Board, they should have known of the aforesaid Regulations, and their violations must therefore be deemed wilful. These wilful violations of Priorities Regulation No. 1 and Priorities Regulation No. 3 have diverted critical materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.385 *Suspension Order No. S-385.* (a) W. H. Deisroth Incorporated, Philadelphia, Pennsylvania, its successors or assigns, shall not engage in the manufacture of any paper "boxes" as said term is defined in Limitation Order L-239 as amended, unless hereafter specifically authorized in writing by the War Production Board.

(b) The provisions of this order shall not apply to orders bearing a preference rating of AA-3 or higher.

(c) Nothing contained in this order shall be deemed to relieve W. H. Deisroth Incorporated, its successors or assigns, of any restrictions, prohibitions, or provisions contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 9, 1943 and shall expire on November 9, 1943.

Issued this 2d day of August 1943.

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

[F. R. Doc. 43-12890; Filed, August 9, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-391]

R. F. MESTAYER LUMBER CO., INC.

R. F. Mestayer Lumber Co., Inc., is a corporation engaged in the retail distribution of lumber and builders' supplies at 1533 Lafitte Avenue, New Orleans, Louisiana. Between November 1, 1942, and January 1, 1943, the respondent sold about $900 worth of lumber and building materials knowing that they were to be incorporated into a night club, located in New Orleans, where construction work had been started the estimated cost of which exceeded the limit permitted under Conservation Order L-41. Between December 1, 1942, and March 1, 1943, respondent made deliveries of more than $450 worth of lumber and other construction materials to another night club, located in New Orleans, where construction work had been started the estimated cost of which exceeded the limit permitted under Conservation Order L-41.

Respondent was familiar with Conservation Order L-41, and it knew or should have known from its business experience the construction limits imposed by this Order. The respondent knew that these two projects were night clubs, and would have as their principal designed function public amusement, and its actions in supplying these materials must be deemed to constitute wilful violations of Conservation Order L-41. These actions of respondent have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.391 *Suspension Order No. S-391.* (a) Delivery of materials to R. F. Mestayer Lumber Co., Inc., its successors or assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) No allocation or allotment shall be made to R. F. Mestayer Lumber Co., Inc., its successors or assigns, of any material or product the supply or distribution of which is governed by any order of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve R. F. Mestayer Lumber Company, Inc., its successors or assigns, from any restriction, prohibition, or provision contained in any order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 9, 1943, and shall expire on October 9, 1943.

Issued this 4th day of August 1943.

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

[F. R. Doc. 43-12891; Filed, August 9, 1943; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-392]

W. F. WOODBURY

W. F. Woodbury operates a lumber business at 154 East Fourth Street, Dunkirk, New York. On or after August 3, 1942, he began construction of two residences at 305 and 311 Railroad Avenue, Dunkirk, New York at an estimated cost of $1,000 each, in violation of Conservation Order L-41. After construction was begun, respondent filed an application with the War Production Board for approval of these two construction jobs. These applications for special permission were denied because the construction jobs were not deemed essential to the war effort. Respondent was aware of Conservation Order L-41 and his actions must be deemed to constitute wilful violations. These wilful violations of Conservation Order L-41 have diverted scarce materials to uses not authorized by the War Production Board and have hampered and impeded the war effort of the United States. In view of the foregoing facts, *It is hereby ordered,* That:

§ 1010.392 *Suspension Order No. S-392.* (a) Delivery of materials to W. F. Woodbury, his successors or assigns, shall not be accorded priority, directly or indirectly, over deliveries under any other contract or order, and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, or any other orders or regulations of the War Production Board, except as specifically authorized in writing by the War Production Board.

(b) No allocation shall be made to W. F. Woodbury, his successors or assigns, of any material the supply or distribution of which is governed by any order of the War Production Board, except as specifically authorized in writing by the War Production Board.

(c) Nothing contained in this order shall be deemed to relieve W. F. Woodbury, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on August 9, 1943, and shall expire on October 9, 1943.

Issued this 4th day of August 1943.

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

[F. R. Doc. 43-12892; Filed, August 9, 1943; 11:32 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

[Preference Rating Order P-98-b as Amended August 9, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1041.2 *Preference Rating Order P-98-b.*

Purpose and Scope

(a) *Purpose.* The purpose of this order is to make available methods by which an operator may acquire deliveries of material for essential production and construction operations as well as for maintenance or repair purposes or as operating supplies. This order also applies to the use of material in certain construction operations and establishes uniform standards by which operators in the petroleum industry may obtain and use their necessary material requirements for the effective continuance of necessary petroleum industry operations.

From time to time supplementary orders or directions will be issued to operators covering the use of allotment numbers, symbols or preference ratings or the delivery or use of material and informing them of modifications in the programs and policies of the War Production Board or the Petroleum Administration for War.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Operator" means:

(i) Any person located in the United States, its territories or possessions to the extent that he is engaged in the petroleum industry (Domestic operator); or

(ii) Any person located in the Dominion of Canada to the extent that he is engaged in the petroleum industry and to whom and in whose name a copy of this order or of Preference Rating Order P-98, Extended and Amended, is or has been specifically issued and to whom a serial number has been assigned (Canadian operator).

(3) "Supplier" means any person with whom a delivery order is placed for delivery of material to an operator or to another supplier.

(4) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(5) Except as provided in Schedule B hereof, "petroleum industry" means any operation directly incident to:

(i) The discovery, development or depletion of petroleum pools (production);

(ii) The extraction or recovery of natural gasoline and associated hydrocarbons (natural gasoline production);

(iii) The transportation, movement, loading or unloading of petroleum other than natural gas (transportation);

(iv) The processing, refining or compounding of finished or unfinished petroleum products (refining);

(v) The distribution or dispensing of petroleum products (other than natural gas) and the storing of petroleum products incident thereto (marketing);

and shall include for each of the above listed branches of the industry, to the extent applicable therein, the investigation into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories.

(6) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(7) "Production operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to production.

(8) "Construction operation" means any use of material for construction, expansion, improvement, reconstruction, remodeling, alteration, maintenance, repair, or replacement incident to natural gasoline production, transportation, refining or marketing.

(9) "Maintenance or repair" means that use of material specified in Schedule A hereof.

(10) "Operating supplies" means any material (other than material used for maintenance or repair purposes) which is essential to and consumed in the petroleum industry and which is normally carried by an operator as operating supplies or which is normally chargeable to operating expense.

(11) "Research laboratory material" means material used exclusively for the purpose of carrying out investigations

into more efficient or more effective methods of conducting petroleum industry operations by means of research or technical laboratories, except that such material shall not include material for use in the construction of laboratory buildings or other structures.

(12) "Controlled material", "Class A product" and "Class B product" shall have the same meanings, respectively, as in CMP Regulation No. 1 of the War Production Board.

(13) "Allotment" means a determination by the Petroleum Administration for War or a further determination by any operator or secondary consumer as to the portion of its allotment of controlled materials which may be received by an operator or a secondary consumer, as the case may be.

(14) "Delivery order" means any purchase order, contract, release or shipping instruction which constitutes a definite and complete instruction from a purchaser to a seller calling for delivery of any material or product. The term does not include any contract, purchase order, or other arrangement which, although specifying the total amount to be delivered, contemplates that further instructions are to be given.

(15) "Authorized controlled material order" means any delivery order for any controlled material as such (as distinct from a product containing controlled material) which is placed pursuant to an allotment as provided in paragraph (j) of this order or which is specifically designated to be such by any regulation or order of the Petroleum Administration for War or the War Production Board.

(c) *Restrictions on scope of order.* (1) No operator may use an allotment number or symbol or apply a preference rating to secure delivery of any material which may be acquired under this order other than in accordance with the applicable provisions of this order: *Provided, however,* That an operator who, but for the terms of this subparagraph, would be required by Priorities Regulation No. 9 to utilize the method provided in that regulation to obtain priorities assistance for export, shall continue to obtain priorities assistance in the manner provided by Priorities Regulation No. 9, as amended from time to time.

(2) No operator may apply a preference rating to obtain delivery of any material specified or referred to on Schedule "C" except in conformity with the directions set forth on that schedule.

(3) Any allotment number or symbol issued or any preference rating assigned to any operator prior to May 15, 1943 shall not be considered revoked by the provisions of subparagraph (1) of this paragraph (c).

MRO Material

(d) *Method of securing MRO material and laboratory equipment.* (1) To secure delivery of research laboratory material or material for maintenance or repair purposes or as operating supplies—including without limitation controlled materials, Class A, or Class B products—an operator is hereby authorized to use allotment symbol MRO–P–98–b and a preference rating of AA–1, except for such material to be used in retail marketing (service station operations), to secure the delivery of which a preference rating of AA–5 is hereby authorized. Material delivered or to be delivered for use as research laboratory material, or for maintenance or repair purposes or as operating supplies is referred to as "MRO material".

(2) In placing an allotment symbol or preference rating on a delivery order for MRO material, the operator shall endorse upon such delivery order the certification provided in paragraph (l).

NOTE: Paragraph (d) (2) as amended August 9, 1943.

(3) Any operator requiring aluminum (in any of the forms or shapes constituting a controlled material) as essential MRO material, where the use of other material for this purpose is impracticable, may obtain such aluminum from a controlled materials producer or from an approved aluminum warehouse in amounts of not to exceed 100 pounds from all sources during any one calendar quarter, only by endorsing upon any delivery order the certification provided in paragraph (l).

Any operator requiring aluminum as essential MRO material (in any of the forms or shapes constituting a controlled material) in amounts in excess of 100 pounds from all sources during any one calendar quarter, where the use of other material for this purpose is impracticable, may apply for an allotment of the amount thereof in excess of 100 pounds during any one calendar quarter by a letter addressed to the Aluminum and Magnesium Division, War Production Board, Washington 25, D. C., Ref: MRO. Such letter should contain substantially the information called for by paragraphs (d) (1) to (d) (6) of Supplementary Order M–1–l, as amended March 10, 1943. Such operator may place authorized controlled material orders, based on any allotment received pursuant to such application, with a controlled materials producer or an approved aluminum warehouse only by using the certification provided in paragraph (l).

(4) Prior to placing with a supplier a delivery order for MRO material bearing the certification provided in paragraph (l), each operator shall submit copies of delivery orders to the Petroleum Administration for War or the Office of Oil Controller, as follows:

(i) Where Schedule D is applicable, submission shall be made in the manner and to the places specified therein. If Schedule D is not applicable:

(ii) Where the total cost to the operator of all items on the delivery order is $100.00 or more, but less than $1000.00, and the cost of every item on the delivery order is less than $500.00, *one* copy of such delivery order shall be submitted.

(iii) Where the total cost to the operator of all items on the delivery order is $1000.00 or more and the cost of every item on the delivery order is less than $500.00, *two* copies of such delivery order shall be submitted.

(iv) Where the cost to the operator of any item on the delivery order is $500.00 or more, *two* copies of such delivery order shall be submitted.

No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

When the delivery order is for MRO material to be used in production, a domestic operator shall submit such delivery order to the district office of the Petroleum Administration for War in the district where the material is to be used. When the delivery order is for MRO material to be used in any other branch of the industry, a domestic operator shall submit such delivery order: (a) to a district Office of the Petroleum Administration for War (in the district in which the material will be used or in which the purchasing office of the operator is located, as the operator may elect) where such delivery order is to be submitted in accordance with paragraphs (d) (4) (ii) or (d) (4) (iii); or (b) to the Washington Office of the Petroleum Administration for War where such delivery order is to be submitted in accordance with paragraph (d) (4) (iv). A Canadian operator shall, in every instance, submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each such delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the specific use to which the material is to be put, the branch of the petroleum industry and the PAW District in which the material is to be used, the price, quantity and description of the material on the delivery order (including weight if a controlled material), and, where applicable, such additional information as may be necessary to enable the proper official to make an accurate determination of the operator's needs.

(5) No operator may place with a supplier any delivery order submitted in accordance with paragraph (d) (4) (iii) or (d) (4) (iv) until approval has been received from the Petroleum Administration for War or the Office of Oil Controller.

(6) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item or subdivide an

ordinary purchase of any item or items for the purpose of making it appear that an item costs less than $500.00; that the total cost of all items on the delivery order is less than $1000.00; or that the total cost of all items on the delivery order is less than $100.00.

(e) *Emergency provisions for securing MRO material.* (1) If there has been an actual breakdown or suspension of operations and if the method specified in paragraph (d) for using the allotment symbol, preference rating or certification will not permit an operator to obtain MRO material on the date and in the quantity required, the operator may request authority to obtain delivery of such material by communicating by letter, telegram or telephone with the Petroleum Administration for War, Washington 25, D. D., Ref: P–98–b, supplying the following information:

(i) Date of actual breakdown or suspension of operations and exact explanation as to what extent operations are affected;

(ii) Description of equipment to be repaired and its function in maintaining continuous operation;

(iii) Price, quantity, and detailed description of necessary material (including weight if a controlled material) and number and date of delivery order(s) therefor.

Whenever any of the above information is furnished by telephone, the operator shall confirm such information within three days by a letter or telegram. No delivery order for MRO material for emergencies need be submitted.

(2) No operator may place with a supplier a delivery order, covering the delivery of material for which approval has been requested pursuant to paragraph (e) (1), until approval has been received from the Petroleum Administration for War or the War Production Board. In placing any such delivery order after receipt of approval, the operator shall use the certification provided in paragraph (l).

Material for Production Operations

(f) *Method of securing material for production operations*—(1) *Authorization of preference rating.* (i) To secure delivery of any material (other than MRO material) requiring the use of a preference rating, which material is for a production operation, an operator is hereby authorized to use a preference rating of AA–2X.

(ii) Subject to the applicable provisions of Petroleum Administrative Order No. 11, as amended and supplemented from time to time, an operator is hereby authorized to place an order with a supplier for delivery of material requiring the use of a preference rating, which material is for a production operation, only where the delivery order covering any such material is placed in accordance with the provisions of subparagraphs (f) (4) and (f) (5) of this order.

(2) *Allotment of controlled materials.* (i) Any domestic operator, who during the year 1942 drilled 40,000 feet of hole or more, may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number, which material is for a production operation, only by submitting to the District Office of the Petroleum Administration for War in the District where the material is to be used Form WPB–2565 (formerly PD–873) at least four months prior to the calendar-quarter in which such material is to be delivered. Notwithstanding this provision, any such operator may request interim assistance to obtain additional quantities of such material for a production operation, or any domestic operator who during the year 1942 drilled less than 40,000 feet of hole, may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number for a production operation, only by submitting to the District Office of the Petroleum Administration for War in the District where the material is to be used Form WPB–2565 (formerly PD–873) not less than one month prior to the time the operator proposes to initiate or to obtain delivery of such material for such production operation.

(ii) Any Canadian operator may apply for authority to obtain delivery of any material (other than MRO material) requiring the use of an allotment number, which material is for a production operation, only by submitting to the Office of Oil Controller of the Dominion of Canada Form WPB–2565 (formerly PD–873) not less than one month prior to the time the operator proposes to initiate or to obtain delivery of such material for such production operation.

(iii) Submission of Form WPB–2565 (formerly PD–873) to the Petroleum Administration for War or the Office of Oil Controller shall constitute an application for an allotment of controlled materials, an application for an allotment number, and, subject to the applicable provisions of Petroleum Administrative Order No. 11, as amended and supplemented from time to time, an application for authority to use an allotment number to secure delivery of material necessary for the production operation(s) specified on such form. The Petroleum Administration for War or the Office of Oil Controller may thereafter make an allotment and authorize the use of an allotment number to secure delivery of material necessary for the production operation(s) specified on such form. Such allotment and authorization will be made on Form WPB–2565 (formerly PD–873).

(3) An operator may use an allotment number which he may have been authorized to use by placing it upon the delivery order for controlled materials to be used in the production operation(s) specified on Form WPB–2565 (formerly PD–873) and by certifying the delivery order as provided in paragraph (l). An operator may use the preference rating authorized by subparagraph (f) (1) (i) by placing it upon any delivery order for material requiring the use of a preference rating and by certifying the delivery order as provided in paragraph (l).

NOTE: Paragraph (f) (5), (6), (7) redesignated (f) (4), (5), (6) and amended August 9, 1943.

(4) Prior to placing with a supplier a delivery order bearing an allotment number or preference rating for the delivery of any material (other than MRO material) to be used in a production operation, each operator shall submit copies of delivery orders to the Petroleum Administration for War or the Office of Oil Controller, as follows:

(i) Where the total cost to the operator of all items on the delivery order is $100.00 or more, but less than $1000.00, and the cost of every item on the delivery order is less than $500.00, one copy of such delivery order shall be submitted.

(ii) Where the total cost to the operator of all items on the delivery order is $1000.00 or more or where the cost to the operator of any item on the delivery order is $500.00 or more, two copies of such delivery order shall be submitted.

No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

A domestic operator shall submit such delivery order to the District Office of the Petroleum Administration for War in the District where the material is to be used. A Canadian operator shall submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each such delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the serial number of the Form WPB 2565 (formerly PD–873) which was returned to him as authority to acquire the material, the specific use to which the material is to be put, and the price, quantity and description of material on the delivery order.

(5) No operator may place with a supplier any delivery order submitted in accordance with paragraph (f) (4) (ii) until approval has been received from the Petroleum Administration for War or the Office of Oil Controller.

(6) In placing a delivery order bearing an allotment number or preference rating for material to be used in a production operation, no operator shall alter the customary designation of any item or subdivide an ordinary purchase of any item or items for the purpose of making it appear that an item costs less than $500.00; the total cost of all items on the delivery order is less than $1000.00; or the total cost of all items on the delivery order is less than $100.00.

Material for Construction Operations

(g) *Authorization required for certain construction operations.* No operator may accept delivery of, acquire, or use material in a construction operation except in accordance with Schedule E hereof.

(h) *Method of securing material for construction operations.* (1) Any domestic operator may apply for authority to obtain delivery of material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a construction operation, only by submitting to the Petroleum Administration for War those forms at such times as may be specified in Schedule E hereof. Any Canadian operator may apply for authority to obtain delivery of material (other than MRO material) requiring the use of an allotment number or preference rating, which material is for a construction operation, only by submitting to the Office of Oil Controller of the Dominion of Canada those forms at such times as may be specified in Schedule E hereof.

(2) Submission of the proper form for a specific construction operation as specified in Schedule E hereof shall constitute an application for an allotment of controlled material, an application for an allotment number and preference rating, an application for authority to use an allotment number and preference rating, and, subject to the applicable provisions of Schedule E hereof, an application for authorization to accept delivery of or acquire material and to initiate the construction operation(s) specified in the form submitted. The Petroleum Administration for War, the Office of Oil Controller, or the War Production Board may thereafter make an allotment and authorize the use of an allotment number and preference rating to secure delivery of material necessary for the construction operation(s) specified in or authorized pursuant to an application submitted in accordance with Schedule E hereof.

(3) In the event that authority to use an allotment number and preference rating is granted to the operator, the operator may use such allotment number and preference rating by placing them upon the delivery order for material to be used in the specified construction operation(s) and by certifying the delivery order as provided in paragraph (l).

(4) Preference ratings assigned to construction operation(s) may be applied or extended only for the purpose of acquiring those items of material specifically approved in connection with the construction operation(s) specified in or authorized pursuant to an application submitted in accordance with Schedule E hereof; and authorized controlled material orders may be placed only for the purpose of acquiring those items of controlled material specified for use in the construction operation(s).

(5) Any application upon the required form specified in Schedule E hereof for a construction operation located in the United States, its territories or possessions shall be submitted to the Petroleum Administration for War, Washington 25, D. C., or to such other place as may be specifically designated in Schedule E hereof. Any such application for a construction operation located in the Dominion of Canada shall be submitted to the Office of Oil Controller of the Dominion of Canada.

Allotments, Placement of Orders, General

(i) *Allotments in production or construction operations.* In certain instances an operator, who has obtained the necessary allotment of controlled materials for a production or construction operation, may require the manufacture and installation of certain Class A products or may undertake the construction operation through a construction contractor. In either case it may be necessary for the operator to allot a portion of his allotment to the Class A product manufacturer or to the contractor (each of whom then becomes a secondary consumer) for reallotment or the placement of controlled material orders. Any operator making such an allotment shall follow the procedures established therefor in CMP Regulation No. 1, except as otherwise modified by this order. A secondary consumer who receives any such allotment shall not be bound by the provisions of this order and must rely upon existing procedures other than those established by this order in securing necessary material.

(j) *Placement of delivery orders; application of preference ratings.* (1) An operator who has complied with the provisions of paragraph (d), (e), (f) or (h) of this order may place a delivery order with any supplier for delivery of material authorized pursuant to such paragraph and may place upon such delivery order the allotment number or symbol or preference rating which has been duly authorized in accordance with the provisions of this order. The allotment symbol MRO–P–98–b shall constitute an allotment symbol for the purpose of CMP Regulation No. 3.

NOTE: Paragraphs (j) (3), (4) redesignated paragraphs (j), (2), (3) August 9, 1943.

(2) Any delivery order for controlled materials placed pursuant to this order and bearing the certification provided for in this order shall constitute an authorized controlled material order: *Provided,* That such delivery order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance as is specified in Schedule III of CMP Regulation No. 1, or at such later time as the controlled materials producer may find it practicable to accept the same.

(3) The allotment number referred to in this paragraph (j) or endorsed upon any delivery order bearing the certification provided for in this order shall be the abbreviated allotment number prescribed by paragraph (c) (6) (ii) of CMP Regulation No. 1, including as the last two digits, the number of the month in which delivery is requested in place of the number identifying the quarter for which the allotment received is valid.

(k) *Use, cancellation, or reduction of allotments.* (1) When an allotment received by an operator is not reallotted, or authorized controlled material orders therefor are not placed, within 30 days of receiving the allotment, the operator shall promptly notify the Petroleum Administration for War in Washington, D. C., or the Office of Oil Controller in Toronto, Canada, of this fact and of the extent to which the allotment has not been reallotted or authorized controlled material orders therefor have not been placed. In the event that an operator elects not to use an allotment which has been received by him, he shall, within 30 days of receiving the allotment, notify the Petroleum Administration for War in Washington, D. C. or the Office of Oil Controller in Toronto, Canada of this fact and of the extent to which he has elected not to use the allotment, together with the reasons therefor.

(2) An operator who has made an allotment may cancel or reduce the same by notice in writing to the person to whom it was made. Where an allotment received by an operator is cancelled, he must cancel all allotments which he has made and all authorized controlled material orders which he has placed, on the basis of the allotment; and where an allotment received by an operator is reduced, he must cancel or reduce allotments which he has made, or authorized controlled material orders which he has placed, to the extent that the same exceed his allotment as reduced. In the event that this course of action is impracticable, the operator shall immediately report to the Petroleum Administration for War or the Office of Oil Controller for instructions.

(l) *Certification.* An operator may use any allotment number or symbol or preference rating authorized pursuant to this order only by endorsing upon his delivery order a certification in substantially the following form, signed manually or as provided in Priorities Regulation No. 7:

The undersigned purchaser certifies, subject to the penalties of section 35A of the United States Criminal Code, to the seller and to the War Production Board, that, to the best of his knowledge and belief, the undersigned is authorized under applicable War Production Board regulations or orders to place this delivery order, to receive the item(s) ordered for the purpose for which ordered, and to use any preference rating or allotment number or symbol which the undersigned has placed on this order.

This certification may be used in lieu of any other certification required by any CMP regulation to be endorsed on a delivery order or to be furnished therewith. Any certification provided for in this order, so used, shall be construed to be a representation of facts in the same manner and to the same extent as any specific certification required by any CMP regulation.

(m) *Restoration of inventories.* An operator may, subject to the provisions of this order, use the allotment number or symbol and the preference rating duly authorized in accordance with the provisions of this order to restore to a practical working minimum his inventory of material where the inventory has been depleted through use of MRO material or material necessary to a production or construction operation: *Provided,* That no delivery of material which would result in surplus material, as defined in Preference Rating Order P–98–c, may be accepted by any operator.

(n) *Restrictions.* No operator may use the allotment number or symbol or the preference rating duly authorized in accordance with the provisions of this order:

(1) To obtain delivery of material in greater amounts or on earlier dates than required to fulfill the purpose authorized pursuant to the provisions of this order.

(2) To obtain delivery of material for any purpose other than a purpose authorized pursuant to the provisions of this order.

(3) To obtain delivery of material which can be secured without the use of an allotment number or symbol or preference rating.

(4) To obtain delivery of material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material, or by change of design.

(5) To obtain delivery of material in such amounts or at such dates that receipt of such amounts on the requested dates would result in surplus material, as defined in Preference Rating Order P–98–c.

(6) To obtain deliveries of material on or after August 1, 1943 unless such operator is a participant in the PAW Materials Redistribution Program No. 2 in the event that participation by the operator in such program is required by the terms of the program.

(o) *Applicability of other orders and regulations.* (1) This order and all transactions affected hereby, except as herein otherwise provided, are subject to all applicable orders or regulations of the War Production Board, as amended from time to time.

(2) None of the provisions of CMP Regulation Nos. 2, 5, or 6 (or the limitations incorporated in any CMP regulation which otherwise would subject an operator to the provisions of CMP Regulation Nos. 2, 5, or 6) shall apply to an operator and no operator shall obtain any material under or be limited by the provisions of such regulations or limitations. The provisions of paragraphs (i), (s), (s–1) and (u) of CMP Regulation No. 1 shall not apply to an operator who secures delivery of material in accordance with the provisions of this order and no such operator shall to this extent be limited by the provisions of these paragraphs of CMP Regulation No. 1. None of the provisions of Limitation Order L–41, as amended from time to time, shall apply to an operator as such operator is limited by the provisions of such order.

(p) *Further limitations on use of priorities assistance.* The Petroleum Administration for War may issue in its own name further restrictions or limitations on the use of priorities assistance by operators in the petroleum industry.

(q) *Communications.* All reports which may be required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed:

(1) By any person located in the United States, its territories or possessions to: Petroleum Administration for War, Interior Building, Washington 25, D. C., Ref: P–98–b.

(2) By any person located in the Dominion of Canada to: Office of Oil Controller, Dominion of Canada, Toronto, Canada, Ref: P–98–b.

Wherever communications are specifically directed to be addressed to a District Office of the Petroleum Administration for War such communications shall be addressed to the District Office for the appropriate area as specified in Schedule F hereof.

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

Issued this 9th day of August 1943.

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

SCHEDULE A

"Maintenance or repair" means, without regard to accounting practice, any use of material:

(1) In production, natural gasoline production, transportation or refining for any of the following purposes:

(i) The upkeep of material or equipment in a sound working condition;

(ii) The restoration of material or equipment which has been rendered unsafe or unfit for service by wear and tear, damage, destruction, failure of parts or similar causes; or

(iii) Any other production or construction operation not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition:

Provided, That upkeep or restoration shall not include any use of material for the improvement of material or equipment by the replacement of material which is still serviceable in the existing material or equipment: *And provided further,* That maintenance or repair shall not include the installation or replacement of pumping or other artificial lifting equipment or the deepening or plugging back of any well.

(2) In marketing for any of the following purposes:

(i) The upkeep of any structure or equipment in a sound working condition;

(ii) The restoration of any structure or equipment or part thereof to a sound working condition when such structure or equipment or part thereof has been rendered unsafe or unfit for further service by wear or tear, damage, destruction, failure of parts or similar causes; or

(iii) Any other construction operation in connection with any bulk plant (but not any service station or retail outlet) not exceeding in material cost $500 for any one complete operation which has not been subdivided for the purpose of coming within this definition:

Provided, That upkeep or restoration shall not include any use of material for the improvement of any structure or equipment by the replacement of material which is still serviceable in the existing structure or equipment: *And provided further,* That maintenance or repair shall not include any construction operation in connection with a service station or retail outlet other than for upkeep or restoration purposes.

SCHEDULE B—NON-PETROLEUM INDUSTRY USES OF MATERIAL

Other than as specifically provided for in this schedule, use of the following material shall not be considered as a use of material in the petroleum industry:

(a) Material or equipment which is to be used by consumer accounts for or in the storage or dispensing of petroleum, including liquefied petroleum gas.

(b) Material or equipment which is to be used for transportation by means of a tank truck or trailer, railroad rolling stock, or marine equipment: *Provided,* That:

(1) Where material is to be used on a tank truck or trailer and is specialized petroleum

material or equipment which is actually to be attached to the truck or trailer and is necessary to the containing, dispensing, measuring the movement, or distributing of petroleum, such use shall be considered a use of material in the petroleum industry.

(ii) Where material is to be used on railroad rolling stock and the rolling stock is owned or leased by the operator, used on his premises and in the petroleum industry, and is not under the jurisdiction of the Interstate Commerce Commission, such use shall be considered a use of material in the petroleum industry.

(iii) Where material is to be used on marine equipment and the marine equipment is used or chartered by the operator, is used on or in the vicinity of his premises and in the petroleum industry, and is not under the jurisdiction of the United States Maritime Commission, the Navy Department, or any other federal agency for the purpose of establishing methods by which material incident to the operation of the marine equipment may be made available, such use shall be considered a use of material in the petroleum industry.

(c) Material or equipment which is to be used in connection with a construction operation for "residential construction" or "multiple residential construction", as defined in Limitation Order L–41, as amended from time to time.

SCHEDULE C—SPECIAL DIRECTIONS CONCERNING CERTAIN MATERIAL AND EQUIPMENT USED IN THE PETROLEUM INDUSTRY

An operator may apply a preference rating to obtain delivery of the material specified on Lists A, B and C of Priorities Regulation No. 3, as amended from time to time, only in accordance with paragraph (f) of Priorities Regulation No. 3. Each operator should acquaint himself fully with the new Priorities Regulation No. 3, before applying preference ratings made available by P–98–b.

SCHEDULE D

Because of the over-all materials situation, it has been necessary in exceptional instances to develop specialized treatment for certain types of material. In certain instances, special treatment is necessary only for the purpose of developing requirements to assure sufficient supplies to operators. Material of this character is treated in Part I of this schedule.

In other instances, the critical shortage of particular materials and the universal importance of such materials to the war program have required more complete control than ordinarily required by this order. Material of this character is treated in Part II of this schedule.

The schedule has been so arranged as to provide a flexible medium whereby as the status of important classes of material alters, particular classes can be added to or subtracted from the lists—thus adjusting the material demand and supply picture to the needs of petroleum industry operators.

PART I—MATERIAL REQUIRING SUBMISSION OF DELIVERY ORDER FOR INFORMATION ONLY

(a) Prior to placing with a supplier a delivery order (for the MRO material specified in (b) of Part I of this schedule) bearing the certification provided in paragraph (l), each operator shall submit for information purposes only (to the district office of the Petroleum Administration for War in the district where the material is to be used or the Office of Oil Controller) *one* copy of any delivery order for such material unless the total cost to the operator of all items on the delivery order is less than $100.00. No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

(b) Specified MRO material:

(i) Aluminum allotted pursuant to application made to the Aluminum and Magnesium Division of the War Production Board.

(ii) Rotary bits.

(c) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item specified in Part I, (b) of this schedule or subdivide an ordinary purchase of any item or items specified in Part I, (b) of this schedule for the purpose of making it appear that the total cost of all items on the delivery order is less than $100.00.

PART II—MATERIAL REQUIRING PRE-SUBMISSION OF DELIVERY ORDER

(a) Prior to placing with a supplier a delivery order (for the MRO material specified in (b) of Part II of this schedule) bearing the certification provided in paragraph (l), each operator shall submit for approval *two* copies of any delivery order for such material where the total cost to the operator of all items on the delivery order is $100.00 or more. No delivery order need be submitted by an operator where the total cost to the operator of all items on the delivery order is less than $100.00.

When the delivery order is for the MRO material specified in Part II, (b) to be used in production, a domestic operator shall submit such delivery order to the district office of the Petroleum Administration for War in the district where the material is to be used. When the delivery order is for such MRO material to be used in any other branch of the industry, a domestic operator shall submit such delivery order: (a) to a district office of the Petroleum Administration for War (in the district in which the material will be used or in which the purchasing office of the operator is located, as the operator may elect) where the total cost of all items on the delivery order is $100.00 or more and the cost of every item on the delivery order is less than $500.00; or (b) to the Washington Office of the Petroleum Administration for War where the cost of any item on the delivery order is $500.00 or more. A Canadian operator shall, in every instance, submit such delivery order to the Office of Oil Controller of the Dominion of Canada.

Each delivery order submitted to the Petroleum Administration for War or the Office of Oil Controller shall have endorsed upon it or be accompanied by a statement identifying the specific use to which the material is to be put, the branch of the petroleum industry and the PAW district in which the material is to be used, the price, quantity and description of the material on the delivery order (including weight if a controlled material), and, where applicable, such additional information as may be necessary to enable the proper official to make an accurate determination of the operator's needs.

(b) Specified MRO material:

(i) Cast iron valves over 12 inches.

(ii) Industrial control instruments including relief and control valves and regulators.

(iii) Steel valves.

(c) No operator may place with a supplier a delivery order, covering the delivery of material for which approval has been requested pursuant to (a) of Part II of this schedule, until approval has been received from the Petroleum Administration for War.

(d) In placing a delivery order bearing an allotment symbol or preference rating, no operator shall alter the customary designation of any item specified in Part II, (b) of this schedule or subdivide an ordinary purchase of any item or items specified in Part II, (b) of this schedule for the purpose of making it appear that an item costs less than $500.00 or that the total cost of all items on the delivery order is less than $100.00.

SCHEDULE E

This schedule both describes and determines how to obtain the delivery of material for and authority to use material in construction operations.

Schedule E shall not determine the methods by which an operator obtains delivery of, acquires or uses MRO material or material for production operations. Requirements governing the use of priorities assistance to secure delivery of and use MRO material are treated in paragraphs (d) and (e) and Schedules A, C, and D. Requirements governing the use of priorities assistance to secure delivery of material for production operations are treated in paragraph (f); the use of material in production operations is covered in PAO No. 11.

The requirements in this schedule with respect to applications for authorization to accept delivery of or acquire material and to initiate a construction operation (but not with respect to obtaining priorities assistance) do not apply to any Canadian operator.

For the purpose of this Schedule E, "material on hand" means any material

(1) which has been or can be obtained without priorities assistance (other than priorities assistance assigned by paragraph (b) (1) of M–208); or

(2) which has been acquired with priorities assistance (other than priorities assistance made available by this order to secure delivery of MRO material) for a purpose other than use in the construction operation for which application must be made on the appropriate form specified in Column (4) below; and

(1) Petroleum industry operations	(2) Construction operations covered by this schedule	(3) Extent of authorization required and method of obtaining authorization	(4) Use form below to obtain authority to engage in a construction operation, if required	(5) Use form below to obtain priorities assistance	(6) Order which governs the need to obtain authority
Marketing	Any construction operation, as defined in P-98-b, to the extent covered by PAO No. 12	(1) Authority is granted by PAO No. 12 to undertake certain construction operations and installations of equipment. As to such operations or installations, no action need be taken. (2) Authority must be obtained before undertaking any construction operation or installation of equipment other than those specifically permitted by PAO No. 12. To request authority, file PAW Form 23 with the District Director of Marketing at the PAW District Office for the District in which the material will be used.	PAW Form 23	Form WPB-617 [formerly PD-200].	PAO No. 12.
Natural gasoline production.	Any construction operation as defined in P-98-b (any production operation as defined in PAO No. 11 directly incident to the extraction or recovery of natural gasoline and associated hydrocarbons).	Authority must be obtained under PAO No. 11 before engaging in any such construction operation. To request authority, file PAW Form 4 as follows: 3 copies with the Director of Natural Gas & Natural Gasoline, Petroleum Administration for War, Washington, D. C. 1 copy with the District Director of Natural Gas & Natural Gasoline, Petroleum Administration for War District Office.	PAW Form 4	Form WPB-617 [formerly PD-200].	PAO No. 11.
Refining or transportation.	(a) Any construction operation, as defined in P-98-b, with an estimated material cost of less than $3,000 for any one complete operation, which can be completed primarily with material on hand.	Any operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation as described and limited in Column (2) (a) without obtaining any authority to do so	----------	----------	P-98-b Schedule E.
	(b) Any construction operation, as defined in P-98-b, with an estimated material cost of $3,000 or more for any one complete operation, which can be completed primarily with material on hand.	No operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation described and limited in Column (2) (b) unless he obtains prior authority to do so. To request such authority, file Form WPB-617 [formerly PD-200] with the Petroleum Administration for War, Washington, D. C.	Form WPB-617 [formerly PD-200].	----------	P-98-b Schedule E.
	(c) Any construction operation, as defined in P-98-b, the delivery of material for which will require priorities assistance.	No operator, to the extent that he is engaged in refining or transportation, may undertake any construction operation described in Column (2) (c) unless he obtains prior authority to do so from the Petroleum Administration for War. To request such authority, file Form WPB-617 [formerly PD-200] with the Petroleum Administration for War Washington, D. C.	Form WPB-617 [formerly PD-200].	Form WPB-617 [formerly PD-200].	P-98-b Schedule E.

NOTES—READ CAREFULLY

a. *Use of Form WPB-1548 [formerly PD-200B].* After an operator has filed a Form WPB-617 [formerly PD-200] and has been authorized to construct or has been granted priorities assistance, Form WPB-1548 [formerly PD-200B] should be used (1) to obtain priorities assistance for additional material; (2) to obtain greater quantities of material than authorized by the priorities assistance granted; or (3) to obtain a higher preference rating than the rating granted, if such is necessary to secure delivery of material at the time required.

b. *Form WPB-617 [formerly PD-200] used for both authority and priorities assistance.* Where both authority to initiate a construction operation and priorities assistance are required and Form WPB-617 [formerly PD-200] is prescribed for both purposes, it is only necessary to file such Form WPB-617 [formerly PD-200] once for both purposes.

c. *Where to file Forms WPB-617 [formerly PD-200] and WPB-1548 [formerly PD-200B].* Domestic operators should file with the Washington office of the Petroleum Administration for War; Canadian operators should file with the Office of Oil Controller.

d. *When to file forms.* PAW Form 23, PAW Form 4, and Form WPB-617 [formerly PD-200] (when it is used to obtain authority to initiate a construction operation) must be filed before construction or installation is begun. Where Form WPB-617 [formerly PD-200] is used to obtain priorities assistance only, it should be filed at the earliest possible opportunity and preferably with PAW Form 23 or PAW Form 4, if authority to initiate a construction operation in Marketing or Natural Gasoline Production is to be requested.

e. *Filing of Form CMP-4C.* Not required of operators except where specifically requested by the Petroleum Administration for War or the Office of Oil Controller.

(3) which will not be replaced in the operator's inventory by the use of priorities assistance made available by this order to secure delivery of MRO material.

For further definitions of the terms used in the table below consult the respective orders referred to therein.

In addition to the orders specified, the terms of any other applicable E, L, M, or U order shall apply.

SCHEDULE F—INSTRUCTIONS FOR DIRECTING COMMUNICATIONS TO DISTRICT OFFICES

District 1. (Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia) Direct communications to Petroleum Administration for War, 1104 Chanin Building, 122 East 42nd Street, New York, N. Y. Ref: P-98-b.

District 2. (Ohio, Kentucky, Tennessee, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota) Direct communications to Petroleum Administration for War, 1200 Blum Building, 624 South Michigan Avenue, Chicago, Ill., (or) 410 Beacon Building, 406 South Boulder Avenue, Tulsa, Okla. Ref: P-98-b.

District 3. (Alabama, Mississippi, Louisiana, Arkansas, Texas, New Mexico) Direct communications to Petroleum Administration for War, 245 Mellie Esperson Building, Houston, Tex. Ref: P-98-b.

District 4. (Montana, Wyoming, Colorado, Utah, Idaho) Direct communications to Petroleum Administration for War, 320 First National Bank Building, Denver, Colo. Ref: P-98-b.

District 5. (Arizona, California, Nevada, Oregon, Washington, Territories of Alaska or Hawaii) Direct communications to Petroleum Administration for War, 855 Subway Terminal Building, Los Angeles, Calif. Ref: P-98-b.

[F. R. Doc. 43-12893; Filed, August 9, 1943; 11:33 a. m.]

Chapter XI—Office of Price Administration

PART 1341—CANNED AND PRESERVED FOODS

[MPR 409,[1] Amdt. 2]

FROZEN FRUITS, BERRIES AND VEGETABLES (1943 PACK AND AFTER)

A statement of the considerations involved in the issuance of Amendment No. 2 to Maximum Price Regulation No. 409 has been issued and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 409 is amended in the following respects:

1. Section 2 is amended to read as follows:

SEC. 2. *List of maximum prices which packers may charge for frozen fruits, berries and vegetables packed and frozen in barrels.* The maximum prices per pound, carload basis f. o. b. shipping point, which packers may charge for the following frozen fruits, berries and vegetables, packed and frozen in barrels after the 1942 pack shall be:

Variety and sugar basis:	*Maximum price per pound, cents*
Cherries:	
4+1	13¾
5+1	14
Blackberries:	
Straight	17¾
Boysenberries:	
Straight	17¾
Gooseberries:	
Straight	13¾
Loganberries:	
Straight	17¾
Raspberries, black:	
4+1	17¾
5+1	18¼
Straight	18¾
Raspberries, red:	
4+1	19¾
5+1	20¼
Straight	20¾
Strawberries (Ettersburg variety):	
3+1	17¾
3+1 sortouts	15¾
4+1	18¼
4+1 sortouts	16¼
5+1	18¾
Straight	19¾
Strawberries (other varieties):	
3+1	16¼
3+1 sortouts	14¼
4+1	16¾
4+1 sortouts	14¾
5+1	17¼
Straight	17¾
Youngberries:	
Straight	17¾

When a packer sells a listed item on a "no-storage" basis, that is, at a price which includes only the first month's storage, his maximum price shall be reduced by ¼¢ per pound.

Barreled products which are not listed shall be priced as if they were under section 3.

2. Paragraphs (a), (b), (c) and (j) of section 3 are amended to read as follows:

SEC. 3. *Maximum prices which packers may charge for frozen fruits, berries and vegetables packed and frozen in containers other than barrels*—(a) *General pricing method.* The packer shall figure a maximum price per dozen or other unit, f. o. b. shipping point, for each separate kind, grade, style of pack, container type and size of frozen fruits, berries, and vegetables, packed and frozen after the 1942 pack, in containers other than barrels. The maximum price for such an item, including all storage, shall be figured by adding together his "base price" and his "permitted increase for miscellaneous costs."

(b) *Base price.* The packer's base price in each case shall be his maximum price, f. o. b. factory, for the item under Maximum Price Regulation No. 207, after it has been adjusted for raw material costs. However, no maximum price authorized under § 1341.202 (d) for the 1943 pack of any item may be used. (If the packer sold or delivered none of the 1942 pack of the item between August 24, 1942, and June 16, 1943, his base price shall be the maximum price, adjusted for raw material costs, which he would have figured for the 1942 pack of the item if Maximum Price Regulation No. 207 had been effective January 1, 1942.) Adjustments for raw material costs shall be made as follows:

(1) *Adjustment for commodities included in the Commodity Credit Corporation's raw materials program.* In the case of commodities included in the Commodity Credit Corporation's raw materials program the packer shall adjust for raw material costs in each case, as follows: First, he shall determine the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207. If this figure is less than the price at which the Commodity Credit Corporation will resell the raw product to packers in that area, after these figures have been converted to cents per dozen or other unit of the finished product, the difference between them shall be added to the maximum price for the item under Maximum Price Regulation No. 207. If this figure is greater than that resale price, after conversion to a finished product basis, the difference between them shall be subtracted from the maximum price for the item under Maximum Price Regulation No. 207. The figure resulting from this addition or subtraction is the packer's base price in sales to purchasers other than United States agencies. (In figuring base prices in sales to United States agencies, the packer shall use the Commodity Credit Corporation's purchase price for the area in which the packer received delivery of the raw materials, instead of the resale price, when making the foregoing calculations.) Commodities included in the Commodity Credit Corporation's program include:

Beans, snap
Corn
Peas

Purchase and resale prices under the Commodity Credit Corporation's raw materials program are published by the Department of Agriculture and may be obtained from its local State war boards.

(2) *Adjustment for commodities not included in the Commodity Credit Corporation's raw materials program.* In the case of the following commodities, the packer shall adjust for raw material costs in each case by adding to his maximum price for the item under Maximum Price Regulation No. 207 the appropriate figure named in the following table (after conversion to cents per unit of the finished product).

Variety:	*Cents per pound (raw weight)*
Asparagus:	
California, Oregon and Washington	1½
Other states	1
Spinach	0

In the case of the following commodities, the packer shall adjust for raw materials by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the appropriate figure named in the following table (after conversion to cents per unit of the finished product) and adding the difference so obtained to his maximum price for the item under Maximum Price Regulation No. 207.

Variety:	*Cents per pound (raw weight)*
Cherries	8½
Blueberries (wild):	
Maine, New Hampshire, Vermont, and Massachusetts only	12
(For other blueberry prices, see table below)	
Boysenberries	12
Gooseberries	8
Loganberries	12
Raspberries, Black	13
Raspberries, Red	15
Strawberries (Ettersburg variety)	14
Strawberries (Other varieties)	12
Youngberries	12
	Dollars per ton (raw weight)
Peaches, clingstone	$60
Pears:	
California	$65
Oregon and Washington	$75
(For other pear prices, see table below)	
Plums	$55
Prunes, fresh	$40
Other varieties	(to be announced)

In the case of the following commodities, the packer shall adjust for raw material costs by subtracting the weighted average cost for raw materials used in the 1942 pack of the product which he figured under § 1341.202 (b) (2) of Maximum Price Regulation No. 207 from the weighted average cost for raw materials used in the 1943 pack of the product, based on not less than the first 75 per cent of his 1943 purchases, and adding the difference so obtained (after conversion to cents per unit of the finished product) to his maximum price for the item under Maximum Price Regulation No. 207. However, the packer may not add an amount greater than the figure listed below (after the listed figure has been converted to a finished product basis).

	Cents per pound (raw weight)
Blueberries (cultivated)	3
Blueberries (wild):	
States other than Maine, New Hampshire, Vermont and Massachusetts	3
Cranberries	3
Currants	3
Dewberries	3
Elderberries	3

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

[1] 8 F.R. 8358, 9298.

	Cents per pound (raw weight)
Huckleberries	3
Johnsonberries	3
Olympic berries	3
	Dollars per ton (raw weight)
Apricots	31
Pears:	
States other than California, Oregon and Washington	8
Other varieties	(to be announced)

Commodities for which no figure is named continue to be subject to Maximum Price Regulation No. 207.

(c) *Permitted increase for miscellaneous costs.* The packer's permitted increase for miscellaneous costs shall be figured by adding the following factors:

(1) The packer's permitted increase for labor shall be figured by multiplying the "base price" for the item by the appropriate percentage figure named in Appendix A. However, for areas for which no percentage figure is named in Appendix A, and for those items which are included in the labor subsidy program of the Commodity Credit Corporation, that is, snap beans, corn and peas sold to purchasers other than United States agencies, the packer's permitted increase for labor shall be 0. (For snap beans, corn and peas sold to purchasers other than United States agencies, compensation for labor increases is given by the Commodity Credit Corporation in certain prescribed situations.)

(2) For cold-packed commodities, an additional one-quarter cent may be added for each pound of the finished product in a unit of the size being priced.

(j) *Items sold on a "no-storage" basis.* When a packer sells an item of frozen fruits, berries or vegetables on a "no-storage" basis, that is, at a price which includes only the first month's storage, his maximum price under paragraph (a) shall be reduced by ¾¢ per pound of the finished product in the case of quick-frozen items and ¼¢ per pound in the case of cold-packed items.

3. Sections 18 and 19 are added to read as follows:

SEC. 18. *Reports which packers must file.* Every packer shall file with the district or state office of the Office of Price Administration for the area in which he is located a statement showing:

(a) The maximum prices which he has figured under this regulation and the items to which they are respectively applicable. Where any maximum price is figured on a delivered basis, he shall also show his price figured on an f. o. b. shipping point basis.

(b) A list of all his customary allowances, discounts, and other price differentials.

The statement for any item shall be filed on or before August 31, 1943, or within twenty days after the maximum price for it has been established in the manner explained in section 15.

SEC. 19. *Records which packers must keep.* (a) Every packer shall keep a copy of the report which he must file under section 18 in order that it may be examined by any person during ordinary business hours. Any packer who claims that he would be substantially injured by showing this statement to another person may file it with the district or state office of the Office of Price Administration for the area in which he is located, with a statement explaining why he would be substantially injured. The information will not be shown to anyone unless withholding it would be contrary to the purposes of this regulation.

(b) Every packer shall keep for examination by the Office of Price Administration, as long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charged after June 16, 1943.

4. Appendix A is added to the regulations, to read as follows:

APPENDIX A—WAR LABOR BOARD ADJUSTMENTS FOR FROZEN FRUITS, BERRIES AND VEGETABLES

[Percentages named are to be applied to "base prices"]

AREAS

	1	2	3	4
VEGETABLES	*Percent*	*Percent*	*Percent*	*Percent*
Asparagus	3.5	5	3.5	3.0
Corn*	4.5	4.5	4.0	4.0
Peas*	3.0	4.5	3.0	3.0
Lima beans	3.0	4.5	4.5	3.5
Snap beans*	4.0	4.5	4.0	4.0
Spinach	4.5	5.5	4.5	5.0
Other vegetables	6.0	6.0	6.0	6.0
FRUITS				
Apples	2.5	2.5	2.5	2.5
Peaches	5.0	5.0	5.0	3.0
Cherries	3.0	2.0	2.0	3.0
Apricots				3.5
Grapes	3.0	3.0	3.0	3.0
Other fruits	2.0	2.0	2.0	2.0
BERRIES				
Strawberries	4.5	4.5	4.0	2.0
Raspberries, red	1.5	2.0	1.5	1.5
Raspberries, black	2.0	3.0	2.0	2.0
Blackberries	2.5	2.5	2.5	1.5
Other berries	2.0	2.0	2.0	2.0

*For varieties indicated with an asterisk no increase may be taken for sales to purchasers other than United States agencies.

STATES INCLUDED

[Others will be added as the facts justify it]

Area 1 New York.
Area 2 Delaware and Maryland.
Area 3 Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota.
Area 4 Colorado, Utah, Washington, Oregon, California.

This amendment shall become effective August 6, 1943.

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

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12812; Filed, August 6, 1943; 3:14 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 329, Correction to Amdt. 12]

PURCHASES OF MILK FROM PRODUCERS FOR RESALE AS FLUID MILK

Amendment 12 to Maximum Price Regulation 329, issued and effective July 30, 1943, is redesignated as Amendment 13 to Maximum Price Regulation 329.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12813; Filed, August 6, 1943; 3:13 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288,[1] Amdt. 7]

SPECIFIC MAXIMUM PRICES IN ALASKA; BUTTER

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

Maximum Price Regulation 288 is amended in the following respects:

1. Section 1418.363 (c), Table III, is amended to read as follows:

(c) Table III: Maximum retail prices for butter.

(1) Maximum prices for the following grades and packages of fresh butter sold at retail in the Territory of Alaska shall be:

Town	Fresh print butter, 90-93 score			Butter in tins 90-93 score	
	Parch. wrapped	Carton wrapped	Quartered in cartons	1 lb. tin	2 lb. tin
Ketchikan	$0.59	$0.59	$0.60	$0.71	$0.67
Wrangell	.59	.59	.60	.71	.67
Petersburg	.59	.59	.60	.71	.67
Juneau	.59	.59	.60	.71	.67
Douglas	.59	.59	.60	.71	.67
Sitka	.59	.59	.60	.71	.67
Skagway	.59	.59	.60	.71	.67
Haines	.59	.59	.60	.71	.67
Cordova	.60	.61	.62	.73	.68
Valdez	.60	.61	.62	.73	.68
Seward	.60	.60	.61	.73	.68
Kodiak	.61	.61	.62	.74	.69
Anchorage	.63	.63	.64	.76	.71
Palmer	.63	.63	.64	.76	.71
Points on Alaska R. R. North of Anchorage and South of Curry	.63	.63	.64	.76	.71
Curry and all points on Alaska R. R. North of Curry and South of Fairbanks	.65	.66	.67	.79	.74
Fairbanks	.65	.66	.67	.79	.74
Nome	.62	.63	.64	.75	.70

[1] 7 F.R. 10581, 11012; 8 F.R. 23, 567, 2158, 2445, 6964, 3844, 8184.

(2) For sales of fractions of a pound the maximum price shall be proportionately computed.

(3) The maximum retail price for all grades of butter sold in places other than those enumerated above shall continue to be established by Maximum Price Regulation 194, if imported, and by the General Maximum Price Regulation if produced in the Territory of Alaska.

(4) The maximum retail price for 89 and lower score butter shall be computed by deducting one cent per pound from the appropriate price set forth in Table III above.

2. Section 1418.363 (e) Table V is hereby revoked.

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12814; Filed, August 6, 1943; 3:13 p. m.]

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Rev. MPR 216,[1] Amdt. 2]

EASTERN RAILROAD TIES

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

Revised Maximum Price Regulation 216 is amended in the following respects:

1. In § 1426.5 *Prohibited practices,* paragraph (b) (4) is added to read as follows:

(4) Including an addition for railroad freight in the price charged or paid for ties at a given loading-out point when the ties actually have not been shipped in to such point by rail, except as otherwise provided in § 1426.3 (a) (1) covering sales on delivered basis.

2. Section 1426.14, Table 1A, in the vertical column headed "Maximum price per 1,000 feet board measure for switch ties", the figures "$55.00" are amended to read "$60.00".

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12815; Filed, August 6, 1943; 3:14 p. m.]

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

[1] 7 F.R. 10782; 8 F.R. 7268.

PART 1429—POULTRY AND EGGS

[MPR 333,[1] Correction to Amdt. 9]

EGGS AND EGG PRODUCTS

Amendment 9 to Maximum Price Regulation 333 issued and made effective June 29, 1943, is corrected in the following respects:

1. The maximum price in cents per pound for 45% yolks set forth in Table F of § 1429.70 (g) for the month of October 1943 is corrected to read "45.4 cents".

2. The maximum price in cents per pound for spray dried or powdered albumen set forth in Table H of § 1429.74 (d) for the month of August 1943 is corrected to read "$1.87".

This correction shall be effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12816; Filed, August 6, 1943; 3:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 88 Under SR 15 to GMPR]

DUCKWALL BROS., INC.

Order No. 88 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. PO-17.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1388 *Adjustment of maximum prices for warehouse services sold by Duckwall Brothers, Inc. of Hood River, Oregon.* (a) Duckwall Brothers, Inc. of Hood River, Oregon, may sell and supply and any person may buy and sell, during the season commencing in the fall of 1942 and thereafter, the services of handling and storing apples and pears at prices not in excess of the following:

(1) *For storage and handling:*

(i) In standard boxes of carload quantities or more, not sorted, 12 cents for the first month and 5 cents monthly thereafter, but not to exceed 22 cents for the season.

(ii) In standard boxes of less than carload quantities, not sorted, 14 cents for the first month and 5 cents monthly thereafter, but not to exceed 25 cents for the season.

(iii) In half boxes of carload quantities or more, not sorted, 7 cents for the first month and 3 cents monthly thereafter, but not to exceed 14 cents for the season.

(b) *Definitions.* The term season, as used in this § 1499.1388, means the period from the time the apples or pears are received in the warehouse for storage until the following April 1.

(c) All prayers of the petition not granted herein are denied.

[1] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027, 9300, 9879.

(d) This Order No. 88 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 88 (§ 1499.1388) shall become effective August 7, 1943.

(Pub. Laws 421 and 29, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12809; Filed, August 6, 1943; 3:12 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 595 Under § 1499.3 (b) of GMPR]

E. J. BRACH & SONS

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2133 *Authorization of maximum prices governing sales of the following confectionery items manufactured by E. J. Brach & Sons, Chicago, Illinois: "1¾ Ounce Chocolate Pudding Bar"; "3 Ounce Cellophane Bag Peanut Niblets"; "3 Ounce Cellophane Bag Licorice Pellets"; "3 Ounce Cellophane Bag Pastel Nut Crunches"; "3¼ Ounce Cellophane Bag Chocolate Panned Mints"; "3½ Ounce Cellophane Bag Chocolate Filled Mints"; "4¼ Ounce Cellophane Bag Bantam Candy Corn"; "4¼ Ounce Cellophane Bag Rainbow Mellowcreams"; and "4⅜ Ounce Cellophane Bag Spiced Jelly Drops."* (a) (1) That E. J. Brach & Sons, 4600 to 4700 West Kinzie Street, Chicago, Illinois, is authorized to sell to wholesalers its 5¢ retail "1¾ Ounce Chocolate Pudding Bar", packed 24 bars to the box, at the maximum delivered price of 68 cents per box less 2%—10 days.

(2) That wholesalers of this bar are authorized to sell it to retailers at a maximum delivered price of 85 cents per box of 24 bars.

(3) That retailers are authorized to sell this bar at a price not in excess of 5 cents per bar.

(4) That E. J. Brach & Sons shall mail or otherwise supply to its purchasers of this 5 cent retail bar at the time of or prior to the first delivery to such purchasers a written notice as follows:

The Office of Price Administration has authorized us to sell our 5¢ retail 1¾ Ounce Chocolate Pudding Bar to wholesalers at the maximum delivered price of 68 cents per box of 24 bars less 2% discount—10 days. You are authorized to sell this item to retailers at a delivered price not in excess of 85 cents per box of 24 bars.

(5) That E. J. Brach & Sons, for a period of at least ninety days, shall place in or on the smallest retail packing unit a written notice as follows:

The Office of Price Administration has authorized us to sell our "1¾ Ounce Chocolate Pudding Bar" to wholesalers who in turn are authorized to sell this bar to retailers, packed 24 bars to a box, at a maximum delivered price

of 85 cents per box. Retailers are authorized to sell this item at a price not in excess of 5 cents per bar.

(b) (1) That E. J. Brach & Sons, 4600 to 4700 West Kinzie Street, Chicago, Illinois, is authorized to sell to wholesalers the following 10 cent retail bag items packed 12 bags to the box at the maximum delivered price of 68 cents per box less 2% discount—10 days:

(i) 3 Ounce Cellophane Bag Peanut Niblets.
(ii) 3 Ounce Cellophane Bag Licorice Pellets.
(iii) 3 Ounce Cellophane Bag Pastel Nut Crunches.
(iv) 3¼ Ounce Cellophane Bag Chocolate Panned Mints.
(v) 3½ Ounce Cellophane Bag Chocolate Filled Mints.
(vi) 4¼ Ounce Cellophane Bag Bantam Candy Corn.
(vii) 4¼ Ounce Cellophane Bag Rainbow Mellowcreams.
(viii) 4⅜ Ounce Cellophane Bag Spiced Jelly Drops.

(2) That wholesalers are authorized to sell these items to retailers at a maximum delivered price of 85 cents per box of 12 bags.

(3) That retailers are authorized to sell these items at a price not in excess of 10 cents per bag.

(4) That E. J. Brach & Sons shall mail or otherwise supply to its purchasers of these items, at the time of or prior to the first delivery to such purchasers a written notice as follows:

The Office of Price Administration has authorized us to sell to wholesalers the following items, packed 12 bags to the box, at a maximum delivered price of 68 cents per box less 2% discount—10 days:
3 Ounce Cellophane Bag Peanut Niblets.
3 Ounce Cellophane Bag Licorice Pellets.
3 Ounce Cellophane Bag Pastel Nut Crunches.
3¼ Ounce Cellophane Bag [illegible]late Panned Mints.
3½ Ounce Cellophane Bag Chocolate Filled Mints.
4¼ Ounce Cellophane Bag Bantam Candy Corn.
4¼ Ounce Cellophane Bag Rainbow Mellowcreams.
4⅜ Ounce Cellophane Bag Spiced Jelly Drops.
Wholesalers are authorized to sell these items to retailers, packed 12 bags to the box, at a maximum delivered price of 85 cents per box.

(5) That E. J. Brach & Sons for a period of at least ninety days shall place in or on the smallest retail packing unit of each of these items a written notice as follows:

The Office of Price Administration has authorized us to sell the following items to wholesalers:
3 Ounce Cellophane Bag Peanut Niblets.
3 Ounce Cellophane Bag Licorice Pellets.
3 Ounce Cellophane Bag Pastel Nut Crunches.
3¼ Ounce Cellophane Bag Chocolate Panned Mints.
3½ Ounce Cellophane Bag Chocolate Filled Mints.
4¼ Ounce Cellophane Bag Bantam Candy Corn.
4¼ Ounce Cellophane Bag Rainbow Mellowcreams.
4⅜ Ounce Cellophane Bag Spiced Jelly Drops.
Wholesalers are authorized to sell these items to retailers, packed 12 bags to the box, at a maximum delivered price of 85 cents per box. Retailers are authorized to sell these items at a price not in excess of 10 cents per bag.

(c) This order may be amended or revoked at any time by the Office of Price Administration.

(d) This order shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12811; Filed, August 6, 1943; 3:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 596 Under § 1499.3 (b) of GMPR]

A. G. SPALDING AND BROS., INC.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, *It is ordered:*

§ 1499.2134 *Approval of a maximum price for sales of a new baseball center manufactured by A. G. Spalding & Bros. Inc.* (a) A. G. Spalding & Bros. Inc., Chicopee, Massachusetts, may sell and deliver its new baseball center at a price no higher than $.87 per dozen.

(b) This Order No. 596 may be revoked or amended by the Price Administrator at any time.

This Order No. 596 shall become effective on the 7th day of August 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12810; Filed, August 6, 1943; 3:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 188,[1] Amdt. 19]

CRUDE, PROCESSED, PLASTIC AND FLINT FIRE CLAY

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

Maximum Price Regulation No. 188 is amended in the following respect:

1. The list of commodities in § 1499.-167, Appendix B is amended by adding a new commodity as set forth below:

Crude and processed plastic and flint fire clay transported by wagon, truck or rail within 100 miles of the point of production.

This amendment shall become effective August 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12817; Filed, August 6, 1943; 3:15 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Rev. MPR 257]

PULPWOOD PRODUCED IN THE STATES OF MINNESOTA, MICHIGAN AND WISCONSIN

Maximum Price Regulation No. 257 is redesignated Revised Maximum Price Regulation No. 257 and is revised and amended to read as set forth herein.

In the judgment of the Price Administrator the price of pulpwood has risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the price of pulpwood prevailing in the States of Minnesota, Michigan and Wisconsin between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The Price Administrator has advised and consulted with representative members of the industry. In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been prepared and is issued simultaneously herewith.*

§ 1347.351 *Maximum prices for pulpwood produced in the State of Minnesota, Michigan and Wisconsin.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Revised Maximum Price Regulation No. 257 Pulpwood Produced in the States of Minnesota, Michigan and Wisconsin is hereby issued.

AUTHORITY: § 1347.351 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 257—PULPWOOD PRODUCED IN THE STATES OF MINNESOTA, MICHIGAN AND WISCONSIN

Sec.
1. Prohibitions.
2. Less than maximum prices.
3. Adjustable pricing.
4. Evasion.
5. Records and reports.
6. Enforcement.
7. Petitions for amendment.
8. Definitions.
Appendix A: Maximum prices for pulpwood.

SECTION 1. *Prohibition.* (a) On and after August 6, 1943, in the continental limits of the United States, regardless of any contract, agreement, lease or other

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

[1] 7 F.R. 5872, 7967, 8943, 8948, 10155, 8 F.R. 537, 1815, 1980, 3105, 3788, 3850, 4140, 4931, 5759, 7107, 8751, 8754, 9836.

obligation, no person shall buy and no person shall sell, deliver or transfer pulpwood cut from the stump in the states of Minnesota, Michigan, or Wisconsin, at prices in excess of the maximum prices set forth in Appendix A hereof; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price.

(c) *Specific prohibited practices.* The following are among the practices prohibited:

(1) Up-grading, up-scaling or allowing a greater net scale than the actual scale content of the pulpwood;

(2) Increasing the price of pulpwood by failing to make an effort in good faith to collect monetary or other advances such as trucks, tires, or other equipment to producers. Any advance whatsoever to a producer is to be considered as part of the price of the pulpwood to be supplied by the producer.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in Appendix A may be changed, demanded, paid or offered.

SEC. 3. *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

SEC. 4. *Evasion.* The price limitations set forth in this Revised Maximum Price Regulation No. 257 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to pulpwood produced in the states of Minnesota, Michigan, and Wisconsin, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other understanding, or otherwise.

SEC. 5. *Records and reports.* (a) Every person making a purchase or sale of pulpwood, for which a maximum price is established by this Regulation, shall make and shall preserve, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 shall be in effect, the same records of such purchases and sales as such person customarily made prior to the effective date of this regulation.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration, with the approval of the Bureau of the Budget, may from time to time require.

SEC. 6. *Enforcement.* Persons violating any provision of this Revised Maximum Price Regulation No. 257 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

SEC. 7. *Petitions for amendment.* (a) Persons seeking any amendment of this Revised Maximum Price Regulation No. 257 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

SEC. 8. *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 27, the term:

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

(2) "Pulpwood producer" or "seller" includes any person who sells pulpwood;

(3) "Consumer" includes any person who purchases pulpwood for its own consumption;

(4) "Pulpwood" means any spruce, balsam fir, hemlock, jack pine, tamarack, white birch or poplar wood sold for manufacture into woodpulp;

(5) "Spruce wood" includes Black spruce (Picea mariana) and White spruce (Picea glauca);

(6) "Balsam fir wood" includes Abies balsamea;

(7) "Jack Pine wood" includes Jack Pine (Pinus banksiana), Pitch pine (Pinus rigida), White pine (Pinus strobus), and Norway pine (Pinus resinosa);

(8) "Hemlock wood" includes Hemlock (Tsuga canadenis) and Tamarack (Larix laricina);

(9) "Poplar wood" includes any commercial species of the Genus Populus;

(10) "White birch wood" includes Betula papyrifera;

(11) "Peeled pulpwood" includes any pulpwood from which the bark has been removed by any manual process prior to its delivery to a consumer;

(12) "Rossed pulpwood" includes any pulpwood from which the bark has been removed by any mechanical process prior to its delivery to a consumer;

(13) "Rough pulpwood" means pulpwood from which the bark has not been removed;

(14) "A cord of pulpwood" means an amount of pulpwood (whether peeled, rossed, or rough) which, when properly prepared and stacked, contains 128 cubic feet;

(15) "Dealer" means any person who sells to consumers pulpwood not cut or prepared by such person, but purchased by such persons in the condition in which it is to be delivered to the consumer and who sold and delivered not less than 8,000 cords of pulpwood to consumers in the 1942–1943 operating season, or who shall sell and deliver not less than 8,000 cords of pulpwood to consumers in any subsequent operating season. "Operating season" means the period between the first day of May in one year and the last of April in the next succeeding year;

(16) "Trader" means any person who has not or cannot qualify as a dealer, but who purchases and sells pulpwood not cut or prepared by such person, and who purchases wood in the same condition in which the wood is to be delivered to a consumer, and includes a dealer when the dealer sells to a person other than a consumer;

(17) "Culls" means decayed sticks of wood, or sticks otherwise unsuited for manufacture into wood pulp;

(18) "A shipment of pulpwood" means an amount of pulpwood delivered at a single time to a purchaser, or to a common carrier for delivery to a purchaser, pursuant to the terms of any contract or agreement between a purchaser and a seller;

(19) "Sale" or "sold" includes sales and deliveries, sales, and contracts to sell pulpwood.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Appendix A: Maximum prices for pulpwood. (a) (1) Maximum prices per cord of pulpwood shall not exceed the following, delivered by the seller or at his expense on board railway cars, f. a. s. vessel, in a lake or stream, or at streamside:

Species	Rough	Peeled or rossed
Spruce wood	$15.00	$18.00
Balsam wood	13.00	16.00
Jack pine wood	11.50	14.00
Hemlock wood	11.00	13.50
Poplar wood	9.00	11.00
White birch wood	9.00	[1] 12.50 11.00

[1] For 147 cubic feet of properly piled wood in 55-foot lengths.

(2) In cases where wood is delivered by a seller or at his expense at a consumer's mill, an amount not in excess of $1.00 per cord may be added to the maximum prices set forth in subparagraph (1) of this appendix.

(3) Sales may be made at points other than those mentioned in subparagraphs (1) and (2) above. In all such cases the actual costs per cord for transportation to and for loading on the railway cars, vessel or stream by which the wood is to be delivered to the mill, or, in the case of wood to be trucked to the mill at the buyer's expense, the costs per cord of such trucking shall be deducted from the appropriate maxium price set forth above.

(4) The prices established herein are for sound wood of top quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

(5) *Mixed shipments.* If a shipment contains a mixture of species, the maximum price per cord shall be ascertained by determining the number of cords of each species in the shipment and then applying the maximum price for each species.

(c) *Dealers and traders.* (1) If a consumer of pulpwood buys pulpwood through a dealer as defined in section 8

(a) (15), such consumer may pay such dealer, in addition to the maximum price provided in Appendix A, a commission not to exceed $1.00 per cord. If any person buys pulpwood through a trader, as defined in section 8 (a) (16), such person may pay such trader, in addition to the maximum price provided in Appendix A, a commission not to exceed 50¢ per cord: *Provided*, That in no case shall the aggregate amount of commissions, on any cord of pulpwood exceed $1.00.

(2) In no event shall a person receive a dealer's or trader's commission, or the proceeds of any such commission on pulpwood cut by him or by his own operations. In no event shall a person receive a dealer's or trader's commission on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge a commission on the wood cut by the other. In no event shall the dealer's or trader's commission be split or divided with any other person, except that a dealer may pay a trader a trader's commission out of the dealer's commission. In addition to the price paid by the consumer a dealer may receive a dealer's commission only from a consumer and only if the dealer fulfills all of the following requirements (i) through (vii) inclusive pertinent to him with respect to the transactions.

In addition to the price paid by his vendee, a trader may receive a trader's commission only if the trader fulfills all of the following requirements pertinent to him (which means all the requirements pertinent to traders, and accordingly does not include (ii) with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's or trader's commission is charged;

(ii) The sale is made by the dealer to the consumer;

(iii) The pulpwood sold by the dealer to the consumer or sold by the trader to his vendee has been completely prepared for delivery by a person other than the dealer or trader;

(iv) The dealer or trader guarantees the merchantable quality of the pulpwood and that the pulpwood is free from all liens and incumbrances;

(v) The dealer's or trader's commission in such transactions is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer or trader has had no part in the preparation or delivery of the pulpwood, and that the charges are not in excess of Revised Maximum Price Regulation No. 257;

(vi) The dealer's allowance is not split or divided with any other person except as hereinbefore provided, or that the trader's allowance has not been split or divided with any person whatsoever;

(vii) All pertinent provisions in this Revised Maximum Price Regulation No. 257 are strictly complied with.

(3) Persons who have not qualified as dealers, but who intend to do so, shall state their intention so to do in writing to the Paper and Paper Products Branch of the Office of Price Administration, Washington, D. C. Nothing contained herein shall be construed to prohibit payment of a dealer's allowance in escrow to a bank or bank and trust company to be paid to such dealer if and when it shall have been determined by the Paper and Paper Products Branch of the Office of Price Administration that such dealer has qualified so as to be entitled to receive such commission, but otherwise to be repaid by such fiduciary to the consumer at the end of the calendar year.

Effective date. This Revised Maximum Price Regulation No. 257 shall become effective August 6, 1943.

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

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12818; Filed, August 6, 1943; 4:31 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 286[1] Amdt. 5]

CERTAIN SAUSAGE PRODUCTS FOR WAR PROCUREMENT AGENCIES

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

Maximum Price Regulation No. 286 is amended in the following respect:

A new subdivision (iv) is added to § 1364.802 (d) to read as follows:

(iv) *Temporary addition for sales to certain areas.* To the applicable base price the sum of $2.00 per cwt. may be added on sales of frankfurters and bologna to the War Department for delivery to Arizona and California from August 6, 1943, to and including September 6, 1943.

This amendment shall become effective August 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12819; Filed, August 6, 1943; 4:31 p. m.]

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

[MPR 403,[2] Amdt. 3]

CERTAIN RUBBER COMMODITIES PURCHASED FOR GOVERNMENTAL USE

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

Maximum Price Regulation 403 is amended in the following respects:

1. Section 5 (b) is amended by substituting the date August 1, 1943, for the dates June 1, 1943, and June 17, 1943, wherever the latter dates appear.

2. Section 6 (c) (2) (ii) is amended by substituting the date August 1, 1943, for the date June 1, 1943.

3. Section 20 (d) is added to read as follows:

(d) Repair kits for any of the items listed in paragraphs (b) and (c).

This amendment shall become effective August 14, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-12829; Filed, August 7, 1943; 10:44 a. m.]

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

[RPS 87, as amended,[1] Amdt. 8]

SCRAP RUBBER

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

Section 1315.1263 (g) is amended to read as follows:

(g) *Maximum prices for hard rubber scrap and for certain bicycle inner tubes.* Anything in this regulation to the contrary notwithstanding, the maximum price for (1) hard rubber scrap and (2) bicycle inner tubes sold for the manufacture of rubber bands shall be determined in accordance with the provisions of the General Maximum Price Regulation. In applying those provisions to sales and deliveries by the Rubber Reserve Company, other persons who were dealing in scrap rubber during March 1942 shall be deemed to be competitive sellers of the same class as the Rubber Reserve Company.

This amendment shall become effective August 13, 1943.

(Pub. laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12830; Filed, August 7, 1943; 10:46 a. m.]

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

[1] 7 F.R. 10554, 8 F.R. 2157, 2350, 4640, 7681, 10079.

[2] 8 F.R. 7498, 8837.

[1] 7 F.R. 4781, 5177, 6002, 8700, 8948; 8 F.R. 4628, 5986, 8844.

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,[1] Amdt. 9]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

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

Section 1351.957 is amended to read as follows:

§ 1351.957 *Information which producers of peanut candy or potato chips must give their customers of price increases*—(a) *Notice from producers to wholesalers of price increases.* In the case of any item of peanut candy or potato chips which is being sold by a producer to a wholesaler for the first time after the producer's maximum price for it has been established under § 1351.955, the producer shall send the wholesaler (before or at the time of delivery) a written statement which lists for each such item included in the sale (1) the weighted average price charged by the producer during the month of March 1942, called the "base price", (2) the producer's maximum price, as calculated under the provisions of this regulation, called the "maximum price", and (3) the amount of the difference between the "base price" and the "maximum price", called the "wholesaler's permitted increase." When any producer of peanut candy or potato chips has established a maximum price by taking the maximum price of his competitor, as provided in § 1351.955 (b), his base price shall be the base price of the competitor. When calculating the "wholesaler's permitted increase", the producer shall adjust any fraction of a cent to the nearest fractional unit in which the wholesaler customarily quotes prices for the item.

(b) *Notice from producers to retailers of price increases*—(1) *General package requirement.* Every producer who sells any item of peanut candy or potato chips during the 90-day period from and after the effective date of this regulation whether to a wholesaler or a retailer, shall include with the shipping case (or other package unit in which the retailer usually purchases the product) a "Notice of retailer's permitted increase." This notice must be either pasted or stamped on the outside of each shipping case sold, or printed on a slip and enclosed. In the latter case the producer shall place this statement on the outside: "Retailer's notice enclosed." The producer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the producer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Except for the proper insertion, the notice of retailer's permitted increase shall read as follows:

Notice of retailer's permitted increase. Your new OPA ceiling price for the enclosed item is your March ceiling price *plus* _____ cents per retail container. OPA requires you to keep this information for examination.

(2) *First sales directly to retailers; where notices do not accompany packages.* In the case of any item of peanut candy or potato chips which is being sold by a producer to any retailer for the first time after the producer's maximum price for it has been established under § 1351.955 and which for any reason is being sold in a form which does not include a producer's notice of retailer's permitted increase, the producer shall send the retailer (before or at the time of delivery) a written statement that (i) clearly identifies each such item included in the sale and (ii) states the "permitted increase" for it which the retailer is directed to add to his maximum price as established under the General Maximum Price Regulation. When preparing the statement the producer shall calculate the retailer's permitted increase for the item by reducing the permitted increase which he computed for the wholesaler under paragraph (a), where necessary, to the units in which the commodity is usually sold at retail. When making this calculation, the producer shall adjust fractions of one-half cent or more to the next higher cent and fractions of less than one-half cent to the next lower cent. Each statement shall be accompanied by this notice:

Your new OPA ceiling price for each item noted is your March ceiling price *plus* the permitted increase shown per retail container. OPA requires you to keep this information for examination.

This statement may also contain similar information for any other items covered by this regulation even though they are not included in the sale.

This amendment shall become effective August 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12831; Filed, August 7, 1943; 10:48 a. m.]

PART 1363—FEEDING STUFFS

[Rev. MPR 173, Amdt. 1]

WHEAT MILL FEEDS

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

Section 7 (b) (3) is amended to read as follows:

(3) At destinations in Texas and Louisiana, the maximum price shall be $34.95 per ton, plus the charge at the lowest domestic railroad carload flat rate from Enid, Oklahoma to destination.

This amendment shall become effective August 13, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12832; Filed, August 7, 1943; 10:46 a. m.]

PART 1381—SOFTWOOD LUMBER

[MPR 94,[1] Amdt. 5]

WESTERN PINE AND ASSOCIATED SPECIES OF LUMBER

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

Maximum Price Regulation 94 is amended in the following respects:

1. Section 1381.502 (b) (2) (iii) is amended by inserting the word "Alaska," between the words "California," and "Mexico."

2. Section 1381.511 is amended by adding a paragraph (c) to read as follows:

(c) *Maximum prices for Alaskan lumber.* The maximum f. o. b. mill prices for Engelmann spruce, red cedar, and incense cedar lumber produced in Alaska and delivered to points outside the continental United States shall be the maximum f. o. b. mill prices set forth in Appendices F, G, and H, plus an amount equal to freight under the Maritime Commission's published freight rate from Seattle, Washington, to the mill's shipping point, including surcharges, War Risk insurance, and wharfage and handling charges under the published Seattle Wharfage and Handling rate for comparable lumber. The maximum delivered prices for such lumber shall be the maximum f. o. b. mill price arrived at according to the foregoing, plus transportation charges permitted by § 1381.504.

3. Section 1381.513, Appendix A, in the table entitled "Differentials and rules applicable to all grades of ponderosa pine", Rule 10 is amended to read as follows:

10. For 4/4 and thicker stock dressed thicker than standard: for 1/32" add $1.00, and for 1/16" add $2.00. No further addition is permitted.

This amendment shall become effective August 13, 1943.

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*Copies may be obtained from Office of Price Administration.

[1] 7 F.R. 9244, 10844; 8 F.R. 262, 273, 437, 973, 2285, 9201.

[1] 7 F.R. 10848; 8 F.R. 859, 1138, 4118, 7352, 8009, 8756.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12833; Filed, August 7, 1943; 10:46 a. m.]

PART 1389—APPAREL

[MPR 330,[1] Incl. Amdt. 1]

RETAILERS' AND WHOLESALERS' PRICES FOR WOMEN'S, GIRLS' AND CHILDREN'S OUTERWEAR GARMENTS

Sections 1389.551 (d), 1389.555 (g), 1389.557 (e), 1389.559 (d) added; §§ 1389.552 (a), (c); 1389.553; 1389.554 (a), (b), (c), (d) (1), (2), (3), (4), (e), (f) (2), (3); 1389.555 (c), 1389.557 (c), (d); 1389.559 (a); 1389.560; 1389.562 (g); Appendices A, B amended; § 1389.-551 (b) corrected by Amendment 1, effective August 7, 1943 (except that sellers may on or before August 13, deliver garments covered by this regulation at prices established under existing regulations), so that Maximum Price Regulation 330 shall read as follows:

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for retailers and wholesalers of certain women's, girls' and children's outerwear garments. The maximum prices established by this regulation are in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, Maximum Price Regulation No. 330 is hereby issued.

Sec.

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

[1] 8 F.R. 2209, 4732.

Sec.

AUTHORITY: §§ 1389.551 to 1389.562, inclusive, issued under 56 Stat. 23, 765, Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681

§ 1389.551 *Scope of this regulation*—(a) *What garments must be priced under this regulation.* A list of the women's, girls' and children's outerwear garments which must be priced under this regulation is given in Appendix A at the end of the regulation. This regulation applies only to the garments which are described in that list. Hereafter, the women's, girls' and children's outerwear garments covered by this regulation are referred to as "garments."

(b) *Kinds of sales which are covered.* This regulation applies to sales by retailers and wholesalers. It does not apply to sales by manufacturers, manufacturing-retailers, custom-tailors or dressmakers. These terms are defined in § 1389.562. If after reading these definitions, you are in doubt as to whether this regulation applies to you, consult the nearest field office of the Office of Price Administration.

(c) *When this regulation takes effect.* This regulation takes effect February 24, 1943. As to garments delivered to you on or after February 24, 1943, you may not sell at higher prices than the ceiling prices set by this regulation. As to garments delivered to you before February 24, 1943, you were required to set your ceiling prices under § 1499.2 (a) of the General Maximum Price Regulation [2] or under Maximum Price Regulation 153, as amended.[3] You may, if you desire, continue to use those ceiling prices for these garments, or you may reprice your garments under the ceilings set in this regulation.

(d) *How to use this regulation for Spring and Fall pricing.* (1) The Spring selling season is the period between March 1 and July 31.

(2) The Fall selling season is the period between August 1 and February 29.

§ 1389.552 *How to find your ceiling price under this regulation*—(a) *Explanation of rules.* You find your ceiling price under this regulation by calculating the markup which you took on garments you delivered during the "base period", and then applying that markup to the cost of the garments you are pricing. You find what the "base period" markup is by using one of the pricing rules which are given in § 1389.554. However, you are not permitted to sell any garment at a higher price than the "highest price line" at which you delivered a garment of the same "category number" during the period which fixes your "highest price line" limitation. (This "highest price line" provision is explained in § 1389.553.)

(b) *What is a "category number."* The garments covered by this regulation are listed in Appendix A. Each kind of garment (such as dresses, coats, suits, skirts) is broken down into certain size groups. Each size group is described as a category and given a "category number."

For example: all "women's" coats are placed in Category No. 1; all "misses'" and "junior misses'" coats in sizes from 9 to 20, inclusive, are in Category No. 2; all "teen age" coats in sizes from 10 to 16, inclusive, are in Category No. 3; "women's" jackets are in Category No. 11; "girls'" dresses in sizes from 7 to 14, inclusive, are in Category No. 24, etc.

(c) *What is the "base period".* The base period is very important because you must figure your mark-up from your deliveries of garments during that period.

(1) *For sales of toddlers' garments, or blouses under size 30, or slacks and slack suits.* The "base period" for all garments in Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32–39 is the period between (i) August 1 and December 31, 1942 for retailers and (ii) July 1 and October 31, 1942 for wholesalers.

For retailers who made their first delivery of garments in Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b or 32–39 after October 1, 1942 (September 1, 1942 for wholesalers) but before April 7, 1943, the "base period" is the first four months immediately following the first delivery of garments.

(2) *For sales of garments in all other category numbers.* The "base period" for retailers is the period between August 1 and December 31, 1941; for wholesalers, the period between July 1 and October 31, 1941.

For retailers who made their first delivery of garments in these category numbers after October 1, 1941 but before April 7, 1943, and for wholesalers who made their first delivery of garments after September 1, 1941, but before April 7, 1943, the "base period" is the first four months immediately following the first delivery of garments.

§ 1389.553 *Explanation of "highest price line" limitation.* In order that consumers may continue to buy garments at customary price levels, this regulation provides a highest price line limitation, or an over-all ceiling rule, for each category number during each selling season. The rule is that you may not under any circumstances sell any garment (a) during the Spring selling season for more than the highest selling price line at which you delivered a garment of the same category number during March

[2] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991.

[3] 7 F.R. 4381, 5869, 7010, 7535, 8946, 10081; 8 F.R. 129, 2209, 1394.

1942, or (b) during the Fall selling season for more than the highest selling price line at which you delivered a garment of the same category number either during your base period or during March 1942.[4]

If you did not deliver any garments of the same category number during the period which determines your highest price line limitation (March 1942 for the Spring selling season; the base period or March 1942, whichever is higher, for the Fall selling season), then your highest price line limitation is the same as that of your most closely competitive seller of the same class for a garment of that category number during that selling season. Moreover, if your base period does not include the 3-month period between October 1 and December 31 (for wholesalers, the 2-month period between September 1 and October 31), then your highest price line limitation during the Fall selling season is the same as that of your most closely competitive seller of the same class for the same category number during the Fall selling season.

§ 1389.554 *How to use the pricing rules*—(a) *Pricing chart.* In order to price under this regulation it is necessary to prepare a pricing chart. On or before September 1, 1943, you must prepare a pricing chart which contains:

(1) A list of the category numbers you delivered during your base period.

(2) A list of the cost prices at which you purchased garments in each of these category numbers. (If you intend to use the exception provided in Rule 1 (§ 1389.554 (c)) for any cost prices, such cost prices on your pricing chart should be preceded by the symbol "(S)".)

(3) The discount, terms or allowance at which you purchased the largest number of garments at each cost price listed in (2).

(4) The selling price at which you delivered during the base period the largest number of garments of each cost price listed in (2).

(5) The percentage markup taken on each selling price listed in (4).

(6) The highest selling price line at which you delivered a garment of each category number during March 1942 (or, if you did not deliver the category number and now intend to deliver it, the highest selling price line at which your most closely competitive seller of the same class delivered a garment of the category number during March 1942. In such cases place the symbol "(C)" preceding the highest selling price line.)

(7) The highest selling price line at which you delivered a garment of each category number during the base period (or, if you did not deliver the category number, and now intend to deliver it, or if your base period does not include the 3-month period between October 1 and December 31 (the 2-month period between September 1 and October 31 for wholesalers), the highest selling price line at which your most closely competitive seller of the same class delivered a garment of the category number during the base period. In such cases place the symbol "(C)" preceding the highest selling price line.)

You must keep a copy of your pricing chart available for examination by the OPA. (An example of a pricing chart and detailed instructions for its preparation are found in Appendix B.)

NOTE: If you discover an incorrect entry on your pricing chart, you may correct it at any time: *Provided*, That you note next to the correction the date on which it is made. However, you must never deliver a garment at a higher price than the ceiling price shown on your chart on the date when the garment is delivered; corrected entries may be used as a basis for pricing only for garments delivered after the date of the correction noted on your pricing chart.

(b) *Summary of pricing rules.* In order to find your ceiling price for a garment, you use whichever of the five following pricing rules is applicable. You will note that your ceiling price generally depends upon the relationship between your present cost and one of the cost prices listed in your pricing chart. If your present cost is based on different terms or on a different discount from those listed for the cost prices in your pricing chart, you must adjust your present cost accordingly.

For example. Your present cost price is $19.75 less 8/10 EOM. In order to determine which pricing rule to use, you look at your pricing chart to find which cost prices listed there, if adjusted to a net basis, would be closest or equal to the actual net cost of your $19.75 less 8/10 EOM. You find cost prices of $19.75 less 3/10 EOM and $18.75 less 1/10 EOM listed on your pricing chart. To compare your present cost price with those listed on your chart, you adjust all three cost prices to a net basis. Thus the $19.75 less 8/10 EOM which you now purchase is adjusted to $18.17 ($19.75×92%=$18.17); your $19.75 less 3/10 EOM is adjusted to $19.16 ($19.75×97%=$19.16); and your $18.75 less 1/10 EOM is adjusted to $18.56 ($18.75×99%=$18.56).

In calculating your maximum price for this $19.75 less 8/10 EOM line under any of the first four pricing rules you must adjust that cost to reflect the terms or discount listed on your pricing chart for the cost price to which you are comparing it. (For an illustration of this requirement, see the second example under Rule 2.)

(1) *Rules 1 2 and 3.* You first find whether you delivered during the base period a garment of the same category number as the garment for which you are calculating your ceiling price. If you did, you then find your ceiling price by using either Rule 1, 2 or 3.

(2) *Rule 4* If you find that you did not deliver during the base period a garment of the same category number as the garment you are pricing, you then must calculate your ceiling under Rule 4.

(3) *Rule 5.* You are permitted to price a garment under Rule 5 only if none of the rules from 1 through 4 applies to your case. For example, you use Rule 5 if you first started selling garments after April 7, 1943.

(c) *Pricing rules for garments of a category number delivered during the base period.* To find your ceiling price for garments of the same category number as garments which you delivered during the base period, you compare the cost price at which you purchased the garments now being priced with the cost price at which you purchased garments of the same category number which you delivered during the base period, and then use the first of the next three rules that applies.[5]

Rule 1. The ceiling price for a garment of the same cost to you as a garment you delivered during the base period is the selling price at which you

[4] For purpose of this limitation, the prices authorized by any order granting an adjustment under the GMPR or under MPR 153, as amended, are considered to be prices of garments delivered during March 1942 or the base period. If the authorized price for a particular category number is higher than the highest price at which you actually delivered garments of that category number, it should be listed in Column F or G of your pricing chart.

[5] In applying these rules, the selling price authorized for a particular cost price line in any category number by an order granting an adjustment under MPR 153, as amended, shall be deemed to be the selling price at which the seller during the base period delivered the largest number of garments of that category number having the same cost price line; and any percentage markup authorized for a particular cost price line and/or category number by such an order shall be deemed to be the percentage markup taken by the seller on the largest number of garments of the same cost price line and/or category number delivered during the base period. These adjusted selling prices and percentage margins should be listed on your Pricing Chart in Columns D and E respectively.

delivered the largest number of such garments during the base period.

For example: You want to find your ceiling price for women's dresses (Category No. 21), which you now buy in a $6.75 cost price line. During the base period you delivered a total of 250 women's dresses which you bought at a $6.75 cost price. Of these 250 dresses your selling price was $9.95 for 50 of these dresses, $10.95 for 125 of them and $11.95 for 75 of them. Your ceiling price this season for dresses which cost you $6.75 is $10.95, since that is the price at which you delivered in the base period the largest number of women's dresses that cost you $6.75.

If during the base period you delivered an equal number of units at two or more different selling prices then your ceiling price shall be the lowest of these selling prices.

For example: You want to find your ceiling price for women's coats (Category No. 1), which you now buy in a $6.75 cost price line. In the base period, you delivered 120 coats that cost you $22.75. You delivered 20 of them at $32.50, 50 of them at $35.00 and 50 at $39.95; the rule requires that you take as your ceiling the lower of the two selling prices ($35.00).

NOTE: There is an exception permitting you to price garments of the same cost as garments delivered during the base period under Rule 3 rather than Rule 1 if both of the following conditions are met:

1. If this cost price is lower than the cost of any garment in the same category number which was both delivered to you and offered by you for sale during the base period; and

2. If the selling price at which you delivered the largest number of garments of that category number and cost price line during the base period was substantially lower than the initial offering prices of the same styles of garments in Spring 1941 (Spring 1942 for Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32–39).

For example: You want to find your ceiling price for girls' suits (Category No. 9) which you now purchase at $3.75. You delivered 130 girls' suits of that cost price in a particular style at $5.98 in Spring 1941, and 70 of the same style at $4.50 during the base period. These were the only $3.75 suits you delivered during the base period. Moreover, you did not offer for sale during the base period any girls' suits delivered to you during the base period at a cost of $3.75 or less. You need not price the $3.75 girls' suits which you now purchase, at $4.50 by using this Rule, but you may price them under Rule 3.

Rule 2. This rule is used where the garment being priced is bought by you at a cost different from the cost of garments of the same category number which you delivered in the base period.

In such case, you calculate your ceiling price as follows: You first find the next lower cost price line of garments of the same category number which you delivered during the base period. You then find the selling price at which you delivered the largest number of units of such garments in that next lower cost price line during the base period. Then you find the percentage markup which you took on these garments in the base period and apply the same percentage markup to the garments you are pricing. This is done by subtracting the percentage markup from 100%, and dividing the cost of the garments you are pricing by the difference. The result is the ceiling price.

For example: You want to find your ceiling price for women's dresses (Category No. 21), that you now buy at a $7.75 cost price line. In the base period you delivered women's dresses that cost you $6.75 and $8.75, but you did not deliver any that cost you $7.75. To calculate your ceiling, you find your next lower cost price line in women's dresses, that you delivered in the base period, which is $6.75. You delivered in the base period altogether 200 women's dresses which you bought in a $6.75 cost price line. You delivered 125 of them at $10.95 and 75 at $11.95. Since $10.95 is the selling price at which you delivered the largest number of units, you then calculate the percentage markup, which you took in the base period on the garments sold at $10.95 and which cost you $6.75. This markup is 38.4%. (This percentage markup is found in Column E of your Pricing Chart). You then apply this same percentage markup in pricing your $7.75 garments and you find that your ceiling price is $12.58 ($7.75÷61.6%=$12.58).

Where you find that a garment which you now purchase has a different cost price from any garment of the same category number listed on your pricing chart, and that you bought such garment on terms different from those listed for the next lower cost price on your pricing chart, you must adjust the cost of the garment you are now pricing to reflect the terms listed on your pricing chart for the next lower cost price, and then, using the adjusted cost, take the percentage markup of the next lower cost price.

For example: The seller whose pricing chart is shown in Appendix B (a) listed the following cost prices for women's coats:

$18.75 1/10 EOM
19.75 8/10 EOM
22.75 8/10 EOM

He now wishes to price a woman's coat (Category No. 1) purchased at $19.75 less 3/10 EOM. This is clearly not the same cost price line as the $19.75 less 8/10 EOM listed on his pricing chart. He adjusts both of his $19.75 cost prices and his $18.75 less 1/10 EOM to reflect net terms. The $19.75 less 8/10 EOM listed on his pricing chart had a net cost of $18.17 ($19.75×92%=$18.17); the $19.75 less 3/10 EOM which he now purchases has a net cost of $19.16 ($19.75×97%=$19.16); the $18.75 less 1/10 EOM had a net cost of $18.56 ($18.75×99%=$18.56). Therefore, in pricing his woman's coat purchased at $19.75 less 3/10 EOM under Rule 2, the seller uses the percentage markup on his next lower cost price. This is his $18.75 less 1/10 EOM. Since this cost price line was purchased at 1/10 EOM, he adjusts his $19.75 less 3/10 EOM to reflect a discount of 1/10 EOM and now shows a cost price of $19.35 less 1/10 EOM ($19.75×97%=$19.16; $19.16÷99%=$19.35). Applying the percentage markup listed for $18.75 cost price (37.4%) to the woman's coat with an adjusted cost of $19.35, he finds his ceiling price for women's coats purchased at $19.75 less 3/10 EOM is $30.90 ($19.35÷62.6%=$30.90).

Rule 3. This rule is used where the garment you are pricing is bought by you at a cost which is lower than any cost price line of garments of the same category number which you delivered in the base period. In such case you follow exactly the same procedure set forth in Rule 2, except that you apply the percentage markup listed on your pricing chart for the lowest cost price line of garments of the same category number delivered in the base period instead of the next lower cost price line. If you can use the exception provided in Rule 1, you will have marked an (S) preceding certain of the lowest cost prices on your pricing chart. In using this Rule you disregard cost prices preceded by (S).

For example: You have some women's dresses (Category No. 21) that you bought for $2.75. During the base period you did not deliver any women's dresses costing less than $3.75. Column D of your pricing chart shows you that the selling price at which you delivered the largest number of $3.75 dresses is $5.98. Column E shows you that your percentage markup was 37.3%. By applying this same markup in pricing your $2.75 dresses, you find that your ceiling price is $4.39 ($2.75÷62.7%=$4.38).

However, if you find that your $3.75 cost price for women's dresses is marked with an (S) you disregard the percentage markup listed for that cost price and find your ceiling price for your $2.75 dresses by applying the percentage markup listed on your pricing chart for the lowest cost price line of women's dresses not preceded by (S).

(d) *Pricing rules for garments in a category number not delivered during the base period.* To find your ceiling price for garments which are in a category number that you did not deliver during the base period, you compare the cost price line of the garment being priced with the cost price line at which you bought garments of other category numbers delivered by you during the base period, and then use Rule 4.

Rule 4. Your ceiling price for a garment of a category number that you did not deliver in the base period is determined as follows:

(1) If during the base period you delivered garments of any other category number which had been purchased at the same cost as the garment you are pricing, your ceiling price is the same as the Rule 1 ceiling price for garments of that other category number which have the same cost. However, if the cost price listed for that other category number on your pricing chart is preceded by an (S), you use subparagraph (3) below for the garment you are pricing.

Example 1. You want to find your ceiling price for women's suits (Category No. 6), now purchased for $6.75. You did not deliver any women's suits during the base period, but you did deliver women's slack suits (Category No. 36) which cost you $6.75. Column D of your pricing chart shows $10.95 as the price at which you delivered the largest number of women's slack suits. Accordingly, $10.95 is your ceiling price for women's suits.

However, if your $6.75 slack suit cost price were preceded by an (S), you would use subparagraph (3) below for your $6.75 women's suits.

(2) If you did not deliver during the base period garments of any category number which you bought at the same cost as the garment you are pricing, then you take the next lower cost price line of garments which you delivered in the base period and find the selling price at which you delivered the largest number of such garments; then find the percentage markup which you took on these garments, and use this markup in calculating the ceiling price of the garments you now wish to deliver.

Example 2. You want to find the ceiling price for misses' suits (Category No. 7) which you now buy at $9.25. You did not deliver any misses' suits during the base period, nor did you deliver any garments at all which you bought at $9.25. You delivered women's dresses (Category No. 21) bought at $8.75, which is the next lower cost price line for any garments delivered by you in the base period. Column E of your pricing chart shows 37.3% as your markup on $8.75 women's dresses, since Column D shows that you delivered the largest number of those dresses at $13.95. Accordingly, 37.3% is your markup for $9.25 misses' suits, and your ceiling price is $14.75.

(3) If you did not deliver during the base period any garment bought at a cost price lower than the garment you are pricing, then you take the lowest cost price line of garments which you did deliver, and which is not preceded by an (S) on your pricing chart, and find the selling price at which you delivered the largest number of such garments. Then find the percentage markup which you took on these garments and use this markup in calculating the ceiling price of the garments you now wish to deliver.

Example 3. You want to find your ceiling price for misses' blouses (Category No. 26) which now cost you $2.50. You did not deliver any misses' blouses during the base period. The lowest cost price line at which you bought any garments delivered during the base period was $3.75, for women's dresses (Category No. 21). Column D of your pricing chart shows that you delivered the largest number of the $3.75 dresses at $5.98, and Column E shows 37.3% as the markup. Accordingly, you use 37.3% as your markup for the $2.50 blouses; and your ceiling price is $3.99 ($2.50÷62.7%=$3.99).

However, if your $3.75 cost price for women's dresses was preceded by an (S) on your pricing chart, you use the percentage markup which you took on garments in the lowest cost price line not preceded by an (S).

(4) In applying Rule 4, you might find that in the base period the largest number of garments that you delivered in two or more category numbers, which you purchased in the same cost price line, or in the next lower cost price line, or in the lowest cost price line, was delivered at different selling prices. In any such case in determining your ceiling price you must use that selling price or that percentage markup which gives you the lowest ceiling price. Also, if you find that you delivered during the base period an equal number of units at two or more different selling prices, then you shall use the lowest of these selling prices.

Example 4: Suppose that in calculating your ceiling price on the women's suits mentioned in Example 1 above, you find that during the base period you delivered not only women's dresses bought at $6.75, but also girls' coats (Category No. 4), which you bought at $6.75 and delivered at $9.95. Under Rule 1, your ceiling price for girls' coats bought at $6.75, is $9.95, since in the base period you delivered the largest number of girls' coats bought at that price for $9.95, and therefore, your ceiling price for these women's suits is $9.95 instead of $10.95 since that selling price gives you the lowest ceiling price.

Example 5. Suppose that in calculating your ceiling price on the misses' suits mentioned in Example 2 above, which you now buy at $9.25, you find that during the base period you delivered two different category numbers of garments each purchased at $8.75, namely women's dresses (Category No. 21) and women's coats (Category No. 1). You took a percentage markup of 32% on the coats and a percentage markup of 37.3% on the dresses. Using the 32% markup for your $9.25 misses' suits, you would have a ceiling price of $13.60 ($9.25÷69%=$13.60). If you could use the 37.3% markup, your ceiling price would be $14.75 ($9.25÷62.7%=$14.75). However, you must take the percentage markup which will give you the lowest ceiling price. This is 32%, and your ceiling price for your $9.25 misses' suits is therefore $13.60.

(e) *Rule 5: For wholesalers and retailers who started selling garments on or after April 7, 1943, or who cannot otherwise price.* This rule is used when you find that none of the preceding four pricing rules applies to your situation. You may determine your ceiling prices in either of the following ways, provided you keep the records required by § 1389.557 (d):

(1) The ceiling price for the garment being priced shall be the same as the ceiling price established by your most closely competitive seller of the same class for the same garment or, if none has been established for the same garment, for the similar garment most nearly like it; or

(2) The ceiling price for the garment being priced shall be the same as the ceiling price established by your most closely competitive seller for a garment of the same category number having the same cost price line.

If you price any garments under subparagraph (2) of this rule, then you must use the same method for pricing all garments of that category number having the same cost price line.

(f) *Special provisions for selling establishments which sell through separate departments.* (1) For the purpose of this regulation each separate department of a selling establishment shall be considered a separate seller.

(2) The highest price at which a separate department of a selling establishment may deliver a garment of a category number which it did not deliver during the period determining its highest price line limitation (March 1942 for the Spring selling season; the base period or March 1942, whichever is higher, for the Fall selling season) shall be the highest price line at which any department of the same selling establishment may deliver a garment of the same category number during the same selling season. Moreover, if the base period of the separate department does not include the 3-month period between October 1 and December 31 for retailers (the 2-month period between September 1 and October 31 for wholesalers) the highest price at which it may deliver any garment during the Fall selling season is the highest price at which any department in the same selling establishment may deliver a garment of the same category number during the Fall selling season.

(3) A separate department which is established after April 7, 1943, by a selling establishment which was in business prior to that date, shall establish its

maximum prices in the following manner:

(i) The highest price line at which it may sell a garment in any category number shall be the highest price line at which any department of the selling establishment is permitted to sell a garment of that category number under this regulation.

(ii) The maximum markup which it may apply to the cost of the garment being priced shall be the highest markup which any department of the selling establishment is permitted to take had the garment been sold in that department or unit.

§ 1389.555 *What acts are prohibited by this regulation.* On and after the effective date of this regulation regardless of any contract or other obligation, no person shall do any of the following:

(a) Sell or deliver any garment at a price higher than the ceiling price permitted by this regulation, although he may lawfully charge prices below the ceiling.

(b) Change his customary discounts, allowances or price differentials, if the change results in a higher net price.

(c) Make a sale of garments which is conditioned directly or indirectly on the purchase of any other commodity or service. (Matched sets, however, if designed by the manufacturer for sale at a unit price, and so purchased by the seller under this regulation, may be sold at a unit price unless such sale is prohibited by any order of the War Production Board.)

(d) Do any other act which directly or indirectly increases, above the maximum price, the consideration paid for a garment or delivery of any garment.

(e) Buy or receive, in the course of trade or business, any garment which was sold in violation of any of the paragraphs of this section.

(f) Agree, offer, solicit or attempt to do any of the acts prohibited by this regulation.

(g) For the purposes of evading the price limitations set forth in this regulation, purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling or otherwise affiliated with the seller. No person shall do any other act which directly or indirectly increases the consideration paid for any garment. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright raising of the maximum price. This applies to devices making use of commissions, services, transportation arrangements, premiums, discounts, special privileges, tying agreements, trade understandings and all similar practices.

§ 1389.556 *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments whose defense is vital to the defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

§ 1389.557 *Records.* (a) You must keep a record of all prices established under this regulation. For each price, the record must show (1) the cost of the garment, (2) the selling price, (3) if you did not price under Rule 1, the percentage markup used in establishing the ceiling price, and (4) the pricing rule under which the ceiling was calculated.

(b) You must also preserve the records that you were required to prepare by § 1389.8 of Maximum Price Regulation 153, as amended.

(c) If, in Column F or Column G of your pricing chart you have listed a price established by your most closely competitive seller of the same class, you must keep a record showing his name and address.

(d) If you used paragraph (1) of Rule 5 in pricing any garments, then you must keep a record of (1) the name and address of your most closely competitive seller of the same class whose garment you used to establish your maximum price, (2) a description of such garment of such most closely competitive seller, and (3) a description of your same or similar garment priced on the basis of such garment.

If you used paragraph (2) of Rule 5 in pricing any garment, then you must keep a record of (1) the name and address of your most closely competitive seller of the same class whose ceiling prices you used to establish your ceiling prices, and (2) a chart showing the cost price line, percentage markup, and ceiling price established by your most closely competitive seller of the same class for each cost price line in each category number which you priced by reference to his ceiling prices. Such chart will be your pricing chart for those cost prices in those category numbers.

(e) If, prior to April 7, 1943, you delivered garments covered by this regulation, you must prepare and keep available for examination by the OPA the pricing chart required by § 1389.554 (a).

§ 1389.558 *Invoices, sales slips and receipts, notification and disclosure to retailers.* (a) Every wholesaler, in connection with a sale to a retailer shall deliver an invoice or other similar document showing (1) the date, (2) the name and address of the seller and purchaser, (3) the style number and category number of each of the different styles of garment sold, (4) the quantity of each different style of garment sold, (5) the price of each different style of garment sold, and (6) all discounts, allowances and other price differentials.

(b) Every retailer who has customarily given his customers a sales slip, receipt or similar evidence of purchase must continue to do so. Upon request from a customer, a retailer, regardless of previous custom, must give the purchaser a receipt showing (1) the date, (2) the name and address of the seller, (3) the name and description of each garment sold, and (4) the price received for it.

§ 1389.559 *Relation to the other maximum price regulations.* (a) The General Maximum Price Regulation[6] shall not apply and this regulation shall apply to sales of garments covered by this regulation, except that garments in Category Nos. 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32–39 purchased by the seller pursuant to written contracts entered into on or before August 7, 1943, may be priced under the GMPR provided they are sold and delivered by the seller on or before November 1, 1943. In addition, the following sections of the GMPR are made a part of this regulation, and you must observe them:

(1) Sellers operating more than one retail establishment (§ 1499.4a).

(2) Transfers of business or stock in trade (§ 1499.5).

(3) Federal and state taxes (§ 1499.7).

(4) Current records (§ 1499.12).

(5) Marking and posting of cost-of-living commodities (§ 1499.13), except that paragraph (b) of § 1499.13 (filing of cost-of-living statements) does not apply.

(6) The licensing provisions of § 1499.16 shall apply to every person who sells women's, girls', children's and toddler's outerwear garments at wholesale or retail.

(7) The adjustment provision of § 1499.18 (d) shall apply to every retailer of garments purchased pursuant to a Fair Trade Agreement as provided in the GMPR.

(b) *Revised Maximum Export Price Regulation.*[7] Revised Maximum Export Price Regulation shall apply, and this regulation shall not apply to sales or deliveries for which maximum prices are established by Revised Maximum Export Price Regulations, issued by the Office of Price Administration.

(c) *Maximum Price Regulation 153, as amended.* This regulation shall be considered as an amendment to Maximum Price Regulation No. 153, as amended, for

[6] 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991.

[7] 2d Revision: 8 F.R. 4132, 7662, 9998.

all purposes, except that it shall be known as Maximum Price Regulation No. 330.

(d) *Maximum Price Regulation 142.*[8] Maximum Price Regulation 142—Retail Prices for Summer Seasonal Commodities—shall not apply, and this regulation shall apply to sales of girls' slacks, overalls and slack suits of cotton or rayon.

§ 1389.560 *Amendment and adjustable pricing—*(a) *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment of general applicability. Any such petition must be filed in accordance with the provisions of Revised Procedural Regulation No. 1,[9] issued by the OPA.

(b) *Adjustable pricing.* If you wish, you may sell at the maximum price permitted by this regulation subject to an agreement with the buyer to charge a higher price if it becomes the legal maximum price by the time delivery is made. But you must never charge a price which is higher than the maximum price in effect at the time of delivery. Moreover, unless authorized by the OPA, you must not deliver at a price which is to be adjusted upward in accordance with action taken by the OPA after delivery. This authorization will be given only where: (1) a request for a change in the applicable price is pending; (2) authorization is necessary to promote distribution or production; and (3) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

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

§ 1389.561 *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States, and to the District of Columbia, but not to the territories and possessions of the United States.

§ 1389.562 *Definitions.* (a) Unless the context otherwise requires or unless otherwise specifically provided herein, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation, shall apply to the terms used in this regulation.

(b) "Retail sale" or "sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user.

(c) "Wholesale sale" or "sale at wholesale" means a sale, otherwise than at retail, of a garment which the seller received in substantially the form in which he sells it. Sales by a manufacturer of those garments which he produces or has produced for him are not considered sales at wholesale.

(d) A "manufacturer" is a person who sells a garment which he has fabricated or which has been fabricated for him by an agent or by a "contractor" as that term is defined in Maximum Price Regulation No. 172.[10]

(e) A "manufacturing-retailer" is a manufacturer who maintains one or more establishments selling at retail, or who otherwise sells to ultimate consumers and who sells substantially all of the garments that he manufactures to ultimate consumers.

(f) A "custom tailor" or "dressmaker" is a manufacturer who sells to ultimate consumers from his own establishment, garments fabricated by himself to the individual specifications and at the special order of such ultimate consumers.

(g) "Cost price line," "cost price" and "cost" have the same meaning when used in this regulation. You find the cost price line of a garment by taking whichever of the following is lower:

(1) The actual cost of the garment, or

(2) The maximum price, at the time of purchase, that the regulations of the OPA permit your source of supply to charge for the garment.

In calculating your selling price under this regulation, you use the same cost basis that you used in the base period. Thus, if in the base period in calculating selling price, you used as "cost", your invoice price, before subtracting discounts or freight, you now calculate your markup on the same basis.

(h) "Seller" means a seller of any of those types of women's, girls' and children's outerwear garments covered by this regulation.

APPENDIX A: WHAT GARMENTS MUST BE PRICED UNDER THIS REGULATION

This regulation covers the garments listed below, if fabricated from yard goods (including knitted fabrics and laces). It does not cover garments fabricated from materials obtained by the assignment of an A-2 preference rating by the War Production Board, pursuant to Limitation Order M-207; nor does it cover uniforms and women's work clothing which would ordinarily be purchased only for wear in industrial, commercial, institutional or agricultural occupations. Note, however, that sportswear and utility wear suitable for general use are covered.

(a) *Coats.* "Coats" include all feminine outerwear garments commonly known as coats, usually worn over other outer apparel, untrimmed, trimmed, fur-trimmed and fur-lined, sport and dress, including capes and wraps, but not including rainwear garments or garments made of artificial leather. "Rainwear garments" are those which are commonly regarded as having their chief use as protection against rain.

Category numbers:

#1—"Women's"—all sizes.

#2—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.

#3—"Teen age"—sizes from 10 to 16, inclusive.

#4—"Girls' "—sizes from 7 to 14, inclusive.

#5—"Children's"—sizes from 3 to 6, inclusive.

#5a—"Toddlers' "—sizes from 6 months to 4 years, inclusive.

(b) *Suits.* "Suits" include all two-piece feminine outerwear garments, untrimmed, trimmed and fur-trimmed, consisting of a "separate jacket" and "separate skirt" fabricated of either matching or contrasting material to be sold at a unit price. Two-piece dresses, however, are not included.

Category numbers:

#6—"Women's"—all sizes.

#7—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.

#8—"Teen age"—sizes from 10 to 16, inclusive.

#9—"Girls' "—sizes from 7 to 14, inclusive.

#10—"Children's"—sizes from 3 to 6, inclusive.

#10a—"Toddlers' "—sizes from 6 months to 4 years, inclusive.

(c) *Separate jackets.* "Separate jackets" include all feminine outerwear garments commonly known as jackets which can be opened from neck to hem and which ordinarily are not worn tucked into a skirt, slacks or shorts. Note that this includes ski jackets, skating jackets and other sport jackets. Garments made of artificial leather are, however, excepted. Boleros, jerkins and other garments of the same type are considered to be jackets.

Category numbers:

#11—"Women's"—all sizes.

#12—"Misses' " and "jr. misses' "—sizes from 9 to 20, inclusive.

#13—"Teen age"—sizes from 10 to 16, inclusive.

#14—"Girls' "—sizes from 7 to 14, inclusive.

#15—"Children's"—sizes from 3 to 6, inclusive.

#15a—"Toddlers' "—sizes from 6 months to 4 years, inclusive.

(d) *Separate skirts.* "Separate skirts" include all feminine outerwear garments commonly known as skirts, including skating skirts, but excluding culottes.

Category numbers:

#16—"Women's"—all sizes.

#17—"Misses' " and "jr. misses' "—sizes 9 to 20, inclusive.

#18—"Teen age"—sizes from 10 to 16, inclusive.

#19—"Girls' "—sizes from 7 to 14, inclusive.

#20—"Children's"—sizes from 3 to 6, inclusive.

#20a—"Toddlers' "—sizes from 6 months to 4 years, inclusive.

(e) *Dresses.* "Dresses" include all feminine outerwear garments commonly known as dresses, whether made in one-piece models or in two-piece models consisting of a skirt and a separate blouse, or separate unlined

[8] 7 F.R. 3553, 3720, 5179, 5520, 8945, 8948.
[9] 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.
[10] 7 F.R. 4882, 6684, 8351, 8948, 10864; 8 F.R. 8063.

jacket, and sold at a unit price. Such garments include dresses used for street, evening, house or utility wear. Jumpers, pinafores, brunchcoats, smocks and similar garments are considered dresses.

Category numbers:

21—"Women's"—all sizes.

22—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.

23—"Teen age"—sizes from 10 to 16, inclusive.

24—"Girls'"—sizes from 7 to 14, inclusive.

25—"Children's"—sizes from 3 to 6, inclusive.

25a—"Toddlers'"—sizes from 6 months to 3 years, inclusive.

(f) *Blouses.* "Blouses" include all feminine outerwear garments, commonly known as blouses or shirtwaists.

Category numbers:

26—"Women's", "misses'" and "jr. misses'"—all sizes.

26a—"Teen age" and "girls'"—sizes from 7 to 16, inclusive.

26b—"Children's" and "toddlers'"—sizes from 6 months to 6 years, inclusive.

(g) *Snowsuits.* "Snowsuits" include all (1) toddlers' and children's (including boys'), (2) girls' and (3) teen age outerwear garments commonly known as snowsuits or ski suits.

Category numbers:

27—"Children's" and "toddlers'" one and two-piece snowsuits (with or without a matching hat)—sizes from 1 to 6, inclusive.

28—"Teen age" and "girls'" one and two-piece snowsuits (with or without a matching hat)—sizes from 7 to 16, inclusive.

(h) *Legging sets and separate leggings.* "Legging sets" and "separate leggings" include all (1) toddlers' and children's (including boys'), and (2) girls' outerwear garments commonly known as legging sets and separate leggings, but excluding garments made of artificial leather.

Category numbers:

29—Legging sets—sizes from 1 to 14, inclusive.

30—Separate leggings—sizes from 1 to 14, inclusive.

(i) *Separate ski pants.* "Separate ski pants" include all (1) toddlers' and children's (including boys'), (2) girls' and (3) teen age outerwear garments commonly known as ski pants.

Category number:

31 Separate ski pants—sizes from 1 to 16, inclusive.

(j) *Separate slacks.* "Separate slacks" include all women's, girls' and children's outerwear garments commonly known as slacks, and usually cut in the same style as men's trousers, reaching from waist to calf or below and having long loose legs, including slacks with any attached sleeveless bodice commonly known as "overalls" or "jumperalls", but excluding culottes.

Category numbers:

32—"Women's"—all sizes.

33—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.

34—"Teen age" and "girls"—sizes from 7 to 16, inclusive.

35—"Children's" and "toddlers'" (including boys', except boys' tailored pants which are covered by Maximum Price Regulation 177)[11]—sizes from 6 months to 6 years, inclusive.

(k) *Slack suits.* "Slack suits" include women's, girls' and children's outerwear garments commonly known as slack suits or slack sets, consisting of a slack and separate jacket, or a slack and separate or attached blouse, sold at a unit price. Garments commonly known as "coveralls" are included.

Category numbers:

36—"Women's"—all sizes.

37—"Misses" and "jr. misses"—sizes from 9 to 20, inclusive.

38—"Teen age" and "girls'"—sizes from 7 to 16, inclusive.

39—"Children's" and "toddlers'" (including boys', except boys' tailored suits which are covered by Maximum Price Regulation 177)—sizes from 6 months to 6 years, inclusive.

Any seller (including a separate department described in paragraph (f) of § 1389.554) who sells garments in women's and misses' or juniors' sizes and who customarily delivered garments in women's and misses' or juniors' sizes at the same percentage markups may, at his option, combine garments in those sizes when calculating the selling price at which he sold the largest number of garments of each cost price line during the base period.

Two-piece dresses and snowsuits purchased by the seller pursuant to written contracts entered into on or before August 7, 1943, may be delivered by the seller on or before November 1, 1943 at the ceiling prices in effect prior to August 7, 1943 for two-piece dresses and snowsuits of the same cost prices.

Appendix B: Examples of a Pricing Chart

(a) *Pricing chart.* An example of the pricing chart required by § 1389.554 (a) follows:

Pricing Chart

A	B	C	D	E	F	G
Category No.	Cost price lines	Terms	Selling prices	Percentage mark-up	Highest March selling price line	Highest Base Period selling price line
				Percent		
21 (women's dresses)	$3.75	8/10/EOM	$5.98	37.3		
	4.75	8/10/EOM	7.95	40.3		
	5.50	3/10/EOM	8.95	38.5		
	6.75	8/10/EOM	10.95	38.4		
	8.75	8/10/EOM	13.95	37.3		
	9.75	8/10/EOM	14.95	34.8		
	10.75	8/10/EOM	16.95	36.6	$14.95	$17.95
1 (women's coats)	(S)11.75	8/10/EOM	14.95	21.4		
	12.75	8/10/EOM	19.95	36.1		
	14.75	8/10/EOM	25.00	41.0		
	18.75	1/10/EOM	29.95	37.4		
	19.75	8/10/EOM	29.95	34.1		
	22.75	8/10/EOM	35.00	35.0		
	26.75	8/10/EOM	39.95	33.0		
	29.75	Net	49.95	40.4	35.00	55.00

(b) *How to prepare your pricing chart:*

1. In Column A, list the category numbers of the garments you are pricing. You will find the category numbers for the garments in Appendix A.

2. In Column B, list all the cost price lines at which you purchased garments that you delivered during the base period. (Section 1389.552 (c) explains what the base period is). If you are permitted to use the exception provided in Rule 1 (§ 1389.554 (c)) for any cost price lines, you should place the symbol "(S)" preceding each such cost price line in your Pricing Chart.

3. In Column C, list the discount, terms or allowance at which you purchased the largest number of garments at each cost price line listed in Column B.

4. In Column D, list the selling price at which you delivered during the base period the largest number of units of each cost price line listed in Column B. (See Rule 1, if you delivered the same number of units at two or more selling prices, for then you use the lowest selling price).

5. In Column E, list the percentage markup taken on each cost price line listed in Column B. This is how you make this calculation:

Step 1. You subtract the cost price line (Column B) from the selling price (Column D) and the difference is the dollar markup.

Step 2. Divide this dollar markup by the selling price (Column D) and the result is the percentage markup.

For example: In the Pricing Chart listed above, in order to find the percentage markup taken on the $3.75 cost price line, you subtract $3.75 (Column B) from $5.98 (Column D). The difference is $2.23. By dividing $2.23 by $5.98 (Column D), you find your percentage markup to be 37.3%.

6. The percentage markups illustrated in Column E and in the examples given throughout the regulation are markups on selling price. If you usually calculate your markups on your cost prices, you may under this regulation, continue to calculate your markups on cost instead of on selling price. However, you must calculate your markups in the same manner now that you did in the base period.

7. In Columns F and G, respectively, list the highest price line at which you delivered

[11] 7 F.R. 5182, 7475, 6792, 7100, 7944, 8940, 9000, 8948.

in March 1942 and the base period a garment of each category number listed in Column A. If you did not deliver a garment of any category number in March 1942 or in the base period and now intend to deliver it, then list the highest price line at which your most closely competitive seller of the same class delivered a garment of the same category number in March 1942 or in the base period. If your base period does not include the 3-month period between October 1 and December 31 (the 2-month period between September 1 and October 31 for wholesalers) you should list in Column G the highest selling price line at which your most closely competitive seller of the same class delivered a garment of the same category number during March 1942 or during the base period. In any case in which you list the highest selling price line of a competitive seller, you should precede such price by the symbol "(C)" on your Pricing Chart.

This regulation shall become effective February 24, 1943.

[Issued February 18, 1943]

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

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12834; Filed, August 7, 1943; 10:44 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 13,[1] Incl. Amdt. 50]

PROCESSED FOODS

Sections 23.3 (a), (b), 23.4 (a), (b) amended by Amendment 50, effective August 13, 1943, so that Ration Order 13 shall read as follows:

Why Processed Foods Must Be Rationed

Our soldiers and sailors in combat areas must be fed—they must be well fed. The armed forces of our allies must be fed. War is fought, and won, as much by food as by munitions. Food is a weapon which we must forge and send wherever needed—to the millions of our fighting men—to our allies and their fighting men—to their fighters on the home front, in factories, in shipyards, in munitions plants.

Processed foods—canned and frozen fruits and vegetables, and dried fruits—have been aptly called "fighting foods." Because they are compact, easily shipped and easily prepared—because they can be kept for long periods without spoiling—they fill a vital need of our armed forces and those of our allies.

Thus, the war has brought a tremendous increase in the demand for processed foods. A large part of our supply of these fighting foods must be shipped to our armed forces and to our allies.

At the same time, the war has limited our ability to increase production indefinitely. Shortages of tin, rubber and steel—of manpower and of plant facilities—place definite limits on the possibilities of expansion.

The result is that our supplies are not sufficient to meet normal civilian demands. The supplies of processed foods which are available must therefore be rationed so that everyone can get his fair share.

The use of canned baby foods has increased tremendously during the past few years. Here too, however, the war limits our ability to expand production indefinitely. Baby foods are therefore included in the program in order to help avoid depriving any mother of the convenience of using these foods because of uneven distribution of supplies. Babies have war ration books, and their books can be used for those foods.

The Point Rationing System

Processed foods are rationed by what is called a "point" system. A particular "price", in points, is fixed for each item of processed foods. That "price" is called its "point value". Every consumer is then given a certain number of "points" which he can "spend" for processed foods, just as he has a certain amount of money which he can spend. He can get less of a higher priced item, or more of a lower priced item.

The reason for adopting this system is that there are a great number of different items of processed foods. If the supply of each item were divided evenly, there would not be enough to go around. Thus, if everyone were given stamps for canned asparagus, the amount which each consumer could get would be too small to be useful.

However, many of those items can be substituted for each other. To a considerable extent, the use of one item, rather than another, depends upon personal preference. For example, one person may prefer canned peaches, while another prefers canned pears.

The point system provides a method for letting everyone choose the kinds he prefers. It gives the same type of flexibility that a person has when he spends his money. He can get canned peas or, if he prefers, canned asparagus. He can get a small can of peas and a small can of asparagus, instead of a large can of peas.

Furthermore, the point system provides a method for adjusting demand to the available supply. For example, if canned tomatoes are relatively plentiful, a low point value could be fixed. More people would then buy canned tomatoes, just as when the money price is low. If canned tomatoes become scarce, their point value is increased. Fewer consumers will then buy them, since consumers who do not want canned tomatoes badly will not wish to spend too many of their points on canned tomatoes, when they could get other processed foods at a lower point price.

The point rationing system has been in use in England for a long time. It works simply and easily—and it is the most satisfactory method yet devised for fair and flexible distribution of a group of commodities which should be rationed together.

How Consumers Get Processed Foods

Consumers are given "points" for processed foods in the form of the blue stamps in War Ration Book Two. Each stamp has a number which shows the number of points for which it is good.

Consumers register for and get War Ration Book Two during the week before processed foods rationing actually begins. When they apply for the book, they declare their stocks of processed foods and give up stamps for any excessive amounts they have.

During the week of registration for War Ration Book Two, consumers are not permitted to buy processed foods. The reason for this is to give retailers a chance to stock up and to prepare to meet demands under rationing. At the same time, it helps make sure that all consumers start evenly. If purchases were permitted, a hoarder could get his War Ration Book Two, and then go out and buy processed foods during the rest of the week without giving up points. This would give him an unfair advantage which would be inconsistent with the purposes of rationing.

When rationing begins, a consumer gives up stamps when he buys processed foods in much the same way as he gives up sugar stamps when he gets sugar. If he buys an item with a point value of 11 points, he gives up stamps worth 11 points. Retailers are required to post point values plainly, so that consumers will know just how many points each item costs.

Just as in the case of sugar, only certain stamps are good at a particular time. In this way, supplies are spread out evenly among consumers, over the year. At the outset of the program, 48 points worth of stamps will be good each month.

While no consumer starts with more points than the number in his War Ration Book Two, the order makes provision for cases of special need. A consumer who needs processed foods because of special dietary requirements due to illness can go to his local Board and get a certificate for more points, so that he can get the additional foods he needs. A consumer who lives in remote areas and who buys supplies for a long period at one time can exchange his stamps for a certificate, so that he can make his purchases all at once.

The order permits housewives to lend processed foods to each other. It also permits any person who has more processed foods of a particular kind than he needs, to exchange them for other types of processed foods of equal point value.

All of these provisions for special cases give the system necessary flexibility and permit it to operate in a way which will cause as little hardship as possible.

How Other Users Get Processed Foods

Many consumers eat in restaurants or other eating establishments. The problem of rationing the food supply of those establishments (called "institutional users") is not confined to processed

[1] 8 F.R. 1840.

foods. Institutional users need other rationed foods. Therefore, the method by which institutional users get rationed foods—sugar and coffee, as well as processed foods—is covered by a general order, called General Ration Order 5.

There is another purpose for which processed foods are used. Processed foods are used in making other items which are not rationed under this order. That use is called an "industrial use." For example, bakeries may use canned or dried fruits in making pies. Pies are not rationed. Therefore, a bakery which uses canned peaches to make peach pie is an "industrial user."

It is obvious that if consumers are cut, these uses should also be cut. Therefore, the allotments given to industrial users are calculated in such a way that they will take a cut which is fair as compared with the cut borne by the average home consumer.

How the Trade Operates Under the Order

In order to make sure that all processed foods are accounted for, points must be given up for all sales of processed foods. When a retailer buys from a wholesaler, he gives up to the wholesaler points he got from consumers or from other people to whom he made sales. Similarly, when a wholesaler buys from a producer or importer (called a "processor"), the wholesaler gives up points. Processors then turn over their points to the Office of Price Administration—and the points they turn over must match the point value of processed foods they transferred.

It is also important to make sure that supplies of processed foods are evenly distributed and that every person who deals in processed foods has his proper share to sell. This is done by making provision for retailer and wholesaler inventories. No one, however, can get a supply of processed foods for sale unless he is engaged or is about to engage in the business of dealing in them. He must show that he is part of the channel of distribution. Therefore, retailers, wholesalers and processors are required to register under this order and to give information showing the volume of their business.

Retailers register and report only once—at the end of the first month of rationing. They report their sales during that month. Their volume shows how large a supply they need under rationing. A retailer is therefore given an "allowable inventory" which is based on his sales during the first month of rationing. However, to make sure that he has a large enough stock to work with flexibly, his sales are multiplied by a "factor" fixed by the Office of Price Administration, to get his allowable inventory.

Wholesalers also get allowable inventories, based on their sales under rationing. However, in some respects they are treated differently from retailers.

Wholesalers occupy a strategic position in the distribution of processed foods. Many of them have large warehouse space. During the packing seasons, supplies must flow to them freely, since the limited storage space of most processors would otherwise overflow. During those seasons, the problems of storage and warehousing make it important to let wholesalers get large quantities, even if they do not need them all for immediate sale. In other seasons, when supplies are scarce, the amount going to each wholesaler should be reduced, since no storage problem exists and even distribution is important.

Wholesalers are therefore required to report their sales each month. The Office of Price Administration fixes a factor, for each month, to reflect available supplies and proper distribution of them. Each wholesaler then gets a maximum allowable inventory for each month, equal to his sales during the last month, multiplied by that factor.

Any retailer or wholesaler who does not have large enough stocks when rationing begins, can come in during the first month for an emergency adjustment. He will be given a certificate for enough points to get adequate working stocks.

Processors have no allowable inventory problems, since they sell stocks which they themselves produce or import. However, all processed foods must be accounted for. Furthermore, rationing can be effective only if the available supply is known. Processors are therefore required to make monthly reports of their sales, inventories and production or imports. In this way, the necessary information is obtained. Processors are, of course, required to register at the start of rationing, so that supplies at that time, and the sources of future supplies, can be known.

Adjustments at Trade Levels

The order makes provision for various adjustments at trade levels, to get maximum flexibility. For example, retailers and wholesalers may apply for adjustments of their allowable inventories, to cover changed conditions or unusual situations. They can also apply for "loans" of points, if their own points are tied up in shipments which have not arrived. Provision is made for new business—for persons who wish to engage in processing, wholesaling or retailing processed foods.

Provisions of this type, coupled with the provisions made for special cases at the consumer level, should permit the order to operate on the smoothest and most flexible basis consistent with effective rationing.

§ 1407.1101 *Rationing of processed foods.* Under the authority vested in the Administrator by Executive Order No. 9125, issued by the President on April 7, 1942; Directive No. 1 and Supplementary Directive No. 1–M of the War Production Board, issued on January 24, 1942 and September 12, 1942, respectively; Executive Order No. 9280, issued by the President on December 5, 1942; and Food Directive No. 1, issued by the Secretary of Agriculture on January 16, 1943, Ration Order No. 13 (Processed Foods), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1407.1101 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; Executive Order 9125, 7 F.R. 2719; Executive Order 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562, and Supplementary Directive 1–M, 7 F.R. 7234; and Food Directive 5, 8 F.R. 2251, 3469.

RATION ORDER NO. 13—PROCESSED FOODS

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Article I—Introduction[2]

SECTION 1.1 *This order covers processed foods.*

(a) The foods which are covered by this order are called "processed foods" and are listed in section 21.1 (a) (10).

[Paragraph (a) amended by Amendment 3, 8 F.R. 2684, effective 3-1-43, Amendment 16, 8 F.R. 5342, effective 4-27-43 and Amendment 24, 8 F.R. 5757, effective 5-2-43]

(b) Puncturing or opening the container in which processed foods are packed, or merely removing them from the container, does not cause them to cease to be processed foods.

(c) When any processed food is prepared for service and served, it is no longer considered a processed food. Thus, a "person" who is served canned peaches in a restaurant, as part of a meal, is not getting processed food. Furthermore, when a processed food has been used in making a product which is not rationed under this order, it ceases to be a processed food. For example, canned peaches may be used in baking peach pie—that pie, and the peaches in it, are not processed foods.

SEC. 1.2 *Processed foods are rationed by the point system.* (a) All types of processed foods are rationed together, as a group, through the use of the point system of rationing. Each item of processed foods is given a particular point value for each size in which it is sold. The point value of a processed food is the number of points that must be given up by any person who wants to get it, just as the money price of an article is the amount of money it costs. The point values will be fixed by the Office of Price Administration in a supplement to this order, containing the official table of point values. These point values may be changed from time to time, as conditions require.

SEC. 1.3 *Points come in the form of stamps, certificates and ration checks.* (a) There are several forms of tokens or ration currency which represent points.

(b) The basic tokens are the blue "stamps" in War Ration Book Two, which are designated by the Office of Price Administration to be used for the acquisition of processed foods. They are the form in which points are generally given up by consumers.

(c) Other forms of ration currency authorized by the Office of Price Administration are "certificates" (OPA Form R-1201) and ration checks drawn on ration bank accounts. A certificate is issued by the Office of Price Administration (or a person authorized by that office to issue it) and is worth the number of points stated on it. Ration checks are very much like ordinary checks. They are drawn on a bank account in which a person has deposited his points, just as an ordinary check is drawn on a bank account in which he has deposited his money. (The cases in which ration checks are used are covered in Articles VIII and IX.)

Article II—Consumers

SEC. 2.1 *When a person is a consumer.* (a) Any "person" who buys or "acquires" "processed foods" for his personal use or for use at a table at which he eats, is a "consumer". (When a person gets processed foods in order to resell them or in order to use them in making other products for sale, he is not a consumer, since those are not personal uses. He is a consumer only so far as he does get processed foods for personal uses.)

SEC. 2.2 *Consumer may not purchase processed foods from February 21, 1943 to February 28, 1943.* (a) From February 21, to February 28, 1943, inclusive, no consumer may buy or acquire processed foods from any other person. (However, a consumer may borrow processed foods from, and return borrowed processed foods to, another consumer and may acquire processed foods from another consumer for consumption at a common table.)

SEC. 2.3 *Consumers may purchase after February 28, 1943 only for points.* (a) Beginning March 1, 1943, a consumer may buy or acquire processed foods only by giving up points equal to the point value of the processed foods acquired. However, a consumer may exchange processed foods with any other person for other processed foods of equal point value, without giving up points and may transfer and acquire processed foods as provided in Article XXVI of this order.

[Paragraph (a) as amended by Amendment 31, 8 F.R. 6339, effective 5-27-43]

(b) Consumers may lend processed foods to, or borrow them from, other consumers, and they may return borrowed processed foods. They may also acquire processed foods from other consumers for consumption at a common table. No points are to be given up for such transactions. (A transaction is not a loan of processed foods if any charge is made.)

SEC. 2.4 *How points are given up by consumers* — (a) *A consumer uses stamps.* A consumer gives up points, when he acquires processed foods, by surrendering blue "stamps" taken from his War Ration Book Two. A stamp is not good unless the book from which it is taken has a validation stamp properly placed on its cover.

(b) *Stamps may be used only during fixed periods.* Each blue stamp in War Ration Book Two is good for a limited time only and a consumer may use it only during that time. The letter printed on the stamp is used to indicate the time when it may be used by a consumer. Stamps lettered "A," "B" and "C" may be used only during March 1943. Stamps lettered "D," "E" and "F" may be used only from March 25, 1943 to April 30, 1943, inclusive. The other blue stamps in War Ration Book Two may be used only during periods which will be fixed in a supplement to this order. These periods may be changed by the Office of Price Administration, even after they have begun.

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the processed foods he acquires. The number of points a stamp is worth is shown by the figure printed on it. Stamps must be given up at the time processed foods are acquired. The stamps may be used by a consumer only if torn out of the war ration book in the presence of the person who is selling or transferring the processed foods. A stamp may be used only to get processed foods for the consumer from whose book it is taken, or for use at a table at which he eats.

(d) *A consumer also uses certificates.* Any consumer to whom a "board" issues a "certificate" may use it to acquire processed foods, just as the blue stamps from War Ration Book Two are used. The number of points a certificate is worth, and the date when it expires, will

[2] Words which are specially defined in this order are shown in quotation marks the first time they appear in each article. All definitions are given in section 21.1 of the order.

be shown on that certificate. A consumer to whom a certificate has been issued must sign his name on the back before he may use it.

(e) *How mail order purchases are made.* A consumer who orders processed foods for delivery by mail may detach stamps from his War Ration Book Two and send them with his order. The stamps are good if the envelope in which they are inclosed is postmarked on or before the last day on which they may be used by a consumer, even if the seller does not receive them until after that date. If the seller cannot fill all or any part of the order, he will return a ration check for the difference. The consumer may endorse that check and use it to get processed foods.

[Paragraph (e) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

SEC. 2.5 *Consumers who need more processed foods because of illness may apply for more points.* (a) Any consumer whose health requires that he have more processed foods than he can get with War Ration Book Two, may apply for additional points. The application must be made, on OPA Form R-315, by the consumer himself or by someone acting for him, and may be made in person or by mail. The application can be made only to the board for the place where the consumer lives. His application (on OPA Form R-315) must contain a written statement signed by a person licensed by the laws of the State in which the certification is made to prescribe for human medication all internal drugs which may be prescribed within that State. The statement must show why the applicant must have more processed foods, the amounts and types he needs during the next two months, and why he cannot use unrationed foods instead.

[Paragraph (a) as amended by Amendment 44, 8 F.R. 9216, effective 7-8-43]

(b) If the board finds that his health depends upon his getting more processed foods, and that he cannot use or cannot get unrationed foods, it shall issue to him one or more certificates for the number of points necessary to get the additional processed foods he needs during the next two months.

SEC. 2.6 *Consumers who must purchase in quantity may apply for certificates.* (a) Some consumers may not be able to get processed foods during the period when their stamps are good, either because of transportation difficulties, or because they live an unusually long distance from their market. Such a consumer may apply for a certificate in exchange for some or all of the blue stamps in his War Ration Book Two, so that he can get the amount of processed foods to which he is entitled at a time when he is able to get them. The application must be made on OPA Form R-315, in person or by mail, to the board for the place where he lives. It must be made by the consumer himself or by someone acting for him.

(b) If the board finds that the consumer will suffer hardship because he cannot get the processed foods to which he is entitled during the periods when his stamps are good (for the reasons set forth above), it may issue to him a certificate. The certificate may be for any number of points up to the value of the remaining blue stamps in his War Ration Book Two. The board must remove from that book, and cancel, blue stamps worth the amount of the certificate.

SEC. 2.7 *Service men may get certificates to acquire processed foods.* (a) Members of the Armed Forces of the United States and Allied Nations who do not have War Ration Book Two and are not entitled to have it, may obtain certificates to get processed foods under the circumstances and in accordance with the procedure set forth in General Ration Order 9.

[Sec. 2.7 as amended by Amendment 34, 8 F.R. 7380, effective 6-7-43]

SEC. 2.8 [Revoked]

[Sec. 2.8 revoked by Amendment 31, 8 F.R. 6839, effective 5-27-43]

SEC. 2.9 *Consumers who must have more processed foods for their subsistence may apply for more points.* (a) Consumers (including those who eat in group one institutional establishments, as defined in General Ration Order 5) may apply for additional points if they cannot get enough fruits or vegetables to meet minimum nutritional needs for such foods, because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs.

(b) Any consumer who needs more processed foods for the reasons set forth in paragraph (a) of this section, may apply to his board, in person or by mail, on OPA Form R-315. He must submit his War Ration Book Two with his application. One application may be made covering more than one consumer, but the name of each shall be listed on the application, and the War Ration Book Two of each person included in the application must be submitted with it. The application must state in detail:

(1) Why the persons included therein cannot obtain enough fruits or vegetables to meet minimum nutritional standards;

(2) How many pounds of processed foods they will need;

(3) For how long a period;

(4) How many pounds of processed foods (including home canned) they have, at the time of application; and

(5) How many pounds of fresh fruits or vegetables (excluding potatoes) will be available to them during the period covered by the application.

(c) All regional offices are authorized to rule on applications under this section, and to authorize boards or district offices (or, where there are none, state offices) to rule on them. A board or district (or state) office may rule on such an application only if the regional office for the area where it is located has given it such authority. If the board has not been given such authority, it shall forward the application with its recommendation to the district (or state) office. If the district (or state) office has been given such authority, it shall indicate what action is to be taken, and return the file to the board. If the district (or state) office has not been given such authority, it shall forward the file to the regional office. The regional office shall then indicate what action is to be taken, and return the file to the board. All certificates to be issued under this section shall be issued by boards.

(d) The regional office, or board or district (or state) office which is authorized to rule on such applications, may issue or authorize the issuance of one or more certificates for the number of points that it finds should be allowed. No board or district (or state) or regional office shall issue or authorize the issuance of a certificate unless it finds that the applicants will be unable to get enough fruits or vegetables, during the period covered by the application, to meet minimum nutritional needs for such foods because (1) supplies of such foods are not reasonably accessible to them, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply their needs. In determining how many points to allow, consideration shall be given to the amount of processed foods, and fresh fruits or vegetables (excluding potatoes) which will be available to the applicants during the period covered by the application. In addition, the board or district (or state) office shall be governed by any further conditions established by the regional or Washington office.

(e) Any board which issues certificates under this section shall keep a record of the number of points which it has issued. It shall, within five (5) days after the end of each month, send to the district (or state) office a statement of the total number of points issued each month. The district (or state) office shall forward such statements to the regional office. The regional office shall forward such statements to the Washington office.

[Sec. 2.9 added by Amendment 6, 8 F.R. 3179, effective 3-12-43]

Article III—Processors

SEC. 3.1 *Explanation of the terms processor and processor establishment—* (a) *A place where processed foods are produced is a processor establishment.* Any place at which a "person" produces "processed foods" for sale or other "transfer", is a "processor establishment." (This article does not apply with respect to dry beans, peas, or lentils, to "growers" or to "country shippers." Article XXIV sets forth the definitions and rules controlling growers and country shippers with respect to dry beans, peas, and lentils. However, any person who is a grower or country shipper of dry beans, peas, or lentils as well as a "processor" of other processed foods

is controlled by both Article XXIV and Article III of this order.)

(1) A person produces processed foods:

(i) If he bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(ii) If he packs and freezes fruits or vegetables; or

[Paragraph (ii) as amended by Amendment 36, 8 F.R. 7490, effective 6–6–43]

(iii) [Revoked]

[Paragraph (iii) revoked by Amendment 16, 8 F.R. 5342, effective 4–27–43]

(iv) If he packs fruit or vegetable juices from containers over one (1) gallon into hermetically sealed containers of one (1) gallon or less and sterilizes them by the use of heat; or

(v) [Revoked]

[Paragraph (v) revoked by Amendment 36, 8 F.R. 7490, effective 6–6–43]

(vi) If he precooks dry beans, peas, or lentils; or

(vii) [Revoked]

[Paragraph (vii) revoked by Amendment 28, 8 F.R. 5181, effective 5–17–43]

(viii) If he uses processed foods to produce other processed foods (as, if he uses canned peaches to make canned fruit salad).

NOTE: Not all items in the above groups are processed foods as that term is defined. For example, fruit and vegetable juices packed in containers over one gallon are not processed foods. Canned olives are not processed foods. Therefore, a person who packs fruit juices in containers over one gallon, or who cans or bottles olives, does not thereby produce a processed food.

[Paragraph (a) amended by Amendment 9, 8 F.R. 4342, effective 4–2–43]

(b) *A place to which processed foods are imported is a processor establishment.* Any place (including space in a public warehouse) to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer, is also a processor establishment.

(c) *Place where person keeps only processed foods he produced is a processor establishment.* The term processor establishment also includes any place (including space in a public warehouse) at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only stocks of processed foods which he himself produced or imported. (If he also regularly keeps there, for sale or transfer, processed foods produced or imported by someone else it is a processor establishment only if it meets the requirements of paragraph (d); otherwise it is a wholesale or retail establishment, depending upon the nature of his operations there.)

[Paragraph (c) amended, paragraph (d) added, former paragraphs (d) and (e) redesignated (e) and (f) by Amendment 30, 8 F.R. 6838, effective 5–27–43]

(d) *A place where a person keeps processed foods produced by someone else may be a processor establishment.* There are two cases in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment:

(1) A place where a person keeps, for sale or transfer, processed foods produced or imported by someone else, is a processor establishment as to those stocks if the person keeping such processed foods, also produces processed foods, whether at that place or elsewhere, and if he does not, in any one calendar year, acquire (at all his establishments together, of whatever type) for sale or transfer more processed foods produced or imported by someone else than 10% by weight of the processed foods he himself produced or imported in the previous calendar year. As soon as his acquisitions for sale or transfer, of processed foods produced or imported by someone else exceed that 10%, within the calendar year, that place shall cease to be a processor establishment as to those stocks, and becomes a wholesale or retail establishment depending upon the nature of his operations there. He must then follow the procedure set forth in Article XII with respect to new businesses.

(2) There is one other case in which a place where a person keeps processed foods produced or imported by someone else is a processor establishment. A person may get processed foods from someone else, to use them in producing other processed foods for sale or transfer. If he keeps the processed foods obtained from someone else only to produce other processed foods, the place where he keeps them is a processor establishment.

(e) *A place where processed foods produced only for own use is not a processor establishment.* A place at which a person produces or imports processed foods only for his own use, and not for sale or transfer, is not a processor establishment. (Thus, if he produces processed foods, at a particular place, only for the purpose of using them in baking pies, or in serving meals, that place is not a processor establishment.) Also, a place does not become a processor establishment because a person produces home processed foods there, even if he produces them for sale or transfer.

[Paragraph (e) as amended by Amendment 31, 8 F.R. 6839, effective 5–27–43]

(f) *Person who has processor establishment is a processor.* Any person who has a processor establishment is called a "processor".

SEC. 3.2 *Processors must register and file reports*—(a) *Registration.* Every processor must register with the Office of Price Administration by filing OPA Form R–1305, at any time from March 1, 1943 to March 10, 1943, inclusive. The form must be completed and signed by the processor or his authorized agent. If he has more than one processor establishment, he must show, for each, its name and address, the type of business done there, and the name of the person authorized to report for it on OPA Form R–1305.

(b) *Reports.* Every processor must file periodic reports, also on OPA Form R–1305, covering the operations of his processor establishment during each reporting period set forth in Appendix B. The report must be signed by him or by his authorized agent. If he has more than one processor establishment, he must file a separate report for each, except that he may combine in a single report all his processor establishments in a single state. The first report which must be filed is for February 1943, and is part of his registration. Reports for subsequent reporting periods must be filed within eight days after the end of the reporting period.

[Paragraph (b) amended by Amendment 14, 8 F.R. 4921, effective 4–20–43 and Amendment 35, 8 F.R. 7353, effective 5–31–43]

(c) *Some processors need not file reports for reporting periods after February 1943.* A processor who produced or imported less than 10,000 pounds of processed foods during 1942 must register but need not file a report for any reporting period after February 1943. However, if his total production and imports in 1943 reach 10,000 pounds, he must file reports beginning for the reporting period in which that figure was reached.

[Paragraph (c) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(d) *Processors must give information called for by form.* The processor must give all information called for by OPA Form R–1305.

(e) *Registration and reports must be filed in Washington.* The processor's registration and periodic reports must be filed by mailing OPA Form R–1305 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

[Paragraph (e) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(f) *Registration of persons who become processors because of additions to the list of processed foods.* A person who becomes a processor because the foods he produces are added to the list of processed foods, must, within eight days after such addition, file a report on OPA Form R–1305 covering his operations during the preceding reporting period. The report must be mailed to the Office of Price Administration, care of the Bureau of Census, Washington, D. C., and is treated as his registration.

[Paragraph (f) added by Amendment 36, 8 F.R. 7490, effective 6–6–43]

SEC. 3.3 *Processor is given a registration number.* (a) After a processor has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each invoice or similar document prepared in connection with any sale or transfer of processed foods from any of his processor establishments.

SEC. 3.4 *Processor may not do business if he does not register and file reports.* (a) No processor may transfer or "acquire" processed foods after March 10, 1943, unless he has registered in the manner required.

(b) No processor may transfer or acquire processed foods after any date on which a report is due from him, unless he has filed that report.

SEC. 3.5 *Processors must report their inventories.* (a) As part of his registration, a processor must report, on OPA Form R–1305, the point value of his inventory of processed foods (by items and sizes) at the close of business on February 28, 1943. His inventory at the beginning and end of each reporting period must then be reported in his report for that period.

[Paragraph (a) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(b) A processor's inventory at his processor establishment consists of all processed foods physically located at that establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

SEC. 3.6 *A processor must turn over the points he receives to the Washington office.* (a) A processor is required to turn over to the Washington Office points he receives for sale or transfers of processed foods. However, he may use some of them for the following purposes:

(1) To get back processed foods he transferred; or

(2) To acquire processed foods with which to produce other processed foods; or

(3) To acquire for sale or transfer processed foods produced or imported by someone else, if the place at which he acquires them is a processor establishment as to those stocks, under section 3.1 (d) (1).

[Paragraph (a) amended by Amendment 30, 8 F.R. 6838, effective 5–27–43 and Amendment 47, 8 F.R. 9629, effective 7–19–43]

(b) A processor must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of processed foods. Not later than the eighth day of every reporting period he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the preceding reporting period. A processor who is required to file periodic reports on OPA Form R–1305, must attach his check to the report. A processor who does not have to file reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address and registration number.

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(c) A processor who used some of those points to acquire processed foods, as permitted in paragraph (a) of this section, must issue and send his check for the rest. He must enclose with his check a statement giving the names and addresses of the persons from whom he acquired the processed foods, the items he acquired, and their point values. If he used the points to acquire processed foods, as permitted in paragraph (a) (3) of this section, he must state, in pounds, the total amount of processed foods he produced or imported during the preceding calendar year and his total acquisitions during the current calendar year, for sale or transfer, of processed foods produced or imported by someone else.

[Paragraph (c) as amended by Amendment 30, 8 F.R. 6838, effective 5–27–43]

SEC. 3.7 [Revoked]

[Sec. 3.7 revoked by Amendment 30, 8 F.R. 6838, effective 5–27–43]

SEC. 3.8 *Processors must keep records.* (a) Beginning March 1, 1943, every processor must keep, at each of his processor establishments, a record showing, by items and sizes:

(1) All processed foods produced or imported there;

(2) All processed foods sold or transferred to (or reserved for) exempt agencies;

(3) All processed foods used in producing other processed foods; and

(4) All processed foods, produced or imported by someone else, acquired for sale or transfer.

[Paragraph (4) added by Amendment 30, 8 F.R. 6838, effective 5–27–43]

(b) He must also keep, at his principal business office, a copy of his registration and of his periodic reports on OPA Form R–1305 (if any are required). If he has more than one processor establishment, he must keep at each establishment a copy of the report filed for it. (However, if he has filed a combined report for several processor establishments, he must keep copies of the reports at one of them.)

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(c) In addition, at the time of any change in the point value of any item of processed foods, every processor must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every processor must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one processor establishment, he must make and keep such a record at each establishment.

[Paragraph (c) as amended by Amendment 36, 8 F.R. 7490, effective 6–6–43]

SEC. 3.9 *Processors must account for differences between their transfers and the number of points given up to the Office of Price Administration.* (a) Every processor must attach to his periodic report on OPA Form R–1305, beginning with the report for March 1943, a statement accounting for all differences between the point value of the processed foods sold or transferred by him during that reporting period, and the number of points given up by him to the Office of Price Administration. Also, if he used any processed foods in grading the processed foods which he produced or imported, he must attach a statement showing how much he used. The statements must be signed by the same person who signed the periodic report.

[Sec. 3.9 added by Amendment 14, 8 F.R. 4921, effective 4–20–43 and amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

Article IV—Wholesalers

SEC. 4.1 *Explanation of the terms wholesaler and wholesale establishment.* (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "wholesale establishment," if fifty percent or more of those stocks are transferred from there directly to persons other than "consumers." However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies:

(1) At least one of his wholesale establishments; or

(2) At least four of his "retail establishments."

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a wholesale establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a wholesale establishment. In addition, this Article does not apply, with respect to dry beans, peas, or lentils, to "growers" or to "country shippers." Article XXIV sets forth the definitions and rules controlling growers and country shippers with respect to dry beans, peas, and lentils. However, any person who is a grower or country shipper of dry beans, peas, or lentils as well as a "wholesaler" of other processed foods, is controlled by both Article XXIV and Article IV of this order.)

[Paragraph (a) amended by Amendmet 9, 8 F.R. 4342, effective 4–2–43 and Amendment 30, 8 F.R. 6838, effective 5–27–43]

(b) Any person dealing in processed foods who has a wholesale establishment is called a wholesaler.

SEC. 4.2 *Wholesalers must register and file reports*—(a) *Registration.* Every wholesaler must register with the

Office of Price Administration by filing OPA Form R–1310, at any time from April 1, 1943 to April 10, 1943, inclusive. The form must be completed and signed by the wholesaler or his authorized agent. If he has more than one wholesale establishment, he must file a combined registration for all of them on a single form.

(b) *Reports.* Every wholesaler must file periodic reports, also on OPA Form R–1310, covering the operations of his wholesale establishment during each reporting period set forth in Appendix B. The report must be signed by him or by his authorized agent. If he has more than one wholesale establishment, he must file a separate report for each, except that he may combine in a single report all his wholesale establishments for a single state. The first report which must be filed is for March 1943, and is part of his registration. Reports for subsequent reporting periods must be filed within eight days after the end of the reporting period.

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(c) *Wholesaler must give information called for by form.* The wholesaler must give all information called for by OPA Form R–1310.

(d) *Registration and reports must be filed in Washington.* The wholesaler's registration and periodic reports must be filed by mailing OPA Form R–1310 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

[Paragraph (d) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(e) *Registration of persons who become wholesalers because of additions to the list of processed foods.* (1) A person who becomes a wholesaler because foods he keeps for sale or transfer are added to the list of processed foods, must, within eight days after such addition, file a report on OPA Form R–1310 covering his operations during the preceding reporting period. He must give all the information called for by the form. The report must be mailed to the Office of Price Administration, care of the Bureau of Census, Washington, D. C., and is treated as his registration.

(2) His maximum allowable inventory for the current reporting period is then determined by multiplying his sales or transfers of each such item during the preceding reporting period (less returns of processed foods made during that period) by the point value assigned to that item. The resulting figures are added together and the sum is multiplied by the wholesale factor fixed for the current reporting period by the Office of Price Administration in a supplement to this order.

[Paragraph (e) added by Amendment 36, 8 F.R. 7490, effective 6–6–43 and amended by Amendment 49, 8 F.R. 10665, effective 7–31–43]

SEC. 4.3 *Wholesaler may not do business if he does not register and file reports.* (a) No wholesaler may transfer or "acquire" processed foods after April 10, 1943, unless he has registered in the manner required.

(b) No wholesaler may transfer or acquire processed foods after any date on which a report is due from him unless he has filed that report.

SEC. 4.4 *Wholesalers must report their inventories.* (a) As part of his registration, a wholesaler must report, on OPA Form R–1310, his inventory of processed foods (by items and sizes) at the opening of business on March 1, 1943, and the point value of his inventory of processed foods (by items and sizes) at the close of business on March 31, 1943. If he has more than one wholesale establishment, his registration must include a report of the total point value of his inventory at all those establishments. His inventory at the beginning of the next reporting period must then be reported in his report for that period.

[Paragraph (a) amended by Amendment 2, 8 F.R. 2681, effective 3–1–43, Amendment 23, 8 F.R. 5757, effective 5–1–43 and Amendment 35, 8 F.R. 7353, effective 5–31–43]

(b) A wholesaler's inventory at his wholesale establishment consists of processed foods physically located at that establishment or in transit to it. It includes processed foods which he holds there on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of one of his other establishments.

SEC. 4.5 *Wholesalers must report their sales and points on hand.* (a) A wholesaler must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his wholesale establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) The point value of his transfers during each subsequent reporting period and the total number of points he has at the end of that period for which he can get processed foods, must then be reported in his report for that period.

[Paragraph (b) amended by Amendment 23, 8 F.R. 5757, effective 5–1–43 and Amendment 35, 8 F.R. 7353, effective 5–31–43]

SEC. 4.6 *A wholesaler is allowed a maximum inventory*—(a) *General.* For each reporting period every wholesaler is entitled to an operating inventory (called a maximum allowable inventory) based on his transfers during the second preceding reporting period. (For example, a wholesaler's maximum allowable inventory for the period from July 4 to July 31, 1943, inclusive, is based on his transfers during the period from May 2 to June 5, 1943, inclusive.) This maximum allowable inventory is stated in terms of points.

[Paragraph (a) amended by Amendment 35, 8 F.R. 7353, effective 5–31–43 and Amendment 39, 8 F.R. 8705, effective 6–29–43]

(b) *Amount of maximum allowable inventory.* To get a wholesaler's maximum allowable inventory for any reporting period, the point value of all processed foods transferred from his wholesale establishments during the second preceding reporting period (less returns of processed foods made during that period) is multiplied by a factor which the Office of Price Administration will fix for each reporting period. The result is his maximum allowable inventory for the reporting period in question. Exchanges of processed foods, and transfers from one to another of his wholesale establishments, must not be included in this computation. The factor for each reporting period will be fixed by the Office of Price Administration in a supplement to this order.

[Paragraph (b) amended by Amendment 14, 8 F.R. 4921, effective 4–20–43, Amendment 35, 8 F.R. 7353, effective 5–31–43, Amendment 39, 8 F.R. 8705, effective 6–29–43 and Amendment 49, 8 F.R. 10665, effective 7–31–43]

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a wholesaler has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account (except those for which ration checks are outstanding), all which he already has given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not shipped, or points he owes for processed foods already shipped to him, are not included.

[Paragraph (ii) amended by Amendment 14, 8 F.R. 4921, effective 4–20–43 and Amendment 40, 8 F.R. 9024, effective 7–6–43]

(2) The sum of the above two figures, at a particular time, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The wholesaler must make this computation at the time of filing his periodic report on OPA Form R–1310.

[Paragraph (2) amended by Amendment 35, 8 F.R. 7353, effective 5–31–43 and Amendment 39, 8 F.R. 8705, effective 6–29–43]

(d) *When a wholesaler is entitled to a certificate.* If a wholesaler's maximum allowable inventory for any reporting period is greater than his point inventory at the end of the preceding reporting period, he is entitled to receive a "certificate", upon request, for the number of points needed to make up the difference. However, after April 1943, he is not entitled to a certificate unless that difference is more than 10% of his maximum allowable inventory. The certificate will be issued by the "Washington Office", after his report has been checked.

[Paragraph (d) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(e) [Revoked]

[Paragraph (e) revoked by Amendment 39, 8 F.R. 8705, effective 6-29-43]

SEC. 4.7 *Wholesaler may not acquire processed foods if actual inventory is greater than maximum allowable inventory.* (a) A wholesaler must not acquire processed foods at any time when his actual inventory is larger than his maximum allowable inventory. A wholesaler also must not acquire processed foods if it would bring his actual inventory above his maximum allowable inventory. Even if he has points available, he may not use them to get more stock than is needed to bring his actual inventory up to his maximum allowable inventory. However, if he has already given up points for a transfer of processed foods at a time when he was entitled to acquire them, he may take delivery of those foods. Furthermore, regardless of his actual inventory, he may, during a reporting period, acquire processed foods for the purpose of keeping his stocks balanced, in an amount not more than 10% of the number of points he received for his sales or transfers of processed foods during the period covering April 1 to May 1, 1943, inclusive.

[Sec. 4.7 amended by Amendment 25, 8 F.R. 5758, effective 5-2-43 and Amendment 35, 8 F.R. 7353, effective 5-31-43]

SEC. 4.8 *Washington Office may grant working point capital to wholesalers.* (a) For the purpose of providing a wholesaler with enough points with which to acquire processed foods up to the amount of his maximum allowable inventory when that maximum is raised during the height of the packing season, the Washington Office of the Office of Price Administration may issue points to him in anticipation of such an increase. The number of points to be issued for this purpose will be calculated in the following manner:

(1) The point value of the wholesaler's transfers of processed foods during the reporting period covering April 1 to May 1, 1943, inclusive, is determined;

(2) That figure is multiplied by 7 (a number which it is believed will give each wholesaler a working point capital sufficient to provide the points he will need to acquire processed foods up to the amount of his greatest maximum allowable inventory);

(3) From that figure is deducted the wholesaler's point inventory at the close of business on May 1, 1943, (including the number of points the wholesaler owes the Office of Price Administration on account of his March excess inventory) and the point value of any certificates issued to him by the Office of Price Administration to increase his point inventory since May 1, 1943;

(4) To the resulting figure is added the number of points given up to the Office of Price Administration by such wholesaler since May 1, 1943, on account of his March excess inventory.

[Sec. 4.8 as amended by Amendment 39, 8 F.R. 8705, effective 6-29-43]

SEC. 4.9 *Wholesaler must keep records.* (a) Every wholesaler must keep, at each of his wholesale establishments, a record of the point value of all transfers of processed foods from that establishment during each reporting period. He must also keep, at his principal business office, a copy of his registration and of the reports on OPA Form R-1310 which he filed with it. If he has more than one wholesale establishment, he must keep at each establishment a copy of the reports filed for it. (However, if he has filed a combined report for several wholesale establishments, he must keep copies of the reports at one of them, and must also keep a record of the inventory of each at the close of business on March 31, 1943.)

[Paragraph (a) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(b) In addition, at the time of any change in the point value of any item of processed foods, every wholesaler must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every wholesaler must keep a record of the amount, sizes, and point value of that item which he has in his inventory. If he has more than one wholesale establishment, he must make and keep such a record at each establishment.

[Paragraph (b) as amended by Amendment 36, 8 F.R. 7490, effective 6-6-43]

SEC. 4.10 *Inventory adjustments because of additions to the list of processed foods.* (a) Whenever an item is added to the list of processed foods at the beginning of a reporting period, a wholesaler's maximum allowable inventory is adjusted in his report for that period in the following way:

(1) The amount of that item which he sold or transferred during the preceding reporting period (less returns of that item made during such period) is multiplied by the point value assigned to that item at the beginning of the current reporting period;

[Paragraph (1) as amended by Amendment 49, 8 F.R. 10665, effective 7-31-43]

(2) The resulting figure is multiplied by the wholesale factor fixed for the current reporting period in the supplement to this order.

(b) Whenever a wholesaler adjusts his maximum allowable inventory as described in paragraph (a) of this section, he must attach to his report a statement showing:

(1) His inventory of that item at the beginning of the preceding reporting period;

(2) The amount of that item acquired by him during the preceding reporting period; and

(3) His inventory of that item at the end of the preceding reporting period.

[Sec. 4.10 added by Amendment 36, 8 F.R. 7490, effective 6-6-43]

Article V—Retailers

SEC. 5.1 *Explanation of the terms retailer and retail establishment.* (a) Any place, including a public warehouse, where a "person" who deals in "processed foods" keeps stocks of those foods for sale or other "transfer" is a "retail establishment" if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". It is also a retail establishment, even if the amount sold or transferred to consumers is fifty per cent or less, in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If the rest of those stocks are kept there just to supply his own establishments of any type; and

(3) If no "wholesale establishments", and not more than three retail establishments, are supplied from there.

(A place where a person regularly keeps for sale or transfer only stocks of processed foods which he himself produced or imported is a "processor establishment" and not a retail establishment. Also, a place which is a processor establishment under section 3.1 (d) (1) is not a retail establishment.)

[Paragraph (3) as amended by Amendment 30, 8 F.R. 6838, effective 5-27-43]

(b) Any person dealing in processed foods who has a retail establishment is called a "retailer".

SEC. 5.2 *Retailers must get statement of purchases during March 1943.* (a) When a retailer buys or "acquires" processed foods during March 1943, he must get from his seller or transferor a statement showing the name of the seller or transferor, the date of the purchase or acquisition, and the number of points given up for the processed foods.

SEC. 5.3 *Retailers must register*—(a) *General.* Every retailer must register his retail establishments with the Office of Price Administration, at any time from April 1, 1943 to April 10, 1943, inclusive, on OPA Form R-1302. The registration form must be completed and signed by the retailer or his authorized agent. He must give all information called for by OPA Form R-1302.

(b) *Place where registration must be filed.* A retailer who has only one retail establishment must file his registration, in person or by mail, with the "board" for

the place where that establishment is located. If he has more than one retail establishment, he must file a combined registration for all those establishments, in person or by mail, with the board for the place where his principal business office is located. A person who has a wholesale or a processor establishment, as well as a retail establishment, must file his retailer registration, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

(c) *Filing by mail.* Where a registration form is filed by mail, it is considered filed on time if the envelope is postmarked on or before April 10, 1943.

SEC. 5.4 *Retailer may not do business unless he has registered.* (a) No retailer may transfer or acquire processed foods after April 10, 1943, unless he has registered in the manner required.

SEC. 5.5 *Retailers must report their inventories.* (a) As part of his registration, every retailer (except those covered in section 5.7) must report the point value of his inventory of processed foods at the close of business on March 31, 1943. If he has more than one retail establishment, a separate inventory report for each establishment must be filed with his registration.

(b) A retailer's inventory at his retail establishment consists of processed foods physically located at that establishment or in transit to it, and also of processed foods stored, or in transit for storage, for that establishment at any other place (including a public warehouse). It includes processed foods held on consignment. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for a person other than his customer or transferee, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods still in the possession of his seller or transferor;

(3) Processed foods included in the inventory of one of his other establishments.

SEC. 5.6 *Retailers must report their sales and points on hand.* (a) Every retailer (except those covered by section 5.7) must also report, as part of his registration:

(1) The point value of all processed foods transferred by him during March 1943, not including exchanges of merchandise or transfers from one to another of his retail establishments; and

(2) The total number of points which he has available for acquiring processed foods, at the close of business on March 31, 1943. He must include all points which he has on hand, all in his ration bank account (if any) and all which he has already given up for processed foods not yet shipped to him. However, he is not to include points he has received for processed foods which he has not yet shipped.

(b) He must attach to and file with his registration, a statement showing each of his purchases or other acquisitions of processed foods during March 1943, the name and address of his seller or transferor, and the points he gave up for each purchase or other acquisition.

SEC. 5.7 *Certain retailers need not report inventory and other information.* (a) A retailer whose gross sales of all commodities during March 1943 were $200 or less must register on OPA Form R–1302, but need not report his inventory, sales or transfers, and points on hand. However, if he elects not to report this information, he will have to operate on the basis of turnover of the stocks he has, and he will not be eligible, when he registers, to receive a certificate enabling him to increase his working stocks.

[Sec. 5.7 as amended by Amendment 14, 8 F.R. 4921, effective 4–20–43]

SEC. 5.8 *A retailer is given an allowable inventory*—(a) *General.* Every retailer (except those who elect not to report, as permitted by section 5.7) is entitled to an operating inventory, called an allowable inventory, which is based on his transfers of processed foods during March 1943. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a retailer's allowable inventory the point value of all processed foods transferred from his retail establishments during March 1943, is multiplied by a factor fixed by the Office of Price Administration in a supplement to this order. The result is his allowable inventory. Exchanges of processed foods, and transfers from one to another of his retail establishments, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of processed foods, measured in points, a retailer has and is in a position to get, it is necessary to find out two things:

(i) The point value of his inventory; and

(ii) The number of points which he has available for acquiring processed foods, since he can use those points to get additional stocks. These points include all which he has on hand, all in his ration bank account, if any (except those for which ration checks are outstanding), all which he has already given up for processed foods not yet shipped to him, and all which he has not yet received for processed foods he has already shipped. However, points he has received for processed foods which he has not yet shipped, or points he owes for processed foods already shipped to him, are not included.

[Paragraph (ii) amended by Amendment 14, 8 F.R. 4921, effective 4–20–43 and Amendment 40, 8 F.R. 9024, effective 7–6–43]

(2) The sum of the above two figures, at the close of business on March 31, 1943, shows the amount of processed foods he has and can get at that time. That sum is called his point inventory. The retailer makes this computation at the time of filing his registration on OPA Form R–1302.

(d) *When a retailer is entitled to a certificate.* If a retailer's point inventory at the close of business on March 31, 1943, is less than his allowable inventory, he is entitled to receive a "certificate" for the number of points needed to make up the difference. The certificate will be issued by the Board with which he registers, or by the "Washington Office", if he is required to register with that office.

(e) *What a retailer must do if he has excess inventory.* If a retailer's point inventory at the close of business on March 31, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the Office of Price Administration, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with his registration. If he does not have a ration bank account, he may give up the points in any form. If he has a ration bank account, he must give up the points in the form of a certified check drawn on that account, made payable to the Office of Price Administration. A retailer who does not have enough points at the time of registration may accumulate and forward them later. However, until he has given up points equal to his excess inventory, he may not acquire during any one calendar month processed foods having a point value of more than 25 percent of the number of points he received for his sales or transfers of processed foods during March 1943.

[Paragraph (e) as amended by Amendment 13, 8 F.R. 4726, effective 4–8–43 and Amendment 22, 8 F.R. 5847, effective 5–10–43]

SEC. 5.9 [Revoked]

[Sec. 5.9 revoked by Amendment 47, 8 F.R. 9629, effective 7–19–43]

SEC. 5.10 *Retailers must keep records.* (a) Every retailer must keep a copy of his registration, at his principal business office. If he has more than one retail establishment, he must keep at each establishment a copy of the inventory report filed for it.

(b) He must also keep, at his principal business office, the statements from his suppliers showing their sales or transfers to him during March 1943.

(c) In addition, at the time of any change in the point value of any item of processed foods, after March 31, 1943, every retailer must make a record of the amount and sizes of that item which he has in his inventory. The record must show the point value of the item before and after the change, and the amount by which the point value of his inventory was increased or decreased as a result. In addition, at the time any item is added to or removed from the list of processed foods, every retailer must keep a record of the amounts, sizes, and point value of that item which he has in his inventory. If he has more than one retail establishment, he must make and keep such a record at each establishment.

[Paragraph (c) amended by Amendment 7, 8 F.R. 3949, effective 3–29–43 and Amendment 36, 8 F.R. 7490, effective 6–6–43]

SEC. 5.11 *Retailers must post point prices.* (a) Beginning March 1, 1943, every retailer must post the current Official Table of Point Values (OPA Form R–1313) in his retail establishment in such manner that it can be plainly seen and read by purchasers.

[Paragraph (a) as amended by Amendment 47, 8 F.R. 9629, effective 7–19–43]

(b) Every retailer who has an establishment at which the processed foods he carries are displayed to consumers must post there the point value of every item of processed foods he carries. The point value must be posted, in such manner that it can be plainly seen and read by consumers, in one or more of the following ways:

(1) On the commodity itself; or

(2) On the shelf or other place where the commodity is kept; or

(3) On a list attached to, or posted next to, the shelf or other place where the commodity is kept.

Article VI—Industrial Users

SEC. 6.1 *Explanation of the terms industrial user and industrial user establishment.* (a) An "industrial user establishment" is any place at which "processed foods" are used in producing or manufacturing for sale or "transfer" any product which is not a processed food. (For example, a bakery at which canned peaches are used in baking peach pies, for sale or transfer, is an industrial user establishment. Canned peaches are processed foods, but peach pie is not). It also includes any place (except places where processed foods are used for sampling or demonstration in accordance with section 10.9) at which processed foods are used for experimental, educational, testing or demonstration purposes. A place at which processed foods are used in producing other processed foods is a "processor establishment" and not an industrial user establishment. (An example of this would be the use of canned peaches for making canned fruit salad, since both canned peaches and canned fruit salad are processed foods.) Moreover, a place, such as a restaurant, at which processed foods are used in the preparation for service and the service of meals, would be an "institutional user establishment," and not an industrial user establishment. (An "institutional user" may obtain processed foods allotments, and may use processed foods, only in accordance with the provisions of General Ration Order 5.)

[Paragraph (a) amended by Amendment 2, 8 F.R. 2681, effective 3–1–43 and Amendment 10, 8 F.R. 4525, effective 4–12–43]

(b) Any "person" who operates an industrial user establishment is called an "industrial user".

(c) A wholesaler or retailer who marks or labels dry beans, peas, or lentils in accordance with applicable federal or state seed laws (or, if none is applicable, in accordance with the standards stated in the federal seed law), does not thereby become an industrial user.

[Paragraph (c) added by Amendment 9, 8 F.R. 4342, effective 4–2–43]

SEC. 6.2 *Industrial users must register*—(a) *General.* Every industrial user must register his industrial user establishment with the Office of Price Administration, at any time from March 1, 1943, to March 10, 1943, inclusive, on OPA Form R–1308, in duplicate. The registration form must be completed and signed by the industrial user or his authorized agent. If he has more than one industrial user establishment, he must file a combined registration for all those establishments.

(b) *Place where registration must be filed.* The registration form must be filed, in person or by mail, with the "board" for the place where his principal business office is located. He must give all information called for by the form.

SEC. 6.3 *Industrial user may not do business unless he has registered.* (a) No industrial user may "acquire" or use processed foods at his industrial user establishment, after March 10, 1943, unless he has registered as required.

SEC. 6.4 *Industrial users must report their inventories.* (a) As part of his registration, an industrial user must report the point value of his inventory of processed foods (by items) at the close of business on February 28, 1943. If he has more than one industrial user establishment, a separate inventory report for each establishment must be filed with his registration.

(b) His industrial user inventory consists of all processed foods included in the inventory of his industrial user establishments. The inventory of an industrial user establishment consists of all processed foods physically located at the establishment or in transit to it. However, the following items are not part of that inventory:

(1) Processed foods stored at the establishment for another person, or held there as security for a loan to someone else (or similar transaction), or in transit to it for either of those purposes;

(2) Processed foods included in the inventory of any of his other establishments of any type.

(c) His industrial user inventory also includes all processed foods which he holds at, or which are in transit to, any other place for his industrial use. However, processed foods included in the inventory of any establishment which is not an industrial user establishment must not be reported as part of his industrial user inventory.

(d) In addition, within 20 days of the date on which any item is added to the list of processed foods, every industrial user must report to the board with which he is registered his inventory of that item, in pounds and point value, as of the date on which it becomes a processed food. His inventory of that item shall be treated as excess inventory. He may at the same time apply for an increase in his allotment (for the allotment period in which such item is added to the list of processed foods) by reason of that addition.

[Paragraph (d) added by Amendment 36, 8 F.R. 7490, effective 6–6–43]

SEC. 6.5 *Industrial users must report their base period use.* (a) As part of his registration, an industrial user must also report the number of pounds of processed foods he used in his industrial user establishment during 1942. The report must show the amount he used during each of the following four month periods in 1942, called base periods:

(1) January to April, inclusive;

(2) May to August, inclusive;

(3) September to December, inclusive.

If he has more than one industrial user establishment, he must file, as part of his registration, a separate report of his use in each.

(b) The report must show his use, during those periods, of each of the following classes of processed foods:

(1) Canned and bottled;

(2) Dried and dehydrated;

(3) Frozen (packed in containers of ten pounds or less);

(4) Frozen (packed in containers of over ten pounds).

In addition, the report must show his use, during those periods, of fruit and vegetable juices in containers over one gallon and of jellies and preserves.

[Paragraph (b) as amended by Amendment 36, 8 F.R. 7490, effective 6–6–43]

(c) If an industrial user's establishment was not in operation for the full base period, his use of processed foods at the establishment during that base period is fixed, for all the purposes of this order, in the following way:

(1) *If it was in operation during a part of the base period.* (i) The amount of processed foods used there by him during that part of the period is determined; (ii) That amount is divided by the number of days it was in operation during the period; (iii) The result is multiplied by the number of days the establishment would have been operated during the base period, if it had been a normal period of operations; (iv) The resulting figure is treated as the amount used during the base period.

(2) *If it was not in operation at all during the base period.* (i) The amount of processed foods used there by him during all of 1942 is determined; (ii) That amount is divided by the number of days it was in operation during 1942;

(iii) The result is multiplied by the number of days the establishment would have been operated during the base period, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the base period.

(3) *If it was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and February 28, 1943, inclusive.* (i) The amount of processed foods used there by him between January 1, 1943 and February 28, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days it was in operation be-

tween January 1, 1943 and February 28, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the base period, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount used during the base period.

(d) The rules set forth under (1) and (2) of the last paragraph do not apply where an industrial user establishment was not in operation during all or part of a base period because of a normal seasonal shutdown or for any similar reason. Where that is so, it is assumed that conditions will be the same during the corresponding period in 1943, and the allotment must depend upon his actual use during the base period.

SEC. 6.6 *Industrial users allotments*—(a) *General.* An industrial user is given an allotment to enable him to get and use processed foods at his industrial user establishments. Allotments are given for fixed periods, called allotments periods. The first allotment period is from March 1, 1943 through April 30, 1943. The second period is from May 1, 1943 through August 31, 1943. The third period is from September 1, 1943 through December 31, 1943.

(b) *Application for allotments.* An industrial user's registration is treated as an application for an allotment for the first allotment period. His application for an allotment for any other allotment period must be made, in person or by mail, to the board with which he is registered. No particular form need be used for such an application. The application must be made not more than fifteen (15) days before, nor more than five (5) days after, the beginning of the period, unless he shows a good reason for applying at another time.

(NOTE: An industrial user is permitted to use processed foods only up to the amount of his allotment. He may therefore need an allotment even if his stocks are sufficient, since his allotment establishes his right to use processed foods—it is not just a method by which he gets them.)

(c) *Amount of allotment.* An industrial user's allotment is determined on the basis of his total use of processed foods at his industrial user establishments during the four month base period in 1942 corresponding to the allotment period. (The base period corresponding to the first allotment period is January 1, 1942 through April 30, 1942.) The amount of each class of processed foods (canned and bottled, dried, and frozen) used by him during the base period is multiplied by a factor fixed for that class by the Office of Price Administration in a supplement to this order. The numbers which result are added, and the total is his allotment, stated in points. (The factor is fixed in such a way that it gives an allotment which fairly represents both the average point value of the processed foods used and the reduction in use required as a result of the scarcity of processed foods).

(d) *Right to a certificate: excess inventory.* (1) An industrial user is entitled to get and use processed foods up to the amount of his allotment. He is therefore, given a certificate for the number of points he needs in order to get that amount. However, if he has stocks on hand, he can use them for his allotment and therefore needs fewer points. For that reason, the point value of his inventory at the close of business on February 28, 1943 must be deducted from his allotment. (The method of determining his inventory at the close of business on February 28, 1943, is covered by section 6.4.)

(2) If the point value of an industrial user's inventory is less than his allotment, he is entitled to get, from the board with which he registers, a certificate for the number of points needed to make up the difference.

(3) If the point value of an industrial user's inventory is greater than his allotment, the difference is excess inventory. In that case, he is not entitled to receive a certificate for the first allotment period. He is not entitled to get a certificate until the total of his subsequent allotments exceeds his excess inventory.

(e) *Issuance of certificate.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled, even if he has more than one industrial user establishment. However, if he is entitled to a certificate for more than 30,000 points for the second allotment period (May 1, 1943 to August 31, 1943, inclusive) the board must first issue a certificate for only one half of the total amount. A certificate for the balance is to be issued to him at any time he requests it after June 5, 1943.

[Paragraph (e) as amended by Amendment 36, 8 F.R. 7490, effective 6-6-43]

(f) *Industrial users who have unbalanced stocks.* If an industrial user is not entitled to receive a certificate because he has excess inventory, but finds that he does not have an adequate stock of a particular kind of processed foods, he may apply to the board with which he is registered on OPA Form R-315, for a certificate to enable him to get that kind. The application must show the kind and amount of food which he needs and the reasons he needs it. The board may call upon him for any other information which it finds necessary in order to act upon the application. If the board finds that he does not have an adequate stock of the particular food, it may issue to him a certificate for the number of points needed, up to one-third of his allotment for that period. The points so issued must be treated as excess inventory. The granting of the application shall not be treated as an increase in his allotment. The board may grant only one such application for an industrial user.

[Paragraph (f) added by Amendment 17, 8 F.R. 5480, effective 4-29-43]

(g) *Industrial users may apply for points with which to make advance purchases of frozen foods.* An industrial user may apply at any time before August 15, 1943 for points with which to acquire, in advance, frozen processed foods. The application must be made on O. P. A. Form R-315 to the board with which he is registered and must state the amount of frozen processed foods he wishes to acquire under this paragraph. The board may issue a certificate to the applicant. However, the number of points issued must not exceed an amount computed in the following way:

(1) Determine the total number of pounds of frozen processed foods which the applicant used from September 1 through December 31, 1942, inclusive, and from January 1 through April 30, 1942, inclusive;

(2) Multiply that number by 2.4;

(3) Deduct the amount of his excess inventory.

The points so issued must then be treated as excess inventory. One half of the points so issued must be deducted from any certificate issued to the applicant for the third allotment period of 1943 and the balance must be deducted from any certificate issued to him for the first allotment period of 1944.

[Paragraph (g) added by Amendment 36, 8 F.R. 7490, effective 6-6-43]

(h) *Accounting for errors.* If an industrial user receives an allotment larger than he is entitled to receive, as a result of an error, omission, or mistake made in his application or by his board, the amount of the excess shall be treated as excess inventory.

[Paragraph (h) added by Amendment 47, 8 F.R. 9629, effective 7-19-43]

SEC. 6.7 *Registration after March 10, 1943*—(a) *Registration of persons who become industrial users because of changes in the list of processed foods.* (1) Any person who becomes an industrial user because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which are removed from the list of processed foods) must, if he used those foods in his operations prior to March 1, 1943, register his industrial user establishment by filing OPA Form R-1308 within twenty days after he becomes an industrial user. The registration form must be filed, in person or by mail, with the board for the place where his principal business office is located. He must give all the information called for by the form. However, he must report his inventory of processed foods as of the time he became an industrial user. This registration is treated as an application for an allotment for the allotment period in which he became an industrial user.

(2) Any person who becomes an industrial user because the foods he uses in his operations are added to the list of processed foods (or because he uses processed foods in making products which are removed from the list of processed foods) may, if he began to use those foods in his operations since February 28, 1943, apply for an allotment. The application must be made on OPA Form R-315 to the board for the place

where his principal business office is located. The application must show:

(i) The product the applicant makes;

(ii) The size of the establishment;

(iii) The amount invested in it;

(iv) The market supplied;

(v) The date on which he started to use the processed foods;

(vi) His inventory of processed foods;

(vii) The amount and kinds of foods used since he began operations; and

(viii) The amount of allotment requested.

The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office (or, where there is none, to the State office). It may attach its recommendation, if any, as to the action to be taken. The district (or State) office must forward the entire file to the "Washington Office," for decision, or take such other action as the Washington Office may authorize or direct.

(3) Any allotment given to an industrial user pursuant to an application made under this paragraph is to be reduced in proportion to the part of the allotment period which had elapsed at the time he became an industrial user.

[Paragraph (3) added by Amendment 46, 8 F.R. 9459, effective 7-14-43]

(b) *Late registrations.* (1) The board may permit an industrial user who failed to register at the time required, to register and apply for an allotment at a later date. In his registration, he must report his inventory of processed foods as of the first day of the period in which he was required to register.

(2) His allotment is computed in the same way as that of an industrial user who registered on time. However, unless he shows good cause for his failure to register on time, his allotment is to be reduced in proportion to the part of the allotment period which had elapsed at the time he registered and he may not receive an allotment for expired allotment periods.

[Sec. 6.7 as amended by Amendment 36, 8 F.R. 7490, effective 6-6-43]

SEC. 6.8 *Restrictions on use of processed foods by industrial users.* (a) No industrial user may use, during an allotment period more processed foods than his allotment for that period plus any unused part of his allotments for earlier periods.

(b) No industrial user may use for any purpose except an industrial use, processed foods which are included in his inventory, or which he acquired with points he received as an industrial user.

SEC. 6.9 *Industrial users must keep records.* (a) Every industrial user must keep a copy of his registration at his principal business office. He must also keep a record of his inventory at the close of business on February 28, 1943. In addition, if he has more than one industrial user establishment, he must keep, at each establishment, a record of its inventory on that date. He must also preserve his records showing his use of processed foods during the period for which he reported in his registration.

(b) In addition, an industrial user must keep a record of the amount of processed foods he acquires and the date of acquisition, and the amount of processed foods used at each of his industrial user establishments during each allotment period. He must also keep a record of the amount of the following items used by him:

[Paragraph (1) revoked and former paragraphs (2) and (3) redesignated (1) and (2) by Amendment 36, 8 F.R. 7490, effective 6-6-43]

(1) Fruit and vegetable juices in containers over 1 gallon;

(2) Jams, jellies, and preserves.

SEC. 6.10 *Dry beans, peas and lentils, and dried and dehydrated soups and soup mixtures are included in classes of processed foods.* (a) Whenever this order refers to processed foods by classes, the class of canned and bottled processed foods includes dry beans, peas and lentils, and the class of dried and dehydrated processed foods includes dried and dehydrated soups and soup mixtures.

[Sec. 6.10 added by Amendment 2, 8 F.R. 2681, effective 3-1-43]

Article VII—Combined Operations and Combined Establishments

SEC. 7.1 *A person who operates different types of establishments is treated as if he were different persons.* (a) (1) The same "person" may operate different kinds of establishments. He may have, for example, both a "wholesale establishment" and a "retail establishment". For the purposes of this order, he is both a "wholesaler" and a "retailer", since he has establishments of both kinds. The provisions of this order dealing with retailers apply to him as far as the operation of his retail establishment is concerned. The operation of his wholesale establishment is regarded as separate and is governed by the provisions dealing with wholesalers. Thus, he is treated as if he were two persons.

(2) This rule also applies to the way in which a person who is both a wholesaler and a retailer must handle the points he gets in connection with his wholesale and his retail establishment. The only points he may use as a retailer are those he gets in connection with his retail establishment. If he "transfers" "processed foods" from his wholesale establishment to his retail establishment, points he has as a retailer must be given up. When those points are given up to his wholesale establishment, they become points he has as a wholesaler. Points he has as a retailer must be kept and handled separately from the points he has as a wholesaler.

(3) The same rules apply to a person who has other types of establishments, such as "processor" or "industrial user establishments".

(b) Where a person has establishments of more than one kind, he must operate them as if each separate kind belonged to a separate person, as far as the provisions of this order are concerned. All dealings between establishments of different kinds operated by the same person are treated just as if those establishments were operated by different persons.

SEC. 7.2 *The same person may be both a wholesaler or retailer and industrial user at the same place.* (a) A person may keep stocks of processed foods at a place for sale or other transfer and may also use processed foods at that place for the production of some commodity other than processed foods. (For example, he may sell canned peaches at a particular place and may also operate a bakery there and use canned peaches in baking pies.) In a case of this type, the place is treated as two establishments. If processed foods are sold or transferred from there, it may be a retail or a wholesale establishment, depending upon the facts. It would also be an industrial user establishment, since processed foods are used there in baking pies for sale.

(b) A place of the type described in the last paragraph must be registered as a retail or wholesale establishment, depending upon which it is. Its sales or transfers of processed foods, and its stocks held for sale or transfer, must be included in that registration. It must also be registered as an industrial user establishment, and its stocks held for such use must be included in the industrial user registration.

SEC. 7.3 *The same person may be both a wholesaler or retailer and an institutional user at the same place.* (a) If, in the case described in the last section, the person operated a restaurant at that place, as well as (or instead of) a bakery, it would also be an "institutional user establishment" (Restaurants are covered by General Ration Order 5 and are called "institutional users" in that order.) A place of that type must be registered under General Ration Order 5. Its restaurant activities and its stocks of processed foods held for restaurant use must be included in that registration.

SEC. 7.4 *The same person may be both a processor and a wholesaler or retailer at the same place.* (a) A person may produce or import processed foods at a particular place, for sale or transfer. He may also regularly keep at that place, for sale or transfer, processed foods which he did not produce or import, but which he acquired from someone else. In such a case, that place is a processor establishment, since he produced or imported processed foods there. It may also be a retail or wholesale establishment, depending upon the facts, since he regularly keeps there, for sale or transfer, processed foods which someone else produced or imported. (This does not apply if the place where he keeps, for sale or transfer, processed foods produced or imported by someone else is a processor establishment as to those

stocks, under section 3.1 (d) (1). In such a case, the place is not a wholesale or retail establishment.)

[Sentences in parentheses added by Amendment 30, 8 F.R. 6838, effective 5–27–43]

(b) A place of the type described in the last paragraph must be registered as a processor establishment. It must also be registered as a wholesale or retail establishment, depending upon which it is. Its production and imports, and its stocks and shipments of processed foods produced or imported there, must be included in the processor report. Stocks which were produced or imported by someone else, and the sales or transfers of those stocks, must be included in the wholesaler or retailer report. (However, stocks of processed foods kept there for producing other processed foods must be included in the processor report.)

SEC. 7.5 *The same place may be more than one establishment.* (a) The situations described in the last three sections are examples of the rule that the same place may be more than one establishment, depending upon the type of business or operations carried on there. Wherever the operations at a place are such that it is more than one establishment, it is treated just as if each of those establishments were located at a different place.

(b) No place can, however, be both a retail and a wholesale establishment of the same person. Under the definitions of retail and wholesale establishments, the place may be one or the other, but not both.

(c) The word establishment, as it is used in this order, covers the operation at a place, as well as the place itself. Where a person such as a wholesaler or a retailer does not operate from any fixed place, his wholesale or retail operations as a whole are regarded as an establishment. Similarly, if a person who deals in processed foods and makes sales or transfers of them does not actually keep processed foods at any particular place, his operations as a whole, are regarded as his establishment, and he may register as a wholesaler or a retailer, depending on the class of persons to whom he makes transfers.

[Paragraph (c) added by Amendment 15, 8 F.R. 5318, effective 4–27–43]

Article VIII—Ration Bank Accounts

SEC. 8.1 *A ration bank account is an account in which points are deposited.* (a) A ration bank account is a bank account very much like an ordinary checking account. A "person" who opens a ration bank account deposits in it points he receives, and issues checks drawn on it for points he uses. These checks are called ration checks. (The general rules for the opening, closing and use of ration bank accounts are covered by General Ration Order 3A.[3])

SEC. 8.2 *Who must open a ration bank account.* (a) *Processors.* Every "processor" must open at least one ration bank account for all his "processor establishments". If he has more than one processor establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has processor establishments.

[Paragraph (a) as amended by Amendment 20, 8 F.R. 5818, effective 5–8–43]

(b) *Wholesalers.* Every "wholesaler" must open at least one ration bank account for all his "wholesale establishments". If he has more than one wholesale establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has wholesale establishments.

[Paragraph (b) as amended by Amendment 20, 8 F.R. 5818, effective 5–8–43]

(c) *Retailers.* Every "retailer" whose gross sales of all foods during the month of December 1942, or during any single calendar month since December 1942, were more than $2,500.00, and every retailer who has more than one "retail establishment", must open at least one ration bank account for all his retail establishments. If he has more than one retail establishment he may open a separate account for each or for any group of them, and he may, if he wishes, open one more account than he has retail establishments. Also, any retailer who receives points (stamps, certificates, or endorsed ration checks) from, and makes transfers to, consumers by mail must have a ration bank account. Any other retailer may open an account for his retail establishment if he had a processed foods ration bank account on April 16, 1943, or has a ration bank account for any other rationed food. (A bank is not required to open or maintain such accounts; but if it does so, it must open or maintain them for any such retailer who applies.) No other retailer may open an account.

[Paragraph (c) as amended by Amendment 11, 8 F.R. 4784, effective 4–16–43, Amendment 20, 8 F.R. 5818, effective 5–8–43, Amendment 22, 8 F.R. 5847, effective 5–10–43 and Amendment 45, 8 F.R. 9305, effective 7–12–43]

(d) *Industrial users.* An "industrial user" is entitled to open a ration bank account, but is not required to do so. If he opens an account, he must use it for all his "industrial user establishments". However, if he has more than one industrial user establishment, he may open a separate account for each, or for any group of them.

(e) *Institutional users.* The opening of ration bank accounts by "institutional users" is covered by General Ration Order 5.

(f) *Application for additional accounts.* Any processor, wholesaler, or retailer who wishes to open more ration bank accounts than the number permitted by this section, may apply on OPA Form R–315 to the Washington Office for authority to open further ration bank accounts. He must state in his application all the facts which he claims show his need for additional ration bank accounts.

[Paragraph (f) added by Amendment 20, 8 F.R. 5818, effective 5–8–43]

(g) *Washington Office may open accounts.* The Washington Office of the Office of Price Administration may open one or more ration bank accounts and it may issue ration checks instead of certificates to persons entitled to receive points under the provisions of this order. Wherever this order provides that the Washington Office shall issue a certificate, it may, in its discretion, issue a ration check instead.

[Paragraph (g) added by Amendment 38, 8 F.R. 8357, effective 6–22–43]

SEC. 8.3 *All points must be deposited in the account.* (a) Every processor, wholesaler, retailer, or industrial user, who has a ration bank account, must deposit in his account all points he receives, whether in the form of "stamps"[4] certificates or ration checks.

SEC. 8.4 *When points must be deposited*—(a) *Stamps.* A person who has a ration bank account may not deposit stamps later than one month and ten days after the last date on which they were good for use by a consumer. (The periods during which particular stamps are good for use by consumers are fixed in the supplement to this order.) If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this paragraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month.

[Paragraph (a) amended by Amendment 29, 8 F.R. 6138, effective 5–10–43 and Amendment 47, 8 F.R. 9629, effective 7–19–43]

(b) *Certificates.* He may not deposit a certificate later than 20 days after the date which appears on it. (The fact that the certificate may have passed through several hands before reaching him does not give him any more time to deposit it.)

(c) *Effect of failure to deposit stamps or certificates.* A stamp or certificate which was not deposited on time is not good, and may not be used or accepted for any purpose.

(d) *Ration checks.* Ration checks may be deposited at any time.

Article IX—Sales and Transfers of Processed Foods

SEC. 9.1 *No transfers may be made to consumers between February 21, 1943*

[3] 8 F.R. 1130, 1449.

[4] For the purposes of General Ration Order 3A, blue "stamps" from the War Ration Book Two, certificates (Form OPA R–1201) and ration checks are to be regarded as "evidences". That term is not, however, actually used in this order.

and February 28, 1943. (a) From February 21, 1943 to February 28, 1943, inclusive, no "person" may sell or "transfer" "processed foods" to a "consumer" regardless of any contract or other agreement. (Certain transactions between consumers, covered in section 2.2 are excepted from this rule.)

SEC. 9.2 *Only retailers, wholesalers and processors may transfer processed foods.* (a) Beginning March 1, 1943, only "retailers", "wholesalers", "processors", "country shippers" and "growers" may sell or transfer processed foods. (Certain transactions between consumers, covered in section 2.3 (b); certain transactions by seed dealers, covered in section 14.7; and certain other transactions covered in Articles X and XXVI are excepted from this rule.)

[Paragraph (a) amended by Amendment 9, 8 F.R. 4342, effective 4–2–43 and Amendment 31, 8 F.R. 6839, effective 5–27–43]

(b) An "industrial user" who has an excess inventory of processed foods may apply for permission to sell or transfer any part of that excess. The application shall be made on OPA Form R–315 to the Board with which he is registered. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the Board requests. The Board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the Board all points which he received for the processed foods sold or transferred. The Board shall reduce his excess inventory by an amount equal to the number of points given up.

(c) "Institutional users" may sell or transfer processed foods only as permitted in General Ration Order 5.

(d) Any person not covered by paragraphs (a), (b) or (c) may apply for permission to sell or transfer processed foods. The application shall be made on OPA Form R–315 to the Board for the place where he lives or where he has his principal business office. He must state in his application the kinds, quantities and point value of the processed foods he wishes to sell or transfer, the reason he wishes to sell or transfer them, the way in which they are to be sold or transferred, and any other information that the Board requests. Only one such application may be made by a person on his own behalf or on behalf of the members of his family unit. The Board shall grant the application if good cause is shown. If the application is granted, the processed foods must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer processed foods, and within five days after the sale or transfer, the transferor must give up to the Board all points which he received for the processed foods sold or transferred.

(e) If the person making the sale or transfer, as permitted in paragraph (d), is a consumer who has been charged with an excess number of cans of processed foods (as shown by a notation on the inside front cover of his War Ration Book Two, or by the removal from his War Ration Book Two of eight point blue stamps which have not yet become valid), the number of cans with which he is charged shall be reduced by one for each can or bottle of processed foods of eight ounces or over which he has transferred and for which he turns over points. If the number of cans by which that reduction is to be made does not exceed the notation on the inside front cover of the consumer's book, the Board shall reduce the number noted on the book by the appropriate amount. Otherwise, the Board shall issue a substitute book exactly corresponding to that surrendered by the consumer, except that no number shall be written on the inside front cover of the substitute book and an appropriate reduction shall be made in the number of eight point blue stamps not yet valid, which are to be removed. If the processed foods sold or transferred were charged against several members of a family unit the Board shall divide the reduction as equally as possible among the books of members of the family unit which have been charged with an excess number of cans of processed foods.

[Paragraphs (b), (c), (d) and (e) added by Amendment 48, 8 F.R. 10511, effective 7–31–43]

SEC. 9.3 *Transfers after February 28, 1943 may be made only for points.* (a) Beginning March 1, 1943, no person may sell or transfer, and no person may buy or "acquire" processed foods, regardless of any contract or other agreement, unless points are given up in the way this order requires. (The word "transfer", as it is defined, means to sell, as well as to transfer in other ways. The word "acquire", means to buy, as well as to get in other ways. Therefore, the only words which will generally be used, in later sections, are "transfer" and "acquire".)

The rules covering various kinds of transactions are set forth in the sections which follow.

SEC. 9.4 *How processed foods are transferred to consumers.* (a) *General.* Processed foods may be transferred to a consumer, and may be acquired by him, only if he gives up to the seller, or transferor, points equal to the point value of the processed foods transferred. (Certain transactions between consumers covered in section 2.3 (b), are excepted from this rule. Certain other exceptions are covered in Article X.)

(b) *How points are given up.* Points may be given up by, and taken from, a consumer only in the form of blue stamps from his War Ration Book Two, a certificate issued for him, or a ration check issued to him and endorsed by him.

[Paragraph (b) as amended by Amendment 22, 8 F.R. 5847, effective 5–10–43]

(c) *When points must be given up.* The seller or transferor must take the points from the consumer at the time when the processed foods are transferred.

(d) *When stamps must be detached.* The seller or transferor may accept a stamp only if it is torn out of War Ration Book Two in his presence, and only if the book has a validation stamp on its cover. Loose stamps may not be used by a consumer and they must not be accepted by the seller or transferor.

(e) *When stamps are good.* Each stamp is good for a limited time and may be accepted for a transfer to a consumer only during that time. The letter printed on the stamp serves to indicate when it may be used by a consumer. Stamps lettered A, B and C may be accepted from a consumer, only during March 1943. Stamps lettered D, E and F may be accepted only from March 25, 1943 to April 30, 1943, inclusive. The periods during which other stamps may be accepted from a consumer are fixed by the Office of Price Administration in a supplement to this order.

(f) *Use of certificates.* A certificate may be accepted from a consumer only if it has been signed on the back by the person for whom it was issued (or by someone authorized to act for him, if he cannot write.) A certificate is not valid for a transfer to a consumer after the date shown on its face, and may not be used or accepted for such a transfer after that date.

(g) *Mail-order sales.* (1) Processed foods may be transferred to consumers by mail if a certificate, detached stamps, or a ration check payable to, and endorsed by the consumer, are received with the order. Stamps or certificates which are received after the last day on which they are good in the hands of the person who sends them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

[Paragraph (1) as amended by Amendment 22, 8 F.R. 5847, effective 5–10–43]

(2) If the transferor fails to deliver processed foods equal in point value to the points received, he shall issue and send to the consumer a ration check for the balance.

(3) Before accepting stamps from and making transfers to consumers by mail, any retailer, wholesaler, or processor who wishes to do so must notify, in writing, the district office for the place where his principal business office is located (or, where there is no district office, the State office). The notice must give his name and principal business address, the name and address of each establishment from which he will make transfers to consumers by mail, and must contain an estimate of the dollar volume of his mail order deliveries of processed foods to consumers during 1942. He may not make any such transfers until he has given this notice. Beginning March 1, 1943, he

must keep a record of the dollar volume or the point value of his transfers of processed foods to consumers by mail.

[Paragraph (3) as amended by Amendment 26, 8 F.R. 6046, effective 5–13–43]

(4) No retailer may receive points from and make transfers to consumers by mail unless he has a ration bank account.

[Paragraph (4) as amended by Amendment 22, 8 F.R. 5847, effective 5–10–43]

(h) *Ration checks.* A ration check may be accepted from a consumer only if it is payable to him and has been endorsed by him (or by someone authorized to act for him, if he cannot write).

[Paragraph (h) added by Amendment 22, 8 F.R. 5847, effective 5–10–43]

SEC. 9.5 *How processed foods are transferred to persons other than consumers*—(a) *General.* Processed foods may be transferred to and acquired by a retailer, wholesaler, or a processor, or an industrial user or institutional user only if he gives up to the seller (or transferor) points equal to the point value of the processed foods transferred.[5] (Certain exceptions to this rule are covered in Article X.)

(b) *Point value.* The number of points which must be given up for a transfer of processed foods is determined by their point value at the time of the transfer.

(c) *When points must be given up.* (1) The transferor must get the points from the transferee, and the transferee must give them up, at or before the time when the transfer is made. Exceptions to this rule are stated in the next two subparagraphs.

(2) If the transfer is made through shipment by railroad or any other public carrier, the transferor may arrange to have the carrier get the points for him from the transferee at the time of actual delivery, or to have the points obtained for him by anyone in exchange for the bill of lading or other document entitling its holder to take possession of the processed foods.

(3) The points may be given up later, but not more than ten days after the time when the transfer is made, if the conditions of this subparagraph are satisfied. A transferee may not accept the transfer in this case unless he has points on hand (excluding points not yet surrendered for processed foods bought or acquired) or in his ration bank account (excluding the amounts of ration checks issued which have not yet been cleared) equal to the point value of the processed foods transferred. The transferor must, at or before the time he transfers the processed foods to the transferee, prepare and keep a memorandum showing the name of the transferee, the date of transfer of the processed foods, a description of the items, and their point value. If the transferor does not get the points within the time required by this subparagraph, he must immediately notify the district (or State) office for the place where the transfer was made, of the default. As long as the transferee is in default, he must not acquire any processed foods and no transferor who has knowledge of the default may transfer such foods to him. (However, he may continue to acquire processed foods and transferors may continue to transfer such foods to him, pursuant to Article X.)

(4) Points which are mailed are considered given up when the envelope containing them is postmarked.

[Paragraph (c) amended by Amendment 2, 8 F.R. 2681, effective 3–1–43 and Amendment 40, 8 F.R. 9024, effective 7–6–43]

(d) *Form in which transferor must get points.* The transferor may take points from the transferee only in the form of stamps, certificates, or a ration check drawn on the transferee's ration bank account or endorsed by him.

[Paragraph (d) as amended by Amendment 22, 8 F.R. 5847, effective 5–10–43]

(1) *Stamps.* No stamp may be accepted from the transferee more than one month after the last date on which it was good for use by a consumer. If the last day on which the stamps were good for use by a consumer is not the last day of a calendar month and the next calendar month has a day which corresponds thereto, then a "month", as used in this subparagraph, is the period from the last day on which the stamps were good for use by a consumer to and including the corresponding day of the next calendar month; otherwise it is the period from the last day on which the stamps were good for use by a consumer to and including the last day of the next calendar month. The stamps must either by pasted on gummed sheets (OPA Form R–120) or enclosed in sealed envelopes. If the stamps are pasted on gummed sheets, the name and address of the transferee must be written on each sheet, and only stamps of the same point value, and valid for a transfer to the transferee at the time they are given up, may be pasted on the same sheet. If the stamps are enclosed in sealed envelopes, they must be handled in all respects in accordance with the procedure described in General Ration Order 7[6] for the use of such envelope.

[Paragraph (1) amended by Amendment 29, 8 F.R. 6138, effective 5–10–43 and Amendment 47, 8 F.R. 9629, effective 7–19–43]

(2) *Certificates.* A certificate may not be accepted from the transferee unless the name of the person to whom it was issued has been written on the back. The back of the certificate must also carry the signature of the transferee. The certificate may not be accepted more than ten days after the date shown on its face. However, if it was issued to the transferee, it may not be accepted after the date shown on its face.

(3) *Ration checks.* A ration check may be accepted by a transferor only if it is made payable to him and if it is drawn by his transferee, or if it is endorsed by his transferee and by the person to whom the check was issued, if the check was not issued to the transferee. (The rules for handling ration checks are set forth in General Ration Order 3A.)

[Paragraph (3) as amended by Amendment 22, 8 F.R. 5847, effective 5–10–43]

(e) *Form in which transferee must give up points*—(1) *Wholesalers and processors.* A wholesaler or a processor must give up points only in the form of a ration check drawn on his ration bank account.

(2) *Retailers.* A retailer who is required to have a ration bank account must give up points only in the form of a ration check drawn on that account. Other retailers may give up points only in the form of stamps, certificates, or ration checks endorsed by them.

(3) *Industrial and institutional users.* An industrial or institutional user who has a ration bank account must give up points only in the form of a ration check drawn on that account. Any other industrial or institutional user may give up points only in the form of certificates or ration checks endorsed by him.

[Paragraphs (2) and (3) as amended by Amendment 22, 8 F.R. 5847, effective 5–10–43]

(4) *General.* Points may be transferred freely between establishments of the same type operated by the same person, and points of one of those establishments may be used to get processed foods for another of them. However this rule does not apply to the movement of points between institutional user establishments, which is covered by the provisions of General Ration Order 5.

[Paragraph (4) as amended by Amendment 2, 8 F.R. 2681, effective 3–1–43]

(f) *Transfers to retailers during March 1943.* A retailer, wholesaler or processor who transfers processed foods to a retailer during March 1943, must prepare and give to the retailer a written statement (in any convenient form) showing the name and address of both the transferor and transferee, the date of the transfer, and the number of points given up by the transferee. The transferor must keep a copy of the statement at his principal business office.

SEC. 9.6 *Transfers between establishments of different types operated by the same person.* (a) All of the rules set forth above which apply to transfers from one person to another, also apply to transfers between establishments of different types operated by the same person. (For example, a person may have both a wholesale and a retail establishment. He is, therefore, both a wholesaler and a retailer. He is permitted to transfer processed foods from his wholesale to his retail establishment. However, when he does so, he must give up points from the retail to the wholesale establishment just as if those establishments were operated by two different persons.)

[5] For convenience, the retailer, wholesaler processor, or industrial or institutional user, to whom the transfer is made, will sometimes be called "the transferee", in the paragraphs which follow.

[6] 8 F.R. 2858, 2997, 4840, 6965.

SEC. 9.7 *Transferor may not use points he receives in advance until processed foods are transferred.* (a) A transferor may receive points from his transferee before he actually transfers the processed foods. In that case, he may not use points so received, to get other processed foods, until he has actually transferred to the transferee processed foods worth that number of points.

SEC. 9.8 *Points may be returned for underdeliveries of processed foods.* (a) If a retailer, wholesaler, processor, country shipper, or grower receives points in advance for a transfer of processed foods, and is unable to transfer all or any part of the amount ordered, he may return the points in excess. He must return the points in the same form he would use to give up points for a purchase or other acquisition of processed foods. (For example, a wholesaler can give up points only in the form of a ration check. He would, therefore, deposit all the points received by him, and draw a check for any amount to be returned. However, this section does not apply to consumers, except in connection with mail order transactions.)

[Sec. 9.8 as amended by Amendment 9, 8 F.R. 4342 effective 4-2-43]

SEC. 9.9 *Points must be given up for imports of foods.* (a) Any person (other than persons importing processed foods in accordance with section 10.10) who imports processed foods must give up points to the Collector of Customs (or his deputy) at or before the time the foods are released or delivered to him by the Collector.

(b) The Collector of Customs shall turn over each month, to the district (or, where there is none, the State) office for the area in which the point of entry is located, all points received by him in this way during the preceding month.

[Sec. 9.9 added by Amendment 14, 8 F.R. 4921, effective 4-20-43]

Article X—Point-Free Transfers

SEC. 10.1 *Processed foods in transit prior to effective date of rationing, may be acquired point-free.* (a) No points need be given up for a delivery of "processed foods" to a "person" other than a "consumer", if those processed foods were in transit to him on February 28, 1943.

(NOTE: Processed foods which were in transit to a "processor", or an "industrial" or "institutional user" at the close of business on February 28, 1943, must be included in the inventory which he reports in his registration.)

(b) No points need be given up for a delivery to any person other than a consumer, of an item which is added to the list of processed foods, if the item was in transit to him on the day preceding such addition.

[Paragraph (b) added and section heading amended by Amendment 36, 8 F.R. 7490, effective 6-6-43]

SEC. 10.2 *Processed foods may be exchanged for other processed foods.* (a) Any person may exchange processed foods with any other person for processed foods of equal point value, without giving up or taking points. (This rule applies even if there is a money payment to make up any difference in the money value of the processed foods exchanged.) However, neither a "grower" nor a "country shipper" may exchange dry beans, peas, or lentils for other processed foods.

[Sec. 10.2 as amended by Amendment 9, 8 F.R. 4342, effective 4-2-43]

SEC. 10.3 *Lost or stolen processed foods may be returned, point-free.* (a) No points need be given up for a return of lost or stolen processed foods to the person who lost them or from whom they were stolen.

SEC. 10.4 *Stocks of processed foods may be moved point-free between establishments of the same person.* (a) No points need be given up when a person moves stocks of processed foods from one of his establishments to another of his establishments of the same kind. For example, a person who has two "retail establishments" may move processed foods from one to the other, without exchanging points between them. (However, a record must be kept of the amount of stocks involved in each such movement.) When a person "transfers" processed foods between establishments of different kinds—for example, from his "wholesale establishment" to his retail establishment—points must be given up just as if those establishments were operated by different persons.

(b) This rule does not apply to the movement of stocks between "institutional user establishments", which is covered by the provisions of General Ration Order 5.

[Paragraph (b) as amended by Amendment 2, 8 F.R. 2681, effective 3-1-43]

SEC. 10.5 *Processed foods may be stored and returned from storage, point-free.* (a) No points need be given up for a delivery of processed foods for storage purposes only.

(b) No points need be given up for a delivery of processed foods from the place of storage to the person who stored them, or to a person to whom he has sold or transferred them. (However, that sale or transfer must be made in a way permitted by this order.)

SEC. 10.6 *Security interests in processed foods may be created and released, point-free.* (a) No points need be given up for a transfer of processed foods, or of any interest in them, for security purposes only. (For example, if processed foods are pledged or mortgaged the person with whom they are pledged or mortgaged need not give up points.)

(b) No points need be given up for a release of a security interest in processed foods, or for a return of those foods to the person who originally transferred them for security purposes. (For example, a person who pledged processed foods may get them back without giving up points. Similarly, a person who gave a chattel mortgage on his processed foods need not give up points when the mortgage is ended.)

SEC. 10.7 *Processed foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings*—(a) *General.* No points need be given up for a transfer of processed foods to a person who gets them for liquidation only. Also, no points need be given up for a transfer of processed foods as part of a judicial proceeding, or by operation of law, order of a court, or judicial process.[1] (For example, processed foods may be taken over by a creditor, under a court order, without any surrender of points. If processed foods are assigned for the benefit of creditors, the person to whom they are assigned need not give up points to the person making the assignment. Also, a person need not give up points when he inherits processed foods or "acquires" them by will.)

(b) *How transferee may dispose of the processed foods.* A person who acquires processed foods in this way must within five days after acquiring them, report to the district office (or, where there is none, to the State office) for the place where his principal business office is located:

(1) The kinds and the point value of the processed foods acquired;

(2) The name and address of the person from whom they were acquired;

(3) The way in which and the date when they were acquired. He may not use the processed foods unless he gives up to the district (or State) office, for cancellation, points equal to their point value. He may, however, sell or transfer them in the same way that a "retailer" is permitted to sell or transfer processed foods. He must immediately after selling or transferring them, account to the district (or State) office for points equal to their point value.

(c) *Consumer inheritance.* A consumer who gets processed foods from another consumer, by inheritance or by will, may use them without giving up points.

SEC. 10.8 *Processed foods may be acquired, point-free, by insurers or for salvage*—(a) *Acquisition of damaged processed foods.* Damaged processed foods, and undamaged processed foods mingled with them, may be transferred to, and acquired by, the following persons, without any surrender of points:

(1) A person who has paid or is liable for a claim for the damage done to the foods, and who is entitled to reimburse himself by taking them over;

(2) A person in the business of adjusting losses or of reconditioning or selling damaged articles.

[1] A "wholesaler" may acquire processed foods in this way even if his actual inventory is or would become larger than his maximum allowable inventory.

(b) *Disposal of the processed foods.* The person acquiring the processed foods must, within five days after acquiring them, report to the district office (or, where there is none, to the State office) for the place where his principal business office is located:

(1) The kinds and point value of the processed foods acquired;

(2) The name and address of the person from whom he acquired them;

(3) The way in which and the date when they were acquired. If he cannot ascertain the kinds and point value immediately, he must describe the approximate amount he received and must give the detailed information as soon as he can. He may dispose of those processed foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer processed foods. He must, immediately after selling or transferring them, account to the district (or State) office for points equal to their point value. If he cannot dispose of them all, he must report to the district (or State) office the amount which was not salable.

SEC. 10.9 *Processed foods may be transferred to prospective buyers for sampling, point-free and may be used for sampling and demonstration.* (a) A processor, country shipper, or grower may deliver processed foods to prospective buyers (other than consumers) for sampling, without getting points. However, he may not deliver in this way more than one-fortieth of one percent of the total amount of processed foods produced or imported by him.

(b) A retailer or "wholesaler", who acquires processed foods from a processor, country shipper, or grower, may sample some of them in order to check grades and quality, and may use some of them to demonstrate them to prospective purchasers other than consumers. However, he may not use for this purpose more than one-tenth of one percent of the total amount of processed foods acquired by him. A wholesaler shall attach to his periodic report to the Washington Office on OPA Form R–1310 a statement accounting for the amount of processed foods used by him for sampling or demonstration to prospective purchasers.

[Sec 10.9 amended by Amendment 9, 8 F.R. 4342, effective 4–2–43. Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

SEC. 10.10 *Processed foods may be delivered point-free to certain persons—* (a) *Point-free delivery to processors.* No points need be given up for a transfer of processed foods by an authorized customs official to a processor if the processor gives his signed statement to the official showing:

(1) His name;

(2) His principal business address;

(3) His processor registration number;

(4) The address of the establishment at which the foods are to be kept for sale or transfer or for his own use in making other processed foods; and

(5) The amount and kind of processed foods imported at the time.

(b) *Point-free delivery to country shippers.* No points need be given up for a transfer of dry beans, peas or lentils by an authorized Customs Official to a country shipper if the country shipper gives his signed statement to the Official showing:

(1) His name;

(2) His principal business address;

(3) His country shipper's registration number; and

(4) The amount of dry beans, peas and lentils imported at the time.

[Paragraph (b) as amended by Amendment 47, 8 F.R. 9629, effective 7–19–43]

(c) *Collector of Customs to send statements to Washington Office.* After the close of each month the Collector of Customs shall deliver all processors' and country shippers' statements received during that month to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

[Paragraph (c) added and former paragraph (c) redesignated (d) by Amendment 47, 8 F.R. 9629, effective 7–19–43]

(d) *Point-free delivery to representatives of foreign governments, prisoners of war, internees and others.* No points need be given up for a transfer of processed foods by an authorized customs official:

(1) Upon request by the Department of State, to representatives of foreign governments who are within the classes of persons specified in Article 432 (a) or Article 433 (c), Customs Regulations of 1937;

(2) To members of the armed forces of the United Nations, other than those of the United States, who are on duty within the United States, where the processed foods are consigned or addressed to them and are intended for their personal or official use;

(3) To enemy prisoners of war and enemy civilian internees and detainees in the United States, where the processed foods are consigned or addressed to them.

[Sec. 10.10 amended by Amendment 14, 8 F.R. 4921, effective 4–20–43]

SEC. 10.11 *Processed foods may be transferred, point-free, in connection with transfer of a business.* (a) No points need be given up for a sale or transfer of processed foods in the inventory of an establishment, as part of a sale or other transfer of the establishment itself for continued operation. A person who so buys or acquires processed foods may not use them, but may hold them only for sale or transfer. However, a person who acquires an industrial user establishment may use its stocks up to the amount of any allotment he gets. (The procedure which the transferor and transferee must follow, where an establishment is transferred for continued operation, is covered in Article XI.)

SEC. 10.12 *Processors may transfer point free to allow for spoilage.* (a) In any case in which a processor makes a money allowance to his transferee to cover spoilage of the processed foods transferred, he may, in order to allow for spoilage, transfer to his transferee, without receiving points, processed foods in an amount not exceeding the same percentage of the total amount transferred that the money allowance made is of the total price paid. However, such transfer may not, in any event, exceed one-fourth of one percent of the total amount transferred.

(b) If the actual spoilage of processed foods transferred by a processor exceeds one-fourth of one percent, the transferee may return the spoiled foods to the processor and receive points for the difference between the amount spoiled and any allowance already made. However, if he does not return the spoiled processed foods, he may receive points for that difference only if and to the extent that the processor makes a money adjustment for the spoiled processed foods.

(c) The processor must keep a record of the name and address of each person to whom such point-free transfers and point returns are made, the dates thereof, and the amounts of such transfers and returns.

[Sec. 10.12 added by Amendment 2, 8 F.R. 2681, effective 3–1–43]

SEC. 10.13 *Grower of dry beans, peas, or lentils may transfer them to country shippers point-free.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a grower to a country shipper. At the time of the point-free sale or transfer, the country shipper must give to the grower, and the grower must get from the country shipper, a written receipt on which the country shipper's OPA registration number appears.

SEC. 10.14 *Country shipper or grower of dry beans, peas, or lentils may transfer them point-free to growers for seed purposes.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a country shipper or grower to a grower, when the transferee acquires the dry beans, peas, or lentils for use as seed.

SEC. 10.15 *Wholesaler or retailer may transfer dry beans, peas, or lentils point-free for seed.* (a) No points need be given up for a sale or transfer of dry beans, peas, or lentils by a wholesaler or retailer to a person when such person acquires the dry beans, peas, or lentils for use as seed. However, when the transferor sells or transfers, point-free for use as seed, dry beans, peas, or lentils which were in his inventory on March 1, 1943, or which he acquired for points, he shall make and keep a record of the name and address of the transferee, the date of the sale or transfer, and the amounts of dry beans, peas, or lentils transferred point-free for use as seed.

SEC. 10.16 *Dry beans, peas, or lentils may be transferred point-free between country shippers.* (a) No points need be given up for a sale or transfer of dry

beans, peas, or lentils by one country shipper to another country shipper. At the time of the point-free sale or transfer, the country shippers must exchange written receipts and invoices on which their respective names and addresses and OPA registration numbers appear.

[Sec. 10.13 through Sec. 10.16 added by Amendment 9, 8 F.R. 4342, effective 4-2-43]

Article XI—Sale of Business

SEC. 11.1 *Sale or transfer of retail, wholesale, or processor establishment*—(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retail", "wholesale" or "processor establishment", for continued operation, they must both notify the "board" at which the establishment is registered, or the "Washington Office", if it is registered there. The notice must be given in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and "acquiring" it;

(ii) The point value of the inventory transferred; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for "processed foods" not yet shipped.

This notice will be treated as the transferee's registration and as a cancellation of the transferor's registration.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A (the ration banking order).

(b) *Purchaser of retail or wholesale establishments may get its points.* The purchaser or transferee of a retail or wholesale establishment may get and use all of the establishment's points in the same way that the seller or transferor was entitled to use them. (If it is a wholesale establishment, however, he may not use those points to exceed its maximum allowable inventory, except as permitted by section 4.7 (a).) If the establishment has a ration bank account, the transferor is to give all the establishment's points to the transferee by issuing a ration check. If the establishment does not have a ration bank account, the transferor is to give to the transferee the stamps and certificates he has and to endorse and give to the transferee any ration checks he has. (If the transferee is required to have a ration bank account he must deposit all the points in that account. If the transferee is not required to have a ration bank account, he may endorse the checks and use them to get processed foods.)

[Paragraph (b) as amended by Amendment 22, 8 F.R. 5847, effective 5-10-43]

(c) *Seller of processor establishment must give up all points to the Office of Price Administration.* A person who sells or transfers a processor establishment must, within five (5) days after the transfer, turn over to the Washington Office, all points on hand at that establishment and all in its ration bank account. He does so by issuing and sending his certified ration check, payable to the Office of Price Administration, along with his notice of the transfer. (If any of the points represent processed foods not yet shipped, he must attach to his notice a statement showing the amount and the person from whom he got them.)

(d) *Same rules apply to sale of an entire chain.* The rules set forth above also apply to a person who has more than one establishment of a particular kind and who sells or transfers all of them for continued operation. He must give the information, and give up or transfer the points for all the establishments.

(e) *Sale of part of a chain.* Where the seller or transferor also has other establishments of the same kind which are not sold or transferred, the procedure described in paragraph (a) of this section must be followed. However, while the purchaser or transferee may acquire the processed foods inventory of the transferred establishment, he may not acquire its points. In this case, the seller or transferor keeps the points. If he is a "retailer," or "wholesaler," he may use the points with his other establishment of the same kind as the transferred establishment. If he is a "processor," he must give up to the Washington Office, the points received for sales and transfers of processed foods from that establishment at the time that he is required to give up points received by his other processor establishments.

SEC. 11.2 *Sale or transfer of industrial user establishments*—(a) *General.* (1) When an industrial user sells or transfers to any other person the business and inventory of his industrial user establishment, for continued operation, both the transferor and transferee must notify the board at which the establishment is registered. The notice must be in writing, within five (5) days after the sale or transfer, and must show:

(i) The name and business address of the establishment and of the persons transferring and acquiring it;

(ii) The point value of the inventory transferred;

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points sent to a supplier for processed foods not yet shipped.

(2) If the transferor has a ration bank account, he must notify the district office, in the way required by General Ration Order 3A.

(b) *Transferor must give up unused points.* The seller or transferor must give up to the board all unused points he has for the establishment. If the establishment has a ration bank account, he must give up the points in the form of his certified ration check payable to the Office of Price Administration. The notice described in paragraph (a) of this section, and the surrender of unused points, will be treated as a cancellation of the transferor's registration and allotment.

(c) *Application for allotment by transferee.* The transferee may not use the stocks of processed foods transferred with the establishment unless he receives an allotment. The application for an allotment must be made, on OPA Form R-315, to the board for the place where his principal business office is located, and must state facts showing whether:

(1) The entire establishment, including substantially all the equipment the good will, and the processed foods inventory, has been transferred;

(2) The transferee will continue to serve, from that establishment, the same general class of customers and the same area served by it before the transfer;

(3) The equipment of the transferred establishment will be continued in use after the transfer; and

(4) The transferee will continue to produce, at the establishment, the same product or products, though not necessarily under the same trade name.

The board shall send the application, the notices sent to it by both parties and the transferor's registration to the district office (or, where there is none, to the State office).

(d) *Granting of allotment.* If the district (or State) office finds that the establishment will continue to be operated in substantially the same manner as before the transfer and that the tests described in paragraph (c) are satisfied, it shall assign to the transferee the transferor's allotment and base period use, for that establishment. It shall also give him a certificate for the number of points that the transferor surrendered to the board, or, if the amount of processed foods transferred to the transferee with the establishment is larger than the unused part of the allotment for the current period, plus any unused part of the transferor's earlier allotments, the difference shall be treated as excess inventory. The transferee may not use any part of the allotment already used by the transferor, but he may use any unused part of any prior allotment the transferor received for that establishment.

(e) *Same rules apply to sale of entire chain.* The same rules apply where a person who has more than one industrial user establishment sells or transfers all of them, for continued operation.

(f) *Sale of part of a chain.* (1) When the seller or transferor has other industrial user establishments which are not sold or transferred, the procedure described in paragraphs (a) and (c) of this section must be followed, except that the transferor must also apply to the board with which he registered for a redetermination of his allotment and his base period use. The board shall send the application and notices of both parties, and the transferor's registration, to the district office, or, where there is none, to the State office. If the district (or State) office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a base period use. It shall first determine the amount of the transferor's allotment and base period use allocable to the transferred establishment. That base period use shall be assigned to the transferee. The transferee's allotment shall be the part of the transferor's

allotment corresponding to the unexpired part of the allotment period. The base period use and the allotment assigned to the transferee shall be deducted from the base period use and current allotment of the transferor. The district office shall issue a certificate to the transferee (or determine his excess inventory) on the basis of the allotment granted to him and the amount of the inventory he acquired from the transferor. If the amount of processed foods transferred with the establishment is less than the allotment assigned to the transferee, the transferor must give up points to the Office of Price Administration for the difference. If he does not give up points, that difference shall be treated as excess inventory.

(g) *Transferee's registration.* A transferee is regarded as registered as soon as the district (or State) office assigns an allotment and base period use to him.

(h) *Use of allotment by transferee.* A transferee may not use an allotment assigned to him under this section if his operation of the transferred establishment ceases to meet the tests described in paragraph (c).

Article XII—New Businesses

SEC. 12.1 *New retail establishments may be opened—*(a) *How stocks are obtained.* A "person" who wishes to open a "retail establishment" after February 1943, may apply for a "certificate" to get stocks of "processed foods". The application must be made, on OPA Form R–315, to the "board" for the place where the establishment will be located. (If he also has a "wholesale" or "processor establishment", he must apply to the "Washington Office", and not to the board.) The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of certificate.* The board (or the Washington Office) will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Registration.* At the end of his first full month of operation, he must register that establishment, on OPA Form R–1302, in the same way that "retailers" register between April 1 and April 10, 1943. He must give all information called for by the form. However, he must show his sales and "transfers" of processed foods from that establishment during his first full month of operation, instead of during March 1943, and must report his point inventory at the end of that month, instead of at the end of March 1943. When he registers, he may get a certificate or, if he has excess inventory, he must give up points to the Office of Price Administration in the same way as retailers who register between April 1 and April 10, 1943. He may not, however, be given a certificate for more than the amount by which his allowable inventory exceeds the amount of the certificate given to him when he applied on OPA Form R–315.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the retail establishment has enough stocks, he need not apply on OPA Form R–315. He may begin operation with the stocks he has. However, before making any sales or transfers of processed foods from the establishment after April 10, 1943, he must notify the board for the place where the establishment is located. If he also has a wholesale or a processor establishment, he must notify the Washington Office, instead of the board. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory. At the end of his first full month of operation, he must register the establishment and follow the procedure described in the last paragraph.

SEC. 12.2 *New wholesale establishments may be opened—*(a) *How stocks are obtained.* A person who wishes to open a wholesale establishment after February 1943, may apply for a certificate to get stocks of processed foods. The application must be made to the Washington Office on OPA Form R–315. The application must show:

(1) The proposed name and address of the establishment;

(2) The amount he has invested or expects to invest in it;

(3) The size of the establishment;

(4) The number of points he needs in order to get adequate stocks;

(5) The point value of any stocks of processed foods he may have for that establishment.

(b) *Issuance of a certificate.* The Washington Office will issue to him a certificate for the number of points he needs to get an adequate working inventory.

(c) *Reports.* Beginning for his first full reporting period of operation, he must file reports for that establishment, on OPA Form R–1310, and follow the same procedure as a "wholesaler" who registered between April 1 and April 10, 1943.

(d) *Procedure where no additional stocks are needed.* Where the person who wishes to open the wholesale establishment has enough stocks, he need not apply on OPA Form R–315. He may begin operations with the stocks he has. However, before making any sales or transfers of processed foods from that establishment after April 10, 1943, he must notify the Washington Office. The notice must be in writing and must give the name and address of the establishment and the point value of its inventory.

SEC. 12.3 *New processor establishments may be opened.* (a) A person who opens a processor establishment which was not in operation during February 1943 must notify the Washington Office before making sales or transfers of processed foods from that establishment. The notice must be in writing and must show:

(1) The name and address of the establishment;

(2) The type of processed foods he produces or imports there;

(3) The inventory of that establishment on the date of the notice.

He must file reports for that establishment, on OPA Form R–1305, beginning for the reporting period in which he started operations there.

[Paragraph (3) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

SEC. 12.4 *In special cases, allotments may be granted for new industrial user establishments.* (a) A person who has or wishes to open an "industrial user establishment" which he did not operate at any time between January 1, 1942 and February 28, 1943, may apply for an allotment. No such application may be granted in any case, unless it is found that:

(1) The operation of the establishment will make a direct contribution to the war effort or is essential to meet civilian needs in the area it will serve; *and*

(2) The product it will produce cannot be obtained from any other source in the area to be supplied.

(b) The application must be made on OPA Form R–315, to the board for the place where the establishment is or will be located. The application must show:

(1) The product the applicant will make;

(2) The size of the establishment;

(3) The amount he has invested or intends to invest in it;

(4) The market to be supplied;

(5) The kinds and point value of any processed foods he may have for that establishment;

(6) The amount of the allotment requested.

(c) The board may call for any additional information it finds necessary. It may not pass on the application, but must forward it, together with all information received, to the district office (or, where there is none, to the State office). It may attach its recommendation, if any, as to the action to be taken. The district (or State) office must forward the entire file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

(d) An industrial user who already has an allotment, may not open another industrial user establishment and use his allotment there, unless he applies under this section and is given permission to do so.

Article XIII—Closing of Business

SEC. 13.1 *What a person who closes his establishment must do—*(a) *General.* (1) Any "retailer", "wholesaler", "processor", "country shipper", or "industrial user" who goes out of the busines of dealing in or using "processed foods" at his establishment must notify the "board" at which it is registered, or the "Washington Office", if it is regis-

tered there. (A person is considered as going out of the business of dealing in or using processed foods if the foods he deals in or uses at his establishments are removed from the list of processed foods.) The notice must be given in writing within five (5) days after he goes out of the business. It must show:

(i) The name and address of the establishment;

(ii) The point value of its inventory at the time that he ceases doing business in processed foods at that establishment; and

(iii) The number of points in the establishment's ration bank account, if any, and the number of points on hand, including points in the hands of his suppliers for processed foods not yet shipped. If he has a ration bank account he must also notify the district office in the way required by General Ration Order 3A (the Ration Banking Order).

[Paragraph (1) as amended by Amendment 47, 8 F.R. 9629, effective 7-19-43]

(2) He must account to the Office of Price Administration for all points he has for the establishment at which he ceased doing business. If all his stocks of processed foods have not been disposed of at the time of the notice, he must account for the rest of the points as soon as the stocks have been liquidated. An industrial user who has given the notice called for above, may sell or "transfer" his unused stocks of processed foods in the same way that a retailer is permitted to make sales or transfers.

(b) *Closing of entire chain.* The rules set forth in paragraph (a) of this section, also apply to a "person" who has more than one establishment of a particular kind and who goes out of business at all of them. He must give the information required, and must give up the points, for all the establishments.

(c) *Closing of part of a chain.* (1) A person who has several retail, wholesale or processor establishments may go out of business at one or more, but may continue to operate the others. In that case, he need not give up points to the Office of Price Administration at that time but may use them for the operation of the establishments which he continues.

(i) If the establishment closed was a "retail establishment", he must notify the board at which it is registered within five (5) days after he closes it. If it is registered at the Washington Office, he must notify that office instead. The notice must be in writing and must give the name and address of the establishment closed.

(ii) If the establishment closed was a "wholesale" or "processor establishment", he must indicate that fact in his next periodic report.

[Paragraph (ii) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(2) A person who has several "industrial user establishments" may go out of business at one or more, but may continue to operate the others. In that case he must notify the board with which he is registered. The notification must be in writing and must state whether and to what extent he will continue to serve, from his other establishments, the same area and the same general class of customers. The board must send the notification and his registration to the district office, or where there is none, to the State office. The district (or State) office shall determine the extent to which he remains entitled to use his entire allotment. He may keep his entire allotment only if his remaining establishments will continue to serve the same general class of customers and the same area as the establishment closed. His allotment and his base period use must be reduced to the extent that he will cease to serve the same class of customers and the same area. If his allotment is reduced, he must give up to the Office of Price Administration points equal to the reduction. If he does not have points to give up, the amount of the reduction shall be treated as excess inventory.

Article XIV—Miscellaneous Adjustments

SEC. 14.1 *Retailer may apply for inventory adjustments after March 1943*—(a) *How to apply.* A "retailer" who finds that his allowable inventory is inadequate may apply for an adjustment. The application must be made, on OPA Form R-315, to the "board" with which he registered, or to the "Washington Office", if he registered there. The application must give the following information:

(1) The amount of his allowable inventory;

(2) The reasons why he claims that it is inadequate;

(3) The point value of his sales and "transfers" of "processed foods" during the thirty days before his application, not including exchanges, and transfers from one of his "retail establishments" to another;

(4) The amount of the adjustment which he needs.

He must also give any other information that the board (or the Washington Office) may request.

(b) *Application based on increase of business.* If he asks for a larger inventory because of an increase in business which is not due to regular seasonal variations, his application is to be acted upon in the following way:

(1) The point value of his sales or transfers upon which his allowable inventory was based is determined;

(2) The point value of his sales and transfers of processed foods, during the thirty days before the application is determined;

(3) If the second figure is more than ten percent larger than the first figure, he is to get a "certificate" for the difference between them multiplied by the factor fixed in the supplement to this order for determining retailer allowable inventories;

(4) If the second figure is not more than ten percent larger than the first, his application is to be denied.

(c) *Other applications.* If he asks for a larger inventory for any other reason, a board may not act on the application but must send it, and any other information received, to the district office, or, where there is none, to the State office. The board may attach its recommendation, when it transmits the application. The district (or State) office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.2 *Wholesaler may apply for inventory adjustments after March 1943*—(a) *How to apply.* A "wholesaler" who finds that his maximum allowable inventory is inadequate may apply for an adjustment. The application must be made to the Washington Office, on OPA Form R-315, and must give the following information:

(1) The amount of his maximum allowable inventory for the reporting period in which he applies;

[Paragraph (1) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(2) The reasons why he claims that it is inadequate;

(3) The amount of the adjustment which he needs.

He must also give any other information that the Washington Office may request.

(b) *Action on application.* The Washington Office will act on the application according to the circumstances of the case.

SEC. 14.3 *Wholesalers and retailers may apply for point loans*—(a) *General.* A retailer or a wholesaler may have large seasonal variations in the amount of business that he does. He may therefore need an unusually large inventory at certain times. In other cases, due to difficulties of transportation, a retailer or a wholesaler may have a large number of points tied up in the hands of his supplier, for processed foods which he has not yet received. In these situations the retailer or wholesaler may wish to borrow points in order to get enough processed foods to tide himself over. He does not need a permanent adjustment, but simply a loan of points which he can pay back later.

(b) *Application for a point loan.* A retailer or wholesaler may apply for a point loan when he needs more points to get processed foods for a limited period of time, because of uncertainties or delays in transportation or because of seasonal variations in his business. He must apply on OPA Form R-315, to the board with which he is registered (or to the Washington Office, if he is registered there). The application must show:

(1) His allowable inventory;

(2) The reasons he needs a point loan;

(3) The number of points he needs to borrow;

(4) The length of time for which he needs the loan.

He must give any other information that the board (or the Washington Office) requests.

(c) *Action on application.* If he needs a point loan for any of the reasons set forth in the last paragraph, he may be given a certificate for the number of points needed. The loan can be for any period up to two months. He must give back that number of points to the Office of Price Administration, for cancellation, not later than the date set at the time the certificate is issued.

(d) *When Board may not act upon application.* A board may not grant a point loan of more than fifty percent of the applicant's allowable inventory. If more than that is needed, it must send the application, together with all information it received, to the district office or, where there is none, to the State office. It may attach its recommendation as to the action to be taken. The district (or State) office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.4 *Adjustments for lost, destroyed, stolen or spoiled processed foods*—(a) *Lost, destroyed or stolen processed foods*—(1) *How to apply.* Any "person" whose processed foods were lost, destroyed or stolen, or taken away by legal process or order of a court, may apply for a certificate for the number of points needed to replace them. The application must be made on OPA Form R–315. A "consumer" who wants a certificate must apply to the board for the place where he lives. Any other person must apply to the board with which he is registered (or to the Washington Office, if he is registered there). The application must give:

(i) A description of the processed foods he wishes to replace, showing their point value;

(ii) A description of the way in which they were lost, destroyed, stolen, or taken away.

He must also give any other information that the board (or the Washington Office) may request.

(2) *Action on application.* If the board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the foods.

(3) *Recovery of lost or stolen foods.* If the applicant gets back any of the processed foods covered by his application, he must give back to the Office of Price Administration, for cancellation, points equal to the point value of the foods he recovered.

(b) *Spoiled processed foods.* No adjustment, other than that provided in section 10.12 is granted for processed foods which spoiled. Spoiled processed foods not covered in section 10.12 may be replaced only by exchanging them for other processed foods of equal point value. However, a "processor" must account, in his periodic report to the Washington office, for processed foods which spoiled in his hands, or which he took back in an exchange.

[Paragraph (b) amended by Amendment 2, 8 F.R. 2681, effective 3–1–43 and Amendment 35, 8 F.R. 7353, effective 5–31–43]

(c) [Revoked]

[Paragraph (c) revoked by Amendment 2, 8 F.R. 2681, effective 3–1–43]

SEC. 14.5 *Applications may be made for other adjustments*—(a) *How to apply.* Any retailer, wholesaler, processor, country shipper, or industrial user who needs an adjustment in his inventory or allotments, or other relief, may apply, on OPA Form R–315, to the board with which he is registered, or to the Washington Office, if he is registered there. He must state in his application all facts which he claims show his need for the adjustment, and the nature and amount of the adjustment he requests. He must also give any other information that the board (or the Washington Office) requests.

[Paragraph (a) as amended by Amendment 47, 8 F.R. 9629, effective 7–19–43]

(b) *Action on application.* A board may not act upon an application under this section. It must send the application, together with all other information received, to the district office, or, where there is none, to the State office. It may attach its recommendation as to the action to be taken. The district (or State) office shall send the file to the Washington Office, for decision, or take such other action as the Washington Office may authorize or direct.

SEC. 14.6 *Wholesaler or retailer may apply for points to replace dry beans, peas, or lentils transferred point-free for seed.* (a) Any wholesaler or retailer who sells or transfers, point-free for use as seed, dry beans, peas, or lentils which were in his inventory on March 1, 1943, or which he acquired for points, may apply on OPA Form R–315 to the Board with which he is registered (or to the Washington Office, if he is registered there) for a certificate for the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils so transferred.

(b) The application must contain a statement:

(1) Of the amounts of such dry beans, peas, or lentils sold or transferred point-free for seed purposes;

(2) That the applicant did not receive points for the sales or transfers;

(3) Of the number of points which he would have received if his transferees had given up points for the dry beans, peas, or lentils sold or transferred point-free for use as seed; and

(4) Of the dates between which the sales or transfers were made. The total number of points for which application is made must not exceed the total point value of the amounts of dry beans, peas, and lentils which were in the applicant's inventory on March 1, 1943, or which he acquired for points and which he sold or transferred point-free for use as seed and of which records are kept as required by section 10.15 (a).

(c) If the Board (or the Washington Office) finds the statements made in the application to be true, it will issue to him a certificate for the number of points needed to replace the dry beans, peas, or lentils sold or transferred point-free for use as seed.

[Sec. 14.6 added by Amendment 9, 8 F.R. 4342, effective 4–2–43]

SEC. 14.7 *Person acquiring seed beans, peas, or lentils may transfer them as food only for points.* (a) Any person who, for sale or transfer, acquired dry beans, peas, or lentils marked or labeled in accordance with any applicable federal or state seed laws (or, if none is applicable, in accordance with the standards stated in the federal seed law), may transfer them for use as food only if the transferee gives up points equal to the point value of the processed foods so sold or transferred.

(b) Points received for dry seed beans, peas, or lentils, acquired point-free for use or transfer as seed but sold or transferred for use as food, may not be used by the transferor for any purpose. They must, within 5 days of the sale or transfer, be given up to the board for the place where the principal business office of the transferor is located. At the time the points are given up, the transferor must report in writing to the board:

(1) The amounts of dry seed beans, peas, or lentils sold or transferred as food;

(2) The reason that the dry seed beans, peas, or lentils were sold or transferred as food; and

(3) The names and addresses of the persons to whom they were transferred.

[Sec. 14.7 added by Amendment 9, 8 F.R. 4342, effective 4–2–43]

Article XV—Issuance and Use of Certificates

SEC. 15.1 *How certificates are issued*—(a) *By whom issued.* "Certificates" (OPA Form R–1201) may be issued by the "Washington Office", by a "board", by any authorized officer or representative of the Office of Price Administration, or by any "person" authorized by the Office of Price Administration to issue them. Certificates may be issued only in the cases and for the purposes permitted by this or any other order of the Office of Price Administration.

(b) *How certificates are issued.* The person who issues a certificate must insert, in ink, the words "Processed Foods" in the appropriate space and must sign it and fill in:

(1) The number of points for which it is issued;

(2) The name of the person for whom it is issued; and

(3) The expiration date of the certificate, which is 60 days after the date on which it is issued.

A certificate which is not filled out in this way is not good for the acquisition of processed foods and may not be used or accepted for that purpose.

SEC. 15.2 *Certificates are good for a limited time.* (a) A certificate may not be used by the person for whom it was issued after the date shown on its face. However, a "retailer" who "transferred" processed foods for a certificate may use it to acquire processed foods within ten days after the date shown on its face, if he does not have and is not required to have a ration bank account. Any person who has a ration bank account may deposit a certificate (whether it was issued to him, or received by him for a transfer of processed foods) within twenty days after the date shown on its face. A certificate is thus not valid for any purpose more than twenty days after the date shown on its face.

SEC. 15.3 *A certificate must be endorsed.* (a) Before it can be used, a certificate must be signed on the back by the person for whom it was issued, or by a person authorized to sign for him, if he cannot write.

(b) Any retailer, "wholesaler" or "processor" who has transferred processed foods for a certificate must sign his name on the back of the certificate before he can deposit or use it.

SEC. 15.4 [Revoked]

[Sec. 15.4 revoked by Amendment 22, 8 F.R. 5847, effective 5-10-43]

SEC. 15.5 *Names of persons who have been given certificates may be posted.* (a) A board may post at its office the name of any person to whom it has issued a certificate under this order. However, it shall not do so if it would reveal information of a military character, or information which any public law enforcement or investigating agency wishes to keep confidential.

SEC. 15.6 *Certificates are the property of the Office of Price Administration and may be revoked.* (a) All certificates are the property of the Office of Price Administration, whether or not they have been issued.

(b) The Office of Price Administration may suspend, cancel, or revoke any certificate issued if it finds it in the public interest to do so.

SEC. 15.7 *Sugar purchase certificates may be corrected and used as processed foods purchase certificates.* (a) Where no food ration certificates (OPA Form R-1201) are available, sugar purchase certificates (OPA Form R-306) may be used instead, if the word "sugar" in the title is changed to "processed foods", and the rest of the sentence following the applicant's name and address and ending with "Administration" is changed to read "is issued [amount in words] ([amount in numerals]) points of processed foods". In the upper right corner, "not valid before" shall be changed to "not valid after", and the date inserted there shall be 60 days from date of issue. The date in the lower right corner shall be left blank.

[Sec. 15.7 added by Amendment 14, 8 F.R. 4921, effective 4-20-43]

Article XVI—Records, Reports and Inspections

SEC. 16.1 *Records must be kept for two years.* (a) Every "person" must hold, for at least two years, all records which this order requires him to keep.

SEC. 16.2 *Records may be inspected by Office of Price Administration.* (a) All records kept under this order may be inspected by the Office of Price Administration, through any authorized representative. The inspection may be made at a person's place of business during regular business hours. In the case of records kept on forms prepared by the Office of Price Administration, the inspection of those records may be made at any time or place fixed by the Office of Price Administration. Every person required to keep records under this order must keep them available for such inspection.

SEC. 16.3 *Places where processed foods are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where "processed foods" are produced, imported or kept. Any person who produces, imports, or has processed foods, must permit such inspection of the place where he produces, imports or keeps them.

SEC. 16.4 *Records and reports are confidential.* (a) Information and documents obtained from any person under this order will not be disclosed, whether in response to a subpoena or in any other way, except to that person, unless the Administrator (or a representative of the Office of Price Administration designated by him) finds that the requested disclosure is not contrary to law and consents to it.

SEC. 16.5 *Office of Price Administration may extend time for registration and reports.* (a) The "Washington Office" may, for good cause, give any person additional time to file any registration or report which this order requires him to file. Any person who needs more time for filing a registration or report may apply, in writing, to the Washington Office. He must explain, in his application, why he needs more time. The Washington Office may impose any conditions it finds proper, when it grants such an extension of time.

SEC. 16.6 *Office of Price Administration may require applicants to give information.* (a) The Washington Office, a "board", or a district manager, State director or regional administrator may require any person who files an application or an appeal under this order to appear in person, to bring witnesses and to supply any information needed for passing on his case.

SEC. 16.7 *Persons who produce certain items similar to processed foods must file reports.* (a) Every person, who, for sale or transfer (1) produces jams, jellies, preserves, fruit butters, fountain fruits, pickles or relishes, or (2) cans or bottles fruit or vegetable juices in hermetically sealed containers over one gallon and sterilizes them by the use of heat, or (3) cans condensed or evaporated milk, or meat, or fish or shellfish in hermetically sealed containers sterilized by the use of heat, or (4) packages dried or dehydrated fruits (unless he packages them only for sale or transfer directly to consumers), or (5) packages dried or dehydrated vegetables or meat stocks whether or not in combination with noodles or other similar paste products, for use as a dried soup or soup base, must file periodic reports on OPA Form R-1305. He must give all information as to those items called for by the form.

[Paragraph (a) amended by Amendment 16, 8 F.R. 5342, effective 4-27-43, Amendment 28, 8 F.R. 5181, effective 5-17-43, Amendment 35, 8 F.R. 7353, effective 5-31-43, Amendment 36, 8 F.R. 7490, effective 6-6-43 and Amendment 46, 8 F.R. 9459, effective 7-14-43]

(b) The first report is for February 1943 and must be filed, by mail, with the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., not later than March 10, 1943. Reports for subsequent reporting periods must be filed not later than eight days after the end of the period.

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

Article XVII—Additional Records To Be Kept by Chains

SEC. 17.1 *Chains must keep records of transfers of stocks and points between establishments.* (a) Every "person" who has more than one "retail", "wholesale" or "processor establishment" must keep at each establishment (or at the place exercising immediate supervision over that establishment) a record in any convenient form, which shows:

(1) The amount of "processed foods" "transferred" from and "acquired" by that establishment, the date of each transfer or acquisition, and the name and address of the establishment to which the processed foods were transferred, or from which they were acquired. The record must show the amount of processed foods which were transferred and acquired, either by items and sizes, or by point value. (However, no such records need be kept for transfers of processed foods to "consumers"); and

(2) The number of points received for transfers of processed foods from that establishment, the disposition of those points, and the dates of their disposition. If the records are kept at the place exercising immediate supervision over one or more establishments, a list must also be kept at that place, showing the address of each establishment whose records are kept there.

[Paragraph (a) as amended by Amendment 33, 8 F.R. 7268, effective 6-4-43]

(b) In addition, he must keep for each ration bank account used by him for more than one establishment, a record showing the number of points deposited in that account by and for each such establishment, and the dates of the deposits.

Article XVIII—Appeals

SEC. 18.1 *Persons directly affected by action taken under this order can appeal.* (a) Any "person" directly affected by the action of a "board", district manager, state director or regional administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9 of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under sections 12.4 or 14.5, except action taken by a board, district, State, or regional office which has been authorized by the Office of Price Administration to grant or deny such application.

[Paragraph (b) as amended by Amendment 14, 8 F.R. 4921, effective 4–20–43]

Article XIX—Miscellaneous Rules and Prohibitions

SEC. 19.1 *Additional prohibitions.* (a) No "person" shall use points unless he has received them in a way permitted by this or any other order of the Office of Price Administration.

(b) No person shall "transfer", "acquire", use or possess "processed foods" except in a way permitted by this or any other order of the Office of Price Administration.

(c) No person shall give or transfer points, a "stamp" or a "certificate" to any other person, except in a way permitted by this or any other order of the Office of Price Administration.

(d) No person may transfer processed foods for a stamp, certificate or ration check if he knows or has reason to believe that it is not valid or that the person tendering it is not entitled to use it.

(e) No person shall have a stamp, certificate or ration check in his possession except the person (or agent of the person) to whom it was issued or by whom it was acquired in a way permitted by this or any other order of the Office of Price Administration.

(f) No person shall deface, mutilate, or destroy any stamp, certificate or ration check, except where permitted by this or any other order of the Office of Price Administration. A defaced or mutilated stamp, certificate or ration check is not valid for any purpose.

(g) No person shall counterfeit, forge, or alter a stamp, certificate or ration check, and no person shall transfer, acquire, possess or use a counterfeited, forged or altered stamp, certificate or ration check.

(h) No person shall offer, solicit, attempt or agree to do, or assist in doing, any act in violation of this order.

(i) Paragraphs (b), (c), (e), (f) and (g) of this section do not apply to public officials who do any of those acts in the performance of their public duties.

(j) No person shall, in any registration, report, application, or other statement or record made pursuant to or required by this order, make any untrue statement of fact, or omit to state any fact which is required to be stated or which is necessary to make a statement not misleading.

(k) No person shall, after demand, withhold a stamp, certificate or ration check from the person who is entitled to have it.

(l) No person shall sell or transfer any item of processed foods at a price in excess of the applicable maximum price established for that item by the Office of Price Administration.

(m) Beans, lentils, or peas acquired point-free for use as seed shall not be used by any person as food.

[Paragraph (m) added by Amendment 4, 8 F.R. 2943, effective 3–8–43]

SEC. 19.2 *Stamps and certificates may not be taken by legal process or acquired by will.* (a) No stamp, certificate or ration check, or any interest in it, may be taken or seized by judicial process or by any court order. However, a person to whom a War Ration Book Two or a certificate has been issued may bring a legal proceeding to recover it from any person who is wrongfully in possession of it. He may, as part of that proceeding, take or seize it by judicial process or court order.

(b) No stamp or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

SEC. 19.3 *Office of Price Administration must be notified of legal proceedings.* (a) Any person who has a stamp, certificate or ration check must notify the district office of the Office of Price Administration immediately after the beginning of any legal proceeding involving that stamp, certificate or check.

SEC. 19.4 *General Ration Order 5 governs whenever inconsistent with this order.* (a) If any provision of this order is inconsistent with the provisions of General Ration Order 5, the provisions of General Ration Order 5 shall govern, and shall supersede the provisions of this order to the extent that they are inconsistent.

[Sec. 19.4 added by Amendment 2, 8 F.R. 2681, effective 3–1–43]

Article XX—Suspension Orders

SEC. 20.1 *Office of Price Administration may issue suspension orders.* (a) Any "person" who violates this order may, by administrative suspension order, be prohibited from receiving any "transfer" or delivery of, or from selling or using or otherwise disposing of, any "processed food" or other rationed product or facility. Such suspension order shall be issued for such period as in the judgment of the Administrator, or such person as he may designate for such purpose, is necessary or appropriate in the public interest and to promote the national security.

Article XXI—Definitions

SEC. 21.1 *Definitions.* (a) When used in this order:

(1) "Acquire" means to accept a "transfer" or to get possession or title in any other way.

(2) "Board" means a war price and rationing board established by the Office of Price Administration.

(3) "Certificate" means a certificate on OPA Form R–1201, or on OPA Form R–306 revised in accordance with section 15.7.

[Paragraph (3) as amended by Amendment 14, 8 F.R. 4921, effective 4–20–43]

(4) "Consumer" means any "person" who "acquires" "processed foods" for personal use, or for use at a table at which he eats.

(5) "Industrial user" means any "person" who has an "industrial user establishment".

(6) "Industrial user establishment" means any place where a "person" uses "processed foods" in producing or manufacturing, for sale or "transfer", any product which is not a processed food. It also includes any place (except places where processed foods are used for sampling or demonstration in accordance with section 10.9) at which processed foods are used for experimental, educational, testing or demonstration purposes.

[Paragraph (6) as amended by Amendment 10, 8 F.R. 4525, effective 4–12–43]

(7) "Institutional user" means any "person" who has an "institutional user establishment".

(8) "Institutional user establishment" means an institutional user establishment as defined in General Ration Order 5. (With certain exceptions, it means any place where a "person" uses a rationed food in the preparation of food which he serves to "consumers", or in the service of food to consumers.)

(9) "Person" means not only an individual, but also a partnership, corporation, association, or business trust. It includes a government, government agency and any other organized group or enterprise.

(10) "Processed foods" means:

(i) The following fruits, fruit juices, vegetables, vegetable juices, soups, and baby foods in hermetically sealed containers of any type and sterilized by the use of heat:

FRUITS (INCLUDING PICKLED, SPICED, OR BRANDIED)

Apples (including crabapples).
Applesauce.
Apricots.
Berries.
Cherries.
Cranberries or sauce (whole, strained, or jellied).
Figs.
Fruit cocktail, fruits for salad, or mixed fruits.
Grapefruit.
Peaches.
Pears.
Pineapple.
Plums.
Prunes.

FRUIT JUICES

Citrus juices.
Apricot, peach, or pear juice or nectar.
Grape juice.
Pineapple juice.
Prune juice.

VEGETABLES

Asparagus.
Beans, all types and varieties (including soaked dry beans, pork and beans, lentils, etc.).
Beets (including pickled).
Carrots.
Chili sauce.
Corn.
Greens, leafy (including only beet, collard, dandelion, kale, mustard, poke, or turnip).
Mixed vegetables (containing over 20% by volume of vegetables listed under this subdivision).
Mushrooms.
Peas.
Pumpkin.
Sauerkraut.
Spinach.
Squash.
Tomatoes.
Tomato catsup.
Tomato paste.
Tomato pulp or puree.
Tomato sauces (containing over 5% dry tomato solids).

VEGETABLE JUICES

Tomato juice.
Vegetable juice combinations (containing 70% or more of tomato juice.)

SOUPS

All concentrated canned or bottled soups.
All ready-to-serve (not concentrated) canned or bottled soups.

BABY FOODS

All canned or bottled types and varieties (including custards).

(ii) The following frozen fruits, berries, juices and vegetables:

FRUITS, BERRIES, AND JUICES

Apples.
Apricots.
Blackberries.
Boysenberries.
Cherries.
Currants.
Dewberries.
Gooseberries.
Grapes.
Loganberries.
Olympicberries.
Peaches.
Plums.
Prunes.
Strawberries.
Youngberries.
All other fruits and berries not specifically listed.
All fruit juices.

VEGETABLES

Beans, baked.
Beans, green (all styles).
Beans, lima (all varieties).
Corn, cut.
Corn on the cob.
Greens, leafy.
Peas.
Spinach.
All other vegetables and vegetable combinations.

(iii) Dry beans, peas, and lentils.

NOTE: Foods in the above group which are not covered by this order are listed in Appendix A. The foods listed in Appendix A are not "processed foods" as that term is used.

[Paragraph (10) amended by Amendment 1, 8 F.R. 2288, effective 2-21-43, Amendment 3, 8 F.R. 2684, effective 3-1-43, Amendment 24, 8 F.R. 5757, effective 5-1-43, Amendment 32, 8 F.R. 7267, effective 6-6-43 and Amendment 43, 8 F.R. 9216, effective 7-4-43]

(11) "Processor" means any "person" who has a "processor establishment".

(12) "Processor establishment" means any place where a "person" produces "processed foods" for sale or "transfer". This does not apply, with respect to dry beans, peas, or lentils, to "growers" or to "country shippers". A person is considered to "produce" if he:

(i) Bottles, cans or packs fruits, fruit juices, vegetables, vegetable juices, soups or baby foods, in hermetically sealed containers and sterilizes them by the use of heat; or

(ii) Packs and freezes fruits or vegetables; or

(iii) [Revoked]

[Paragraph (iii) revoked by Amendment 16, 8 F.R. 5342, effective 4-27-43]

(iv) Packs fruit or vegetable juices from containers over one (1) gallon into hermetically sealed containers of one (1) gallon or less and sterilizes them by the use of heat; or

(v) [Revoked]

[Paragraph (v) revoked by Amendment 36, 8 F.R. 7490, effective 6-6-43]

(vi) Precooks dry beans, peas, or lentils; or

(vii) [Revoked]

[Paragraph (vii) revoked by Amendment 28, 8 F.R. 5181, effective 5-17-43]

(viii) Uses processed foods to produce other processed foods.

The term "processor establishment" also means any place to which a person imports processed foods into the United States, from any place outside the United States, for sale or transfer. It also includes a place at which a person does not produce or import processed foods, if he regularly keeps there, for sale or transfer, only processed foods which he himself produced or imported. Finally, there is one case in which a place where a person keeps stocks of processed foods produced or imported by someone else is a processor establishment. If he keeps those stocks at that place just to use them to produce other processed foods, that place is a processor establishment.

[Paragraph (12) amended by Amendment 9, 8 F.R. 4342, effective 4-2-43]

(13) "Retail establishment" means any place, (other than a "processor establishment") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if more than fifty per cent of those stocks are sold or transferred from there directly to "consumers". Even if the amount sold or transferred from there directly to consumers is fifty per cent or less, it is still a retail establishment in the following case:

(i) If some of those stocks are transferred directly to consumers; and

(ii) If he keeps the rest of the stocks just to supply his own establishments; and

(iii) If no "wholesale establishment" and not more than three retail establishments are supplied from there.

(14) "Retailer" means any "person" who has a "retail establishment."

(15) "Stamp" means a blue stamp in, or taken from War Ration Book Two.

(16) "Transfer" means to sell, give, exchange, lend, deliver, or consign. It includes any transfer of possession or title, however accomplished, and any movement of goods from one establishment to another. The use by any "person" of "processed foods" which he holds for sale or transfer is considered a transfer of those foods to himself. However, delivery to a carrier for shipment is not regarded as a transfer to the carrier; and delivery by the carrier to the consignee is not regarded as a transfer by the carrier.

(17) "Washington Office" means the national headquarters of the Office of Price Administration, in Washington, D. C.

(18) "Wholesale establishment" means any place (other than a "processor establishment" or a place at which dry beans, peas, or lentils are kept by a "grower" or "country shipper") where a "person" who deals in "processed foods" keeps stocks of those foods for sale or transfer, if fifty percent or more of those stock are transferred from there directly to persons other than "consumers". However, if he keeps the stocks which are not transferred to consumers, just to supply his own establishments, it is a wholesale establishment only if it supplies;

(i) At least one of his wholesale establishments; or

(ii) At least four of his "retail establishments".

[Paragraph (18) as amended by Amendment 9, 8 F.R. 4342, effective 4-2-43]

(19) "Wholesaler" means any "person" who has a "wholesale establishment".

(20) "Country shipper" means:

(i) The first "person" who "acquires" dry beans, peas, or lentils from a "grower" for purposes of sale or "transfer" if such person is regularly engaged in the distribution of dry beans, peas, or lentils and if more than fifty percent of the dry beans, peas, and lentils sold or transferred by him are sold or transferred to persons other than "consumers", "retailers", or "industrial" or "institutional users";

(ii) A person who imports dry beans, peas, or lentils for purposes of sale or transfer.

(21) "Grower" means any "person" who, for sale or "transfer", grows or produces dry beans, peas, or lentils for his own account or for the account of him-

self and others. Such person is a grower with respect to the dry beans, peas, and lentils grown or produced by him. However, if he is a "country shipper", he is a country shipper even with respect to the dry beans, peas, and lentils grown or produced by him.

[Paragraphs (20) and (21) added by Amendment 9, 8 F.R. 4342, effective 4–2–43]

Article XXII—Exports

SEC. 22.1 *Processed foods may be exported point-free.* (a) Any "person" who exports "processed foods" to any foreign country or to any territory or possession of the United States (other than the District of Columbia) need not receive points for the export.

SEC. 22.2 *Points may be obtained to acquire processed foods for export.* (a) A person who needs points with which to "acquire" processed foods for export to any foreign country or to any territory or possession of the United States (other than the District of Columbia), may apply, on OPA Form R–315, to the district office (or, where there is none, to the State office) for the place where his principal business office is located. The application must show:

(1) His name and business address;

(2) The port (or other shipping point) from which they will be shipped, and the method of shipment;

(3) The name and address of the person to whom the foods are to be exported; and

(4) The number of points needed.

He must also give any other information which the district (or State) office may request. However, military or naval information which is secret in nature need not be disclosed.

(b) If the district (or State) office finds that the processed foods will be acquired for export, it shall issue a "certificate" for the number of points needed.

(c) No person may use processed foods acquired for a certificate issued under this section, for any purpose other than export to a foreign country or to a territory or possession of the United States (other than the District of Columbia). However, if he is unable to export them, he may dispose of them by sale or transfer in the way a "retailer" is permitted to do so under this order. Immediately after such a sale or transfer, he must give up to the district (or State) office all points received for them.

SEC. 22.3 *Exporter must account for all processed foods exported.* (a) Any person who exports processed foods (other than a "consumer" who acquired them with his "stamps") must submit a copy of a Shippers' Export Declaration (Commerce Form 7525) to the Office of Price Administration within seven days after the export. The declaration must contain a list of the processed foods exported and must contain a signed statement by an authorized customs official that, to the best of his knowledge and belief, those processed foods were exported by such person. A "processor", or a "wholesaler" who did not receive an advance of points under section 22.2 must mail the declaration to the "Washington Office" along with his report for the reporting period in which he exported the processed foods. Any other person must send the declaration to the district (or State) office.

[Paragraph (a) as amended by Amendment 35, 8 F.R. 7353, effective 5–31–43]

(b) If the foods were consigned to an agency of the United States and no Shippers' Export declaration was filed at the time of the shipment the exporter may submit, instead of the Declaration, a bill of lading, manifest, or other satisfactory evidence that the foods were actually exported.

(c) A person who received an advance of points under section 22.2 must account to the district (or State) office within thirty days for all the points he received. At that time he must return any points which he did not use to acquire processed foods for export. If, within that time, he exported all the processed foods which he acquired with the points received, he need only submit the declaration or other evidence of export.

(d) A retailer or wholesaler who exported processed foods and who did not receive an advance of points under section 22.2 may, when he submits the declaration or other evidence of export, apply on OPA Form R–315 for points equal to the point value of the processed foods he exported. If the district (or State) or the Washington office finds that the stated amount of processed foods was exported by the applicant and that he has not already received points with which to acquire or replace them, it shall issue a certificate to him for the number of points of processed foods which he exported.

(e) An agency of the United States which has exported processed foods need not submit a declaration or other evidence of export, and need not account for an advance of points under section 22.2.

[Article XXII added by Amendment 2, 8 F.R. 2681, effective 3–1–43]

Article XXIII—Exempt Agencies; Ships' Stores; Governmental Investigatory Agencies

SEC. 23.1 *Exempt agencies may acquire processed foods.* (a) Nothing in this order restricts the amounts of "processed foods" which may be "acquired" by the Army, Navy, Marine Corps or Coast Guard of the United States or by the War Shipping Administration, Office of Lend-Lease Administration or Food Distribution Administration. (These agencies are referred to in this order as "exempt agencies" and are exempt agencies for the purpose of General Ration Order 3B.) In addition, the Army Exchange Service, to the extent it acquires processed foods for export to a foreign country or a territory or possession of the United States (except the District of Columbia), and ships' service departments afloat, are exempt agencies under this order and General Ration Order 3B, and may acquire processed foods without restriction as to quantity.

SEC. 23.2 *How exempt agencies acquire processed foods.* (a) Each of the agencies listed in section 23.1 is authorized to open one or more exempt ration bank accounts of the type described in General Ration Order 3B. Processed foods may be "transferred" to and acquired by these agencies only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred. However, processed foods may be transferred between or within these agencies without the surrender of points.

(b) Any "person" who transfers processed foods to any of these agencies must, at or before the time of delivery, submit to it an invoice or other statement for the points payable on account of the transfer. The ration check must be sent to the transferor by the time of delivery or as soon as practicable thereafter.

[Paragraph (b) as amended by Amendment 47, 8 F.R. 9629, effective 7–19–43]

(c) If for any reason a ration check cannot be used when one of these agencies acquires processed foods, an emergency acknowledgment shall be given to the transferor, instead of a check. This acknowledgment may be in any form, but must show the name of the agency, the name and address of the activity within the agency for which the processed foods are acquired, the name and address of the activity to which the emergency acknowledgment must be sent for replacement by a ration check, the point value of the processed foods acquired, and the date of acquisition. The acknowledgment must be signed by an authorized officer or employee of the agency, and must show his official title or rank. A person to whom such an acknowledgment is given may not exchange it at a "board" or use it to acquire processed foods but must send it to the agency activity designated thereon, and a ration check for the amount of processed foods transferred shall be given to him in exchange for the acknowledgment.

SEC. 23.3 *Post exchanges and ships' service departments ashore may acquire processed foods for points.* (a) Processed foods may be transferred to and acquired by Army exchanges, post exchanges of the Marine Corps, ships' service departments ashore of the Navy and Coast Guard, commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for points in the form of ration checks equal to the point value of the processed foods transferred, without regard to who transfers them. However, these activities may not

open ration bank accounts with unlimited drawing privileges of the type described in General Ration Order 3B. Points needed by these activities for the acquisition of processed foods will be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard and the Marine Corps, and the Training Organization of the War Shipping Administration. (The issuance of points for use by Army exchanges, post exchanges and ships' service departments ashore for the acquisition of processed foods for institutional use is covered by General Ration Order 5.)

[Paragraph (a) amended by Amendment 41, 8 F.R. 9012, effective 7-1-43 and Amendment 50, effective 8-13-43]

(b) Points may be transferred freely without a transfer of processed foods among ration bank accounts maintained for Army exchanges, among accounts maintained for post exchanges, among accounts maintained for ships' service departments ashore of the Navy, among accounts maintained for commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and among accounts maintained for ships' service departments ashore of the Coast Guard.

[Paragraph (b) as amended by Amendment 50, effective 8-13-43]

(c) During March 1943, Army exchanges, Post Exchanges, Ships' Service Departments Ashore, and similar designated activities, may, if ration checks are unavailable, use emergency acknowledgments to acquire processed foods, in the way described in section 23.2 (c). An emergency aknowledgment issued under this section may not be used by the person to whom it was issued to acquire processed foods, but must be exchanged for a ration check at the activity designated thereon.

SEC. 23.4 *Sales commissaries, post exchanges and ships' service departments ashore may transfer processed foods for points.* (a) Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, and any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Coast Guard and the Food Distribution Administration may transfer processed foods only in exchange for points in the same way as "retailers" are permitted to make transfers under this order. However, they are not required to register as retailers, "wholesalers", or "processors".

(b) All points so received by Army exchanges, post exchanges, ships' service departments ashore, sales commissaries, commissary stores, or any other activity of the Army, Navy, Training Organization of the War Shipping Administration, Marine Corps or Guard Guard or by the Food Distribution Administration must be deposited in the ration bank accounts maintained for them. These points may then be used to acquire other processed foods.

[Paragraphs (a) and (b) as amended by Amendment 50, effective 8-13-43]

SEC. 23.5 *Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.* (a) Allotments of processed foods for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

[Sec. 23.5 as amended by Amendment 21, 8 F.R. 5819, effective 5-8-43]

SEC. 23.6 *Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.* (a) Any "industrial user" who, before July 1, 1943, transfers to any exempt agency any products which he manufactured after February 28, 1943, in the manufacture of which he used processed foods may apply to and obtain from his board a "certificate" equal in point value to the processed foods used by him in such products. The application shall be made on OPA Form R-315, on or before August 1, 1943, and shall set forth the nature and amount of the products, the time when the products were manufactured, the date when such products were transferred and the amount of processed foods he used in such products. The application shall be accompanied by such evidence of transfer to the exempt agency as the board may require. If a certificate is issued under this section, the industrial user's allotment for the allotment period in which it is issued shall be considered increased by the amount of the certificate.

(b) Any industrial user who used a processed food in products which are acquired on or after July 1, 1943, by any of the designated agencies covered by General Ration Order 11, may apply for replacement or advance of such processed foods under the conditions and in accordance with the procedure set forth in General Ration Order 11.

[Sec. 23.6 as amended by Amendment 41, 8 F.R. 9012, effective 7-1-43]

SEC. 23.7 *Ships' stores for ocean-going vessels*—(a) *The owner of the vessel must get a statement from the collector of the customs.* Any person who operates an ocean-going vessel engaged in the transportation of cargo or passengers in foreign, coastwise, or intercoastal trade, and who needs processed foods as ships' stores, must get a statement signed by the Collector of the Customs (or his deputy) authorizing the operator of the vessel (or his agent) to acquire a specified amount of processed foods as ships' stores.

(b) *Acquisition of the processed foods by the owner of the vessel.* The operator of the vessel (or his agent) may, without giving up points, acquire processed foods up to the amount shown on the Customs Collector's statement, by giving the statement to the person from whom he acquired the processed foods.

(c) *Transfer of processed foods to the owner of the vessel.* In exchange for the Customs Collector's statement, any retailer, wholesaler, or processor may, without getting points, transfer processed foods to the operator of the vessel (or his agent) up to the amount specified on the statement. A retailer or wholesaler may then exchange the Customs Collector's statement for a certificate, at his board. He must attach to the statement a signed receipt, invoice, or other evidence to prove the transfer of the processed foods. If the board is satisfied that the processed foods were transferred as ships' stores, it shall issue a certificate to the retailer or wholesaler for the number of points needed to replace the processed foods transferred. A processor must send the Customs Collector's statement and the attached receipt or other evidence with his monthly report (on OPA Form R-1305) to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C.

SEC. 23.8 *Governmental investigatory agencies may acquire processed foods needed in their investigations.* (a) An investigatory agency of the United States or of any State or local government which needs processed foods in order to perform its inspections or investigations may apply for points to acquire them. The application must be in writing, on an official letterhead of the agency (if any is available), and must state the name of the agency, the purpose for which points are needed, the period during which they are needed, and the number of points required. An agency of the United States may make its application to the Washington Office, or to any district or State office. An agency of a State or local government shall apply to the district office (or, where there is none, to the State office). If the district, State, or Washington Office finds that points are needed in order to carry on the investigatory activities of the agency, it shall issue one or more certificates for the number of points required.

(b) The Food and Drug Administration of the Federal Security Agency (which is hereby designated an exempt agency for this purpose) may open one or more exempt ration book accounts of the type described in General Ration Order 3B. However, it may issue ration checks against those accounts only to acquire processed foods which are needed for inspection or investigation.

(c) Any government agency which acquires processed foods for purposes of inspection or investigation may, after they have served the purpose for which they were acquired, dispose of them to any federal, state or local institution without receiving points for them. The institution which receives the processed foods shall report in writing the amount received and the date on which it was received to the district (or State) office for the area in which it is located. Its

allotment shall not be regarded as increased by such acquisition.

[Paragraph (c) as amended by Amendment 37, 8 F.R. 7589, effective 6-10-43]

[Article XXIII added by Amendment 2, 8 F.R. 2681, effective 3-1-43. Article heading added by Amendment 18, 8 F.R. 5342, effective 4-22-43]

Article XXIV—Growers and Country Shippers of Dry Beans, Peas, and Lentils

SEC. 24.1 *Explanation of terms grower and country shipper with respect to dry beans, peas, and lentils*—(a) *Grower.* Any "person" who, for sale or "transfer", grows or produces dry beans, peas, or lentils for his own account or for the account of himself and others, is a "grower" with respect to the dry beans, peas, and lentils grown or produced by him. However, if he is a "country shipper", he is a country shipper even with respect to the dry beans, peas, and lentils grown or produced by him.

(b) *Country shipper.* A country shipper is:

(1) The first person who "acquires" dry beans, peas, or lentils from a grower for purposes of sale or transfer if such person is regularly engaged in the distribution of dry beans, peas, or lentils and if more than fifty percent of the dry beans, peas, and lentils sold or transferred by him are sold or transferred to persons other than "consumers", "retailers", or "industrial" or "institutional users"; or

(2) A person who imports dry beans, peas, or lentils for purposes of sale or transfer.

NOTE: Such person is a country shipper whether he acquires the dry beans, peas, or lentils by warehouse receipt, or otherwise. A person operating a warehouse in which dry beans, peas, or lentils are sorted or cleaned for the account of another person is not a country shipper unless the warehouseman acquires title to the dry beans, peas, or lentils.

(c) *Country shipper may not be grower, processor, or wholesaler.* A person who is a country shipper may not be a grower, "processor", or "wholesaler" with respect to dry beans, peas, or lentils, nor may he include dry beans, peas, or lentils in the inventory or transfers of any of his "processor" or "wholesale establishments". Any country shipper of dry beans, peas, or lentils who is also a processor of other "processed foods" is covered by Article III with respect to the other processed foods and by Article XXIV with respect to dry beans, peas, or lentils.

(d) *A person who is a country shipper or a grower and also a retailer must be treated as two separate persons.* A person who has a "retail establishment" and who is also a country shipper or a grower must be treated as two separate persons.

SEC. 24.2 *Country shippers must register and file reports*—(a) *Registration.* Every country shipper of dry beans, peas, or lentils must register with the Office of Price Administration by filing OPA Form R-1303 at any time before April 20, 1943. The form must be completed and signed by the country shipper or his authorized agent.

(b) *Reports.* Every country shipper of dry beans, peas, or lentils must file a monthly report, also on OPA Form R-1303, covering his operations during the month before. The reports must be signed by him or his authorized agent. His first report will cover March 1943, and will be his registration. Reports for each subsequent month must be filed within 20 days after the end of the month. Any country shipper of dry beans, peas, or lentils who is also a processor of other processed foods must file reports on both OPA Form R-1305 and OPA Form R-1303.

[Paragraph (b) as amended by Amendment 35, 8 F.R. 7353, effective 5-31-43]

(c) *Some country shippers need not file reports for months after March 1943.* A country shipper of dry beans, peas, or lentils who handled less than 10,000 pounds of dry beans, peas, and lentils during 1942 must register but need not file a report for any month after March 1943. However, if the dry beans, peas, and lentils transferred by him in 1943 reach a total of 10,000 pounds, he must file reports beginning for the month in which that figure was reached.

(d) *Country shippers must give information called for by form.* Country shippers of dry beans, peas, or lentils must give all the information called for by OPA Form R-1303.

(e) *Registration and reports must be filed in Washington.* The country shipper's registration and monthly reports must be filed by mailing OPA Form R-1303 to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C. The form is considered filed on time if the envelope is postmarked on or before the last day it is due.

SEC. 24.3 *Country shipper is given a registration number.* (a) After a country shipper of dry beans, peas, or lentils has registered, the "Washington Office" will send him a card giving him his registration number. After he gets the registration number, he must use it on each report, invoice, or similar document prepared in connection with any sale or transfer by him of dry beans, peas, or lentils. (A country shipper who is also a processor of other processed foods will receive two registration numbers. He will receive one registration number as a processor when he registers by filing OPA Form R-1305. That number must be used on his documents prepared in connection with his sales or transfers of processed foods other than dry beans, peas, and lentils He will receive a different registration number when he registers by filing OPA Form R-1303. That second number must be used on his documents prepared in connection with his sales, transfers, and acquisitions of dry beans, peas, or lentils.)

SEC. 24.4 *Country shipper may not do business if he does not register and file reports.* (a) No country shipper may transfer or acquire dry beans, peas, or lentils after April 20, 1943 unless he has registered in the manner required.

(b) No country shipper may transfer or acquire dry beans, peas, or lentils after any date on which a report is due from him, unless he has filed that report.

SEC. 24.5 *Country shippers must report their inventories.* (a) As part of his registration and monthly reports, a country shipper must report his inventory.

(b) A country shipper's inventory consists of all dry beans, peas, and lentils owned or possessed by him, or in transit to him. However, the following items are not part of that inventory:

(1) Dry beans, peas, or lentils stored for the account of persons other than his purchasers or transferees;

(2) Dry beans, peas, or lentils held by him as security for a loan made by him to another (or similar transaction); or

(3) Dry beans, peas, or lentils in transit to him for either of those purposes.

SEC. 24.6 *A country shipper must turn over the points he receives to the Washington office.* (a) A country shipper of dry beans, peas, or lentils is not permitted to buy or acquire processed foods with the points he gets for sale or transfer of dry beans, peas, and lentils which were part of the inventory reported by him, except for one purpose: to get back dry beans, peas, or lentils which he sold or transferred.

[Paragraph (a) as amended by Amendment 47, 8 F.R. 9629, effective 7-19-43]

(b) A country shipper must give up to the Office of Price Administration for cancellation, all points he receives for sales or transfers of dry beans, peas, and lentils. Not later than the 20th day of every month he must issue and mail to the Office of Price Administration, care of the Bureau of the Census, Washington, D. C., his certified ration check (payable to the Office of Price Administration) for all those points he received during the month before. A country shipper who is required to file monthly reports on OPA Form R-1303, must attach his check to the report. A country shipper who does not have to file monthly reports must send his check in a sealed envelope, enclosing a statement showing his name, principal business address, and registration number.

(c) A country shipper who used some of those points to get back dry beans, peas, or lentils which he transferred must issue and send his check for the rest. He must enclose with his check a statement giving the name of the person who returned the dry beans, peas, or lentils and their point value.

SEC. 24.7 *A country shipper must keep records.* (a) Beginning April 1943, every country shipper of dry beans, peas, or lentils must keep at his principal business office a record showing:

(1) All dry beans, peas, and lentils acquired by him;

(2) All dry beans, peas, and lentils sold or transferred for points;

(3) All dry beans, peas, and lentils sold or transferred for purposes of seed;

(4) All dry beans, peas, and lentils sold or transferred point-free to other country shippers; and

(5) All weight adjustments.

(b) He must also keep, at his principal business office, a copy of his registration and of his monthly report on OPA Form R–1303 (if any are required).

(c) In addition, at the time of any change in the point value of dry beans, peas, or lentils, every country shipper must make a record of the amount of that item which he has in his inventory. The record must show the point value of the item before and after the change and the amount by which the point value of his inventory was increased or decreased as a result.

SEC. 24.8 *Country shippers must open a ration bank account.* (a) Every country shipper must open at least one ration bank account for his operations in dry beans, peas, and lentils. If he has more than one business office, he may, if he wishes, open a separate account for each or for any group of them.

SEC. 24.9 *Growers who sell or transfer dry beans, peas, or lentils to persons other than country shippers must do so only for points.* (a) Any grower, who sells or transfers dry beans, peas, or lentils directly to persons other than country shippers, must do so only for points equal to the point value of the dry beans, peas, and lentils sold or transferred.

(b) Points, received by a grower as a result of sales or transfers of dry beans, peas, or lentils directly to persons other than country shippers, may not be used by the grower for any purpose. They must, between the 1st and 10th days of the following month, be given up to the "Board" for the place where the dry beans, peas, or lentils were grown.

[Article XXIV added by Amendment 9, 8 F.R. 4342, effective 4–2–43]

Article XXV—Acquisition of Processed Foods by Residents of Mexico

SEC. 25.1 *Residents of Mexico may acquire processed foods in the United States.* (a) Any "person" who resides in Baja California, Mexico, within ninety kilometers of the border between Mexico and the United States, or in any other part of Mexico within twenty kilometers of that border, may apply for points to "acquire" "processed foods" in the United States. The application must be made, in person, on OPA Form R–183, to the "board" whose office is nearest his customary point of entry into the United States, or if the applicant is unable to apply to the board because of inadequacy of transportation, to the customs officer in charge of his customary point of entry. A single application must be made by the applicant for himself and for all members of his "family unit" (that is, for all persons living in his household who are related to him by blood, marriage, or adoption) who wish to acquire processed foods. An application may be made by a person under 18 years of age only if he is the head of a household or is not a member of a family unit. However, anyone who can complete the application may sign or present it as agent for an applicant who is unable to appear.

(b) The application must be signed by the applicant or his agent and must show:

(1) His name, address and age;

(2) The names and ages of all persons living in his household who are related to him by blood, marriage or adoption and who wish to acquire processed foods;

(3) The name and address of the "retailer", "wholesaler", "processor", "country shipper", or "grower" from whom the processed foods are to be acquired; and

(4) The serial number of the Non-Resident Alien's Border Crossing Identification Card, if any, or of the passport, if any, bearing either a visa for entry into the United States or a notation showing that such a visa has been issued for use by the applicant, and of any cards or passports issued for use by the persons included in the application. The applicant shall present them, if any have been issued, to the board (or Customs Officer) at the time he makes his application. He shall also give any other information which the board or Customs Office may request.

[Paragraph (4) as amended by Amendment 42, 8 F.R. 9012, effective 7–1–43]

(c) If the board (or Customs Officer) finds that the persons covered by the application reside in Mexico, within the area described in paragraph (a), and desire to acquire processed foods in the United States, it shall grant the application and shall issue yellow punch cards (OPA Form R–184) as provided in this article. (Applicants who have received certificates for a period prior to July 1, 1943, may obtain yellow punch cards for a subsequent period by returning to the board (or Customs Officer) the duplicate copies of such certificates, in accordance with paragraph (m).)

(d) The monthly ration of processed foods for each of the persons for whom the application is granted shall be 48 points. Yellow punch cards shall be issued for periods of two calendar months, beginning July 1, 1943. However, a card shall be issued for only one calendar month, if it is issued in August 1943 or in any second month thereafter, unless it is then issued for the next two month period. The full monthly ration shall be allowed for the month in which the application is made regardless of the time of the month when it is made, if a ration is desired for that month.

(e) One yellow punch card shall be issued for all persons included in the application. However, if there are more than 5 such persons, one additional yellow punch card shall be issued for each additional 5 persons or less. The board (or Customs Officer) shall indicate the number of persons for whom the card is issued by perforating the appropriate box on the top of the card. For each person fewer than 5 for whom a card valid for two months is issued, the board (or Customs Officer) shall remove two of the horizontal strips, each containing the numbers 1 to 48, starting at the bottom of the card. For each person fewer than 5 for whom a card valid for one month is issued, the board (or Customs Officer) shall remove horizontal strips starting at the bottom of the card, in sufficient number to leave as many strips attached to the card as there are persons for whom the card is issued.

(f) The board (or Customs Officer) shall indicate the period for which the yellow punch card is valid by perforating the appropriate boxes under the words "Ration for". The name and address of the applicant and of the retailer, wholesaler, processor, country shipper or grower from whom the processed foods will be acquired shall be written by the board (or Customs Officer) in the spaces on the card provided for that purpose. If the applicant has a Non-Resident Alien's Border Crossing Identification Card, or passport bearing either a visa for entry into the United States or a notation showing that such a visa has been issued, the board (or Customs Officer), at the time a yellow punch card is issued, shall endorse the letter "R" upon these immigration papers and upon the immigration papers, if any, of the other persons included in the application. A validation stamp (OPA Form R–123) shall be pasted on the reverse side of each yellow punch card issued.

(g) If the board (or Customs Officer) which issued a yellow punch card is not the board for the area in which the supplier designated on the card is located it shall notify the supplier's board of the issuance by following the procedure indicated below:

(1) If the card is issued pursuant to an application on OPA Form R–183, it shall send to the supplier's board a copy of the application, with a notation of its action.

(2) If the card is issued upon surrender of an expired certificate or yellow punch card, without a new application on OPA Form R–183, as provided in paragraph (m), it shall send the expired card or certificate to the supplier's board.

(h) Between the 10th and the 15th of July 1943, and between the 10th and 15th day of every second month thereafter, each board shall send a "certificate" to each retailer, wholesaler, processor, country shipper or grower within its area entitled thereto, who has been designated on yellow punch cards for which he has not previously been given a certificate. However, no certificate shall be issued to any such supplier until he has submitted to the board the reports required by section 25.3.

(i) Each certificate issued under paragraph (h) in July 1943, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued prior to July 10, 1943;

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes, is the total number of points given him by certificates previously issued under this Article, less the point value of all processed foods transferred by him

to residents of Mexico, prior to July 1, 1943.

[Paragraphs (c), (d), (e), (f), (g), (h), and (i) as amended by Amendment 42, 8 F.R. 9012, effective 7-1-43]

(j) Each certificate issued under paragraph (h) in September 1943, or in any second month thereafter, shall be for the number of points computed in the following manner:

(1) Add the number of points allowed by all the yellow punch cards on which the supplier has been designated, issued before the 10th day of the current month and after the 9th day of the second preceding month, and for which no certificate has previously been issued.

(2) Deduct from that total the number of points, if any, which the supplier owes. The number of points which he owes is the total number of points given him by all certificates previously issued to him under this Article, less the point value of all processed foods transferred by him to residents of Mexico, up to the end of the preceding month, pursuant to this Article.

(k) For the purposes of paragraphs (i) and (j) only, a yellow punch card issued by a Customs Officer or a board other than the supplier's board shall be considered issued on the date when the supplier's board receives the information as to issuance, as provided in paragraph (g).

(l) A retailer or wholesaler designated on any yellow punch card issued to an applicant at any time other than between the 1st day and the 9th day of July 1943, or of any second month thereafter, may apply to his board for a certificate to cover that card. His application need not be on any particular form. He must show that he will be unable to acquire sufficient processed foods to meet consumer demand under rationing if he waits until the next regular period for issuance of certificates under paragraph (h). The board may give him a certificate for the number of points allowed by any such cards.

(m) Upon the expiration of a certificate issued under section 25.1 (c) as it read prior to July 1, 1943, or of any yellow punch card, the board (or Customs Officer) shall issue a yellow punch card for a subsequent period, but only if the applicant returns the expired duplicate certificate or card to it. The applicant shall, within five days after the expiration of any certificate or yellow punch card issued to him, return the duplicate of the certificate, or the card, to the board (or Customs Officer), either in person or by mail. However, if the duplicate certificate or yellow punch card has been lost, destroyed or stolen, a supplier's statement given to the applicant before July 1, 1943 under section 25.2 as it read prior to that date, or a white punch card given to the applicant by his supplier as provided in section 25.2 as amended, may be returned to the board (or Customs Officer) instead. If the applicant has not received such a statement or a white card, a board may waive compliance with this requirement. No new application is required for the issuance of a yellow punch card to replace an expired yellow punch card or an expired certificate issued for a period prior to July 1, 1943, unless, since the date of the last application, there has been a change in the number of members of the applicant's household related to him by blood, marriage or adoption who wish to acquire processed foods. Acceptance by applicant of a yellow punch card to replace an expired card or certificate shall constitute a representation by the applicant that the number of such persons has not been reduced

(n) An applicant may apply to the board (or Customs Officer) where his original application was made, to change the retailer, wholesaler, processor, country shipper or grower from whom he acquires processed foods. However, no application for such a change shall be made with respect to any currently valid yellow punch card unless the supplier designated on the card refuses to transfer processed foods against it under section 25.2. Any yellow punch card thereafter issued to the applicant by the board (or Customs Officer) shall be issued with the name and address of the new supplier written on it in the space provided for that purpose.

[Paragraphs (j), (k), (l), (m), and (n) added by Amendment 42, 8 F.R. 9012, effective 7-1-43]

SEC. 25.2 *How processed foods may be transferred to residents of Mexico.* (a) Each supplier who has been designated by an applicant as the person from whom processed foods are to be acquired, may transfer to the applicant to whom a yellow punch card has been issued, or to his authorized agent, and the applicant (or his agent) may acquire from the supplier, processed foods up to the number of points allowed by the yellow punch card, at any time during the valid period indicated on the card.

[Paragraph (a) as amended by Amendment 42, 8 F.R. 9012, effective 7-1-43]

(b) A supplier who transfers processed foods against a yellow punch card shall, at or before the time of his first transfer against that card, make an exact copy of it on a white punch card which will be furnished to him by his board.

(c) Each time a supplier transfers processed foods against a yellow punch card he shall indicate, on the transferee's yellow punch card and upon the duplicate white punch card made out by the supplier, the point value of the processed foods transferred. This is to be done by perforating the appropriate box in the horizontal strip, or crossing out the number in that box, beginning at the bottom of the card, and by removing one strip for each 48 points of processed foods transferred. (For example, if the processed foods first transferred have a point value of 44 points, the supplier is required to perforate the box in the first horizontal strip containing the number 44 or to cross out that number. If the second transfer is for 24 points, the supplier is required to remove the first strip and to perforate the box in the second horizontal strip containing the number 20 or to cross out that number.)

(d) No transfer may be made unless the yellow punch card is presented to the transferor. However, if the applicant or his agent fails to present the yellow punch card on the ground that it has been lost, destroyed or stolen, the supplier may make an exact copy of his white punch card on another white punch card. He shall sign the white punch card which he makes out in this manner. This card may then be used in place of the lost, destroyed or stolen yellow punch card.

[Paragraphs (b), (c) and (d) added by Amendment 42, 8 F.R. 9012, effective 7-1-43]

SEC. 25.3 *Records and reports by supplier from whom processed foods are to be acquired.* (a) Any retailer, wholesaler, processor, country shipper or grower who has been designated by an applicant as the supplier from whom processed foods are to be acquired shall maintain and keep at his place of business the white punch card which he is required by section 25.2 (b) to make out for each such applicant. Not later than the 10th day of September 1943 and not later than the 10th day of every second month thereafter the supplier must give his board a written statement showing the total number of points given to him by certificates issued under this Article during the two preceding calendar months and the total number of unused points left on yellow punch cards valid for those months, on which he has been designated as supplier.

[Sec. 25.3 as amended by Amendment 42, 8 F.R. 9012, effective 7-1-43]

SEC. 25.4 *Records and reports by suppliers who transferred processed foods to residents of Mexico before July 1, 1943.* (a) Any retailer, wholesaler, processor, country shipper or grower to whom a certificate has been issued under this Article prior to July 1, 1943, shall maintain and keep at his place of business a record showing the name of each applicant for whom he has received such certificate, the point value of each certificate and of all processed foods transferred against it and the dates of such transfers. Before the 10th day of July 1943, he must give to his board a written statement showing the total point value of all certificates received by him for June 1943 and the total point value of all transfers of processed foods made under such certificates during that month.

[Sec. 25.4 as amended by Amendment 42, 8 F.R. 9012, effective 7-1-43]

[Article XXV added by Amendment 19, 8 F.R. 5568, effective 4-26-43]

Article XXVI—Home Processed Foods

SEC. 26.1 *Explanation of terms home processor and home processed foods—(a) Processed foods produced in kitchen are home processed foods.* "Processed foods" produced in a "kitchen" are "home processed foods".

(1) A "person" is considered to "produce" home processed foods, for the purposes of this Article, if he:

(i) Takes an active part in the processing of such foods; or

(ii) Contributes the fruits or vegetables for processing by others; or

(iii) Contributes facilities, such as steamers, pressure cookers, or the kitchen, to be used by others to produce such foods.

(2) A "kitchen" is a place principally used for the preparation of meals, or for the demonstration of such preparation (such as a kitchen in a school or in a home economics center).

SEC. 26.2 *Person may consume home processed foods he produces and may give away limited amounts*—(a) *Points need not be given up for use.* A person may consume home processed foods he produces, and may let members of his "family unit", and others who eat at his table or on a farm he operates, consume them, without giving up points.

(1) A "family unit" consists of all persons related by blood, marriage, or adoption, who regularly reside in the same household.

(b) *Gifts.* He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but no more than fifty (50) quarts (or one hundred (100) pounds) of such foods per member may be given away point-free by the family unit in any calendar year. One quart of processed foods is considered the equivalent of two pounds.)

SEC. 26.3 *A person may sell home processed foods he produces*—(a) *He may sell only for points.* A person may not sell or "transfer" home processed foods produced by him (except for those he is permitted to give away point-free under section 26.2 (b)) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by section 26.2 (b). (The point value of home processed foods is fixed by Revised Supplement No. 1 to this order.)

(b) *He must keep records and surrender points to board.* For this purpose he need not register as a "processor" or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers of home processed foods for points during any month, he must give up the points to his "board," on or before the tenth day of the next month.

SEC. 26.4 *Person producing processed foods in place other than a "kitchen" may get permission to treat them as home processed foods*—(a) A person may produce processed foods in a place not used principally for the preparation of meals or for demonstrating such preparation (and hence not a kitchen as defined in section 26.1 (a) (2)). Yet the facilities he uses may not differ substantially from those ordinarily found in a "kitchen", and may clearly not be commercial-scale processing facilities. For example, a farmer may have a kitchen in his home, where the meals for his household are prepared, and separate facilities elsewhere on his premises, perhaps in a shed, consisting of a stove, and a steamer or pressure cooker. A person who has such a place and facilities may apply to his board in writing for permission to treat the processed foods produced there as "home processed foods". He shall describe the facilities he intends to use, the purposes for which those facilities are ordinarily used, the total amount of processed foods he expects to produce there, and the disposition to be made of such processed foods.

(b) If the board finds that the facilities to be used are clearly not commercial-scale processing facilities and do not differ substantially from those ordinarily found in a kitchen, it shall notify the applicant that the foods so produced may be treated as home-processed foods. The applicant may then use and transfer them as permitted by sections 26.2 and 26.3 of this order.

SEC. 26.5 *Person may have foods grown by members of his family unit processed by a processor for household consumption*—(a) *He may acquire such foods point-free.* A person may "acquire" from a processor, point-free, processed foods produced for him (including foods frozen for him) from foods which he or members of his family unit have grown, if he supplies all the ingredients in an amount necessary to produce such foods. Not more than one hundred (100) quarts of such processed foods per member may be acquired by or for any family unit under this section in any calendar year. He may acquire such processed foods point-free only if he gives to the processor a signed statement that the foods to be processed were grown by a member of his family unit, together with the names of each member of his family unit. The processor shall retain this statement for one year.

(b) *He may consume such foods and give away limited amounts.* He may consume such foods, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume them, without giving up points. He and the members of his family unit may give (but not sell) such foods to any other person without receiving points, but not more than fifty (50) quarts of such foods per members may be given away point-free in any calendar year by the family unit.

(c) *He may sell only for points, and must surrender points he gets to the board.* He may not sell or transfer any of such foods (except for those he is permitted to give away point-free by the last paragraph) unless he gets points equal to the point value of the foods so transferred. He must also get points for any gifts made in excess of the amount permitted by the last paragraph. (Such foods are not home processed foods, and they may be transferred only at their regular point value, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.) For this purpose, he need not register as a processor or make reports, but must keep a record of any transfer he makes, showing the amount and date of the transfer, and the name and address of the person to whom the transfer is made. If he makes any transfers for points during any month, he must give up the points to his board on or before the tenth day of the next month.

SEC. 26.6 *Consumer groups may acquire and use processed foods they produce in commercial scale processing facilities*—(a) *Member of group may acquire his share of processed foods produced.* In some cases, a group of persons may be permitted by the owner or operator of commercial-scale processing facilities to use such facilities after business hours, or during the off-season. Each member of a group which produces processed foods in such facilities primarily for consumption in their households or on farms they operate, may acquire his share of the foods so produced point-free, and without the limitation as to amount established by section 26.5 of this order, but only if:

(1) He "produces" his share of such processed foods (he "produces" such share if he participates in the production by doing any of the things described in section 26.1 (a) (1) of this order); and

(2) Neither the person who owns or who normally operates the facilities used, nor an employee of this person, does any of the processing; and

(3) The members of the group have used the same facilities for the same purpose in the past, or if they have not, they use such facilities only to process fruits or vegetables grown by a member of the group, or by a member of his family unit.

(b) *Member of group may apply to board.* Any member of a group which wishes so to produce processed foods in commercial-scale processing facilities may make application to his board in writing on behalf of the group, stating:

(1) The name and address of each member of the group; and

(2) The facts which bring the group under paragraph (a); and

(3) The total amount of processed foods to be produced; and

(4) The disposition to be made of the foods produced.

(c) *Board may approve application.* If the board finds that the group and its members meet all the requirements of paragraph (a) of this section, it shall approve the application.

(d) *Member may acquire and consume his share point-free and give away limited amounts.* Upon receipt of approval of the application from the board, each member of the group may acquire his share of the processed foods produced by the group point-free, and may consume it, and let the members of his family unit, and others who eat at his table or on a farm he operates, consume it, without giving up points. He and the members of his family unit may give (but not sell) his share to any other person, but no more than fifty (50) quarts of such foods per member may be given away point-free by the family unit in any calendar year. Processed foods produced pursuant to this paragraph are not home processed foods. A member of a group who sells or transfers any part of his share of such foods (except for the amount he is permitted to give away point-free by this paragraph) is considered a processor as to that part. He

must register and file the reports required by section 3.2 of this order. He may make such transfers only in exchange for points equal to the regular point value of the processed foods transferred, as fixed by Revised Supplement No. 1 to this order, rather than at the point value of home processed foods.

SEC. 26.7 *Certain community groups may apply to Washington Office for an exception*—(a) In certain instances, as in the case of some religious groups or sects, communities carry on their activities and produce and distribute foods among their members on a cooperative basis. In such cases, certain members of the community may produce processed foods from fruits and vegetables grown by members, while others produce other types of foods. The various types of foods produced may then be interchanged, but many members of the community who get the processed foods may not have been members of the group which produced them and so may not meet the requirements of this Article. If, in such case, the processed foods are produced exclusively for consumption by members of the community, the group may apply to the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C., for an exception permitting distribution of such processed foods to any members of the community. The application must be in writing, in any form, and must show the manner in which the community operates, the type of facilities used for processing, the source of the foods processed, the amount of processed foods produced, and the class of persons by whom they are produced and to whom they are to be distributed.

(b) The Director of the Food Rationing Division will act on the application according to the circumstances of the case and may, in his discretion, permit distribution of the foods among the members of the community in such manner and under such conditions as he establishes.

SEC. 26.8 *Group II and III institutional users may use and transfer processed foods they produce as provided in General Ration Order 5.* This Article does not apply to the production of processed foods for use in, or to the use of processed foods in, Group II or III "institutional user establishments." The production, use, and transfer by Group II or III "institutional users" of home processed foods and of other processed foods they produce, are governed by General Ration Order 5.

[Article XXVI added by Amendment 27, 8 F.R. 6137, effective 5–15–43.]

Appendices

Appendix A. The following foods are not "processed foods" as that term is used in this order:

Apple cider.
Apple juice.
Artichoke paste.
Beans, lentils, or peas held for sale or transfer exclusively as seed for sowing or planting (and not for human consumption) and marked or labeled in accordance with any applicable federal or state seed laws, or, if none is applicable, in accordance with the standards stated in the federal seed law.
Beans, lentils, or peas which contain not more than 10% sound beans, lentils, or peas; and beans, lentils, or peas infested with insects or otherwise unfit for human consumption.
The by-product, if sold exclusively as animal feed or fertilizer, of milling and sorting or otherwise processing for marketing as seed, and consisting of a mixture of dry beans, peas, or lentils which is not a recognized trade variety (for human consumption) of dry beans, peas, or lentils.
Bitters.
Bouillon cubes and powders.
Bread or cake with raisins including brown bread.
Candied fruits.
Cane syrups.
Capers.
Cereals.
Chocolate syrup.
Clam broth.
Clam juice.
Clam juice cocktail.
Condiment sauces (other than those containing a base of tomato products).
Corn-on-the-cob (hermetically packed).
Corn syrup.
Date and nut bread.
Dates (unless packed in hermetically sealed containers and sterilized by the use of heat).
Dehydrated vegetables (hermetically packed).
Dried mushrooms (hermetically packed).
Dry blackeye peas (otherwise known as dry blackeye beans).
Dry cow peas.
Figs (unless packed in hermetically sealed containers and sterilized by the use of heat).
Fountain fruits. Fountain fruits means a product made of fruits (either whole, cut or crushed), added sugar solids constituting at least 40% of the product by weight, and color, flavoring, acidulant or preservative, and which is ordinarily used as an ice-cream topping or dressing, or in the manufacture of ice-cream.
Fruit and vegetable dyes and flavoring extracts, fruit syrups and similar products (other than full strength or concentrated fruit or vegetable juices).
Fruit and vegetable juices in containers over one (1) gallon.
Fruit cakes.
Fruit flavoring bases prepared for use in the further manufacture of products for human consumption and consisting of a combination of fruit juice with one or more of the following added ingredients: acidulent, citrus oil, fruit extract or other flavoring material.
Fruit puddings.
Gravy mixes.
Green turtle soup.
Health foods with wheat, gluten or other cereal or flour base.
Hearts of palm and hearts of artichokes.
Horseradish.
Jams, jellies, marmalades, fruit butters, and other similar preserves.
Maraschino cherries.
Marrons and nesselrode.
Meat stews even though containing some vegetables.
Milk.
Mincemeat.
Molasses and bead molasses.
Mustard.
Nuts, nut meats and nut milks.
Olives.
Onion soup (hermetically packed).
Oyster soup.
Papaya nectar.
Peanut butter.
Peppers and pimentos.
Pickles; relishes; pickled onions, tomatoes and watermelon; cocktail onions, mushrooms and oranges; and spiced cantaloupe and watermelon.
Popcorn.
Potato salad.
Root and ginger beer extracts.
Soft drinks containing less than 25% by weight of natural fruit juices.
Soya bean milk and soya bean oil.
Soy sauce.
Spaghetti, macaroni, noodles or similar paste products packed in hermetically sealed containers, even though mixed or combined with added vegetable sauces.
Spices.
Terrapin soup.
Vegetable seasonings including liquid and salts.

[Appendix A added by Amendment 3 8 F.R. 2684, and amended by Amendment 4, 8 F.R. 2943, effective 3–8–43, Amendment 5, 8 F.R. 3179, effective 3–13–43, Amendment 8, 8 F.R. 3949, effective 3–29–43, Amendment 18, 8 F.R. 5342, effective 4–22–43, Amendment 24, 8 F.R. 5757, effective 5–1–43, Amendment 32, 8 F.R. 7267, effective 6–6–43, Amendment 36, 8 F.R. 7490, effective 6–6–43, Amendment 46, 8 F.R. 9459, effective 7–14–43, and Amendment 47, 8 F.R. 9629, effective 7–19–43]

Appendix B. The reporting periods for which "processors" and "wholesalers" must prepare and file reports, are as follows:

1. February 1 to February 28, 1943, inclusive (processors only).
2. March 1 to March 31, 1943, inclusive.
3. April 1 to May 1, 1943, inclusive.
4. May 2 to June 5, 1943, inclusive.
5. June 6 to July 3, 1943, inclusive.
6. July 4 to July 31, 1943, inclusive.
7. August 1 to September 4, 1943, inclusive.
8. September 5 to October 2, 1943, inclusive.
9. October 3 to October 30, 1943, inclusive.
10. October 31 to December 4, 1943, inclusive.
11. December 5, 1943 to January 1, 1944, inclusive.
12. January 2 to January 29, 1944, inclusive.
13. January 30 to March 4, 1944, inclusive.
14. March 5 to April 1, 1944, inclusive.
15. April 2 to April 29, 1944, inclusive.
16. April 30 to June 3, 1944, inclusive.
17. June 4 to July 1, 1944, inclusive.
18. July 2 to July 29, 1944, inclusive.
19. July 30 to September 2, 1944, inclusive.
20. September 3 to September 30, 1944, inclusive.
21. October 1 to October 28, 1944, inclusive.
22. October 29 to December 2, 1944, inclusive.
23. December 3 to December 30, 1944, inclusive.

[Appendix B added by Amendment 35, 8 F.R. 7353, effective 43–1–43]

Effective Date

This ration order shall become effective at 12:01 a. m. on March 1, 1943, except that sections 2.2, 9.1 and 21.1 shall become effective at 12:01 a. m. on February 21, 1943. [Issued February 20, 1943.]

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

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12835; Filed, August 7, 1943; 10:44 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,[1] Amdt. 53]

MEAT, FATS, FISH AND CHEESES; SALES TO ARMY EXCHANGES, ETC.

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

Ration Order 16 is amended in the following respects:

1. Section 22.3 (a) is amended to read as follows:

(a) Foods covered by this order may be transferred to and acquired by Army exchanges, post exchanges of the Marine Corps, ships' service departments ashore of the Navy and Coast Guard, commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, and other similar activities designated by the respective exempt agencies, only in exchange for points in the form of ration checks equal to the point value of the foods transferred, without regard to who transfers them. However, these activities may not open ration bank accounts with unlimited drawing privileges of the type described in General Ration Order 3B. Points needed by these activities for the acquisition of foods covered by this order will be issued to them in accordance with arrangements between the Office of Price Administration and the Army Exchange Service of the United States War Department, the Bureau of Naval Personnel of the Navy Department, the Coast Guard and the Marine Corps, and the Training Organization of the War Shipping Administration. (The issuance of points for use by Army exchanges, post exchanges and ships' service departments ashore for the acquisition of foods covered by this order for institutional use is covered by General Ration Order 5.)

2. Section 22.3 (b) is amended by inserting between the words "Navy," and "and" the following:

* * * among accounts maintained for commissary stores and ships' service departments of the Training Organization of the War Shipping Administration, * * *

3. Section 22.4 (a) and (b) are amended by inserting in each between the words "Navy," and "Marine" the following:

* * * Training Organization of the War Shipping Administration, * * *

This amendment shall become effective August 13, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. I–M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12826; Filed, August 7, 1943; 10:46 a. m.]

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

[1] 8 F.R. 6446, 6614, 6620, 6687, 6840, 6960, 6961, 7115, 7268, 7381, 7281, 7589, 7455, 7491, 8357, 8540, 8614, 8869, 8844, 9025, 9014, 9024, 9217, 9305, 9836, 10085.

PART 1499—COMMODITIES AND SERVICES

[Order 597 Under § 1499.3 (b) of GMPR]

JOHN H. DULANY AND SON

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.2135 *Authorization of maximum prices for sales of Frozen Pork and Beans by John H. Dulany and Son, Fruitland, Maryland.* (a) On and after August 9, 1943, the maximum prices for sales by John H. Dulany and Son, Fruitland, Maryland, of Frozen Pork and Beans manufactured by it, shall be as follows for the respective sizes and packages:

	Per package f. o. b. plant
"Retail" package—1 pound six ounces, packed 24 to the case	$.18
"Institutional" package—12 pounds, packed 4 to the case	$1.25

(b) John H. Dulany and Son is not required to apply any discounts to the maximum prices authorized by paragraph (a).

(c) This Order No. 597 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 597 shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12828; Filed, August 7, 1943; 10:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 89 Under SR 15 to GMPR]

SARGENT BARGE LINES, INC.

Order No. 89 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation—Docket No. GF1–975–P.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1389 *Adjustment of maximum prices for contract carrier services by Sargent Barge Line, Inc., No. 1 Broadway, New York, New York, for Jersey Central Power and Light Company, National Sugar Refining Company and National Lead Company.* (a) Sargent Barge Line, Inc., No. 1 Broadway, New York, New York may furnish to Jersey Central Power and Light Company, National Sugar Refining Company, and National Lead Company contract carrier services at prices not to exceed the following:

Jersey Central Power and Light Company

	Cents per long ton
Raritan River Plant, Sayreville, N. J.	31.1
South Amboy Plant, South Amboy, N. J.	27.6

National Sugar Refining Company

Anthracite Coal—All ports	34.9
Bituminous Coal—Lower ports [1]	30.0
Bituminous Coal—Upper ports [2]	29.6

National Lead Company (Titanium Division)

Bituminous Coal—Lower ports [1]	29.5

[1] This reference is to Port Reading, South Amboy and Perth Amboy, N. J.

[2] This reference is to Pier 18, Jersey City, Hoboken, and Edgewater, N. J.

(b) All prayers of the protest filed by Sargeant Barge Line, Inc., Docket No. GF1–975–P, not granted herein are denied.

(c) This Order No. 89 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 89 (§ 1499.1389) shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–12827; Filed, August 7, 1943; 10:46 a. m.]

PART 1425—LUMBER DISTRIBUTION

[Rev. MPR 215, Amdt. 1]

DISTRIBUTION YARD SALES OF SOFTWOOD LUMBER

Correction

In F.R. Doc. 12670 appearing on page 10937 of the issue for Friday, August 6, 1943, the second sentence of the final paragraph should read as follows:

"The regulation permits the making of certain adjustable pricing agreements to cover such situations."

PART 1341—CANNED PRESERVED FOODS

[MPR 409,[1] Amdt. 3]

FROZEN FRUITS, BERRIES AND VEGETABLES (1942 PACK AND AFTER)

A statement of the considerations involved in the issuance of this amendment has been filed with the Federal Register.*

Maximum Price Regulation No. 409 is amended in the following respects:

1. In section 3 (b) (2) the item "Spinach ____0¢" is deleted.

2. In section 3 (b) (2) the following items are added to the second list, immediately following the item "Peaches, clingstone ____$60.00."

Peaches, free-stone:	
Oregon and Washington	$60.00
California	to be announced

(For other peach prices see table below).

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

[1] 8 F.R. 5358, 9298.

3. The following item is added to the third list in section 3 (b) (2):

Spinach	1¢

4. In section 3 (b) (2) the following item is added to the third list, immediately following the item "Apricots ------ $31.00."

Peaches, free-stone:	
States other than Oregon, Washington and California	$10.00.

5. The sentence "Commodities for which no figure is named continue to be subject to Maximum Price Regulation No. 207." is deleted from the end of section 3 (b) (2) and is inserted as section 3 (b) (4).

6. Section 3 (b) (3) is added to read as follows:

(3) *Special provisions for adjustment for certain miscellaneous commodities.* The miscellaneous frozen fruits and vegetables covered in this subparagraph are as follows:

Group I:
- Rhubarb.
- Melons.
- Ford hook lima beans.
- Broccoli.
- Brussels sprouts.
- Cauliflower.
- Squash.
- Pumpkin.
- Kale.
- Vegetable greens (except spinach).

Group II:
- Lima beans (except Ford hook lima beans).
- Beets.
- Carrots.

Group III:
- Mixed vegetables.
- Mixed fruits.

(i) *Maximum prices for fruits and vegetables in Group I.* The packer's maximum price per dozen containers, or other unit, f. o. b. shipping point, shall be his maximum price for the 1942 pack for the same variety, style, grade and container size of the same item, plus 20% of the 1942 raw material cost per dozen or other unit as required to be computed by Maximum Price Regulation No. 207.[2]

(ii) *Maximum prices for fruits and vegetables in Group II.* The packer's maximum price per dozen containers, or other unit, f. o. b. shipping point shall be computed by the packer by adjusting his maximum price per dozen, or other unit f. o. b. shipping point for the 1942 pack of the same variety, style, grade and container as follows:

Deduct the total 1942 raw material cost per dozen containers or other unit as required to be computed by Maximum Price Regulation No. 207, and

Add to the figure so obtained the total raw material cost per dozen containers or other unit determined by dividing the applicable support price of the War Food Administration for the area where the factory is located by the number of dozens of containers or other units obtained per ton of raw material as required to be computed by Maximum Price Regulation No. 207.

(iii) *Maximum prices for mixed fruits and vegetables. (Group III).* (a) The packer's maximum price per dozen containers, or other unit f. o. b. shipping point for sales other than to government procurement agencies, shall be his maximum price for the same item of the 1942 pack, adjusted for the difference in raw material cost, to be computed as provided herein. The difference in cost shall be separately computed for each item in the combination, as follows:

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

(2) For raw material in Group II, deduct the raw material cost for such material required to be used in computing maximum prices for the 1942 pack and add the 1942 raw material cost for such materials, obtained by dividing the applicable support price of the War Food Administration for the area in which the packer's factory is located by the dozen container or other unit yield per ton required to be used in computing the 1942 maximum price.

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

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

7. In section 2 a new sentence is added to the first undesignated paragraph following the list, to read as follows: Such reduction must be shown on the packer's invoice as an allowance to the purchaser on the selling price.

8. In section 3 (j) a new sentence is added to read as follows: Such reduction must be shown on the packer's invoice as an allowance to the purchaser on the selling price.

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12865; Filed, August 7, 1943; 4:21 p. m.]

[2] 8 F.R. 2977.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 169,[1] Amdt. 24]

BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

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

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. Section 1364.415 (a) is amended to read as follows:

(a) No hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment shall sell and deliver to purveyors of meals, other than the War Shipping Administration and contract schools, during any three-month period beginning June 1, September 1, December 1, or March 1, a volume of fabricated meat cuts of all kinds in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (e. g. fresh, frozen, cured, smoked, cooked, canned, dried, etc.) of meats, variety meats (e. g. liver, tongue, kidney, etc.), edible by-products, and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment from September 15, 1942, through December 15, 1942, to purveyors of meals other than sales to war procurement agencies.

2. The column heading designated as III of the table contained in § 1364.452 (p) (3) is amended to read as follows:

III
Trimmed beef tenderloin cutter and canner grade (may not be sold to retailers)

3. Section 1364.455 (b) (1) is amended to read as follows:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and in the sale of fabricated meat cuts, variety meats, edible by-products and sausage to purveyors of meals, including the sale of beef carcasses and wholesale cuts to purveyors of meals as an incident to the sale of fabricated meat cuts; and which during the period September 15, 1942, through December 15, 1942, sold to purveyors of meals, other than war procurement agencies not less than 70 percent of the total weight volume of meat, variety meats, edible by-products or sausage sold by it.

4. Subdivision (v) of § 1364.455 (b) (2) is added to read as follows:

(v) "Contract school" (means and includes any person who is feeding, pur-

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

[1] 8 F.R. 4097, 4786, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 10302, 10363, 10671.

suant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

5. Section 1364.470 (b) (1) is amended to read as follows:

(1) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment, which is engaged in the fabrication of meat cuts and in the sale of fabricated meat cuts, variety meats, edible by-products and sausage to purveyors of meals, including the sale of veal carcasses and veal wholesale cuts to purveyors of meals as an incident to the sale of fabricated meat cuts, and which during the period September 15, 1942, through December 15, 1942, sold to purveyors of meals, other than war procurement agencies, not less than 70 percent of the total weight volume of meat, variety meats, edible by-products or sausage sold by it.

6. Subdivision (ii) of § 1364.470 (b) (2) is amended to read as follows:

(ii) War Shipping Administration of the United States Government.

7. Subdivision (v) of § 1364.470 (b) (2) is added to read as follows:

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or noncommissioned officer or other authorized representative of the armed services of the United States).

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12867; Filed, August 7, 1943; 4:20 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[Rev. MPR 239,[1] Amdt. 8]

LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL

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

Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. Section 1364.160 (a) (5) is amended to read as follows:

(5) "Hotel supply house" means a separate selling establishment which is not physically attached to a packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment; which is engaged in the fabrication of meat cuts and in the sale of hotel supply cuts (fabricated meat cuts), variety meats, edible by-products and sausage to purveyors of meals, including the sale of lamb and/or mutton carcasses or wholesale cuts to purveyors of meals as an incident to the sale of hotel supply cuts, and which during the period September 15, 1942, through December 15, 1942, sold to purveyors of meals, other than to war procurement agencies, not less than 70 percent of the total weight volume of meat, variety meats, edible by-products or sausage sold by it.

2. Subdivision (v) is added to § 1364.160 (a) (11) to read as follows:

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned or non-commissioned officer or other authorized representative of the armed services of the United States).

3. Section 1364.168 (a) is amended to read as follows:

(a) No hotel supply house, packing or slaughtering plant, packer's branch house, wholesaler's or other selling establishment shall sell and deliver to purveyors of meals, other than to the War Shipping Administration and contract schools, during any three month period beginning June 1, September 1, December 1, or March 1, a volume of hotel supply cuts (fabricated meat cuts) of all kinds in excess of 70 percent of the total volume by weight of all kinds (e. g. lamb, mutton, pork, beef, veal, sausage, hamburger, etc.) and type (e. g. fresh, frozen, cured, smoked, cooked, canned, dried, etc.) of meats, variety meats (e. g. liver, tongue, kidney, etc.), edible by-products, and all other processed meat items not specifically set forth herein, sold and delivered by such selling establishment from September 15, 1942, through December 15, 1942, to purveyors of meals, other than sales to war procurement agencies.

4. Section 1364.170 (a) is amended to read as follows:

(a) *Independent wholesaler's selling addition.* On sales of any lamb and/or mutton carcass or lamb and/or mutton wholesale cut, a person who at the time of the sale is an independent wholesaler may add 75 cents per hundredweight to the applicable maximum price: *Provided, however,* That on and after August 15, 1943, no person shall charge the addition permitted by this § 1364.170 (a) unless by such date such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person (1) is engaged in the business of buying lamb and/or mutton carcasses and/or lamb or mutton wholesale cuts for resale other than at retail; (2) does not own or control, in whole or substantial part, any slaughtering plant or facilities, and is not owned or controlled in whole or in substantial part by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Revised Maximum Price Regulation No. 239. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

5. Sections 1364.170 (h) and (i) are redesignated as (i) and (j) respectively.

6. Section 1364.170 (h) is added to read as follows:

(h) *Melts.* For removing the melts from lamb or mutton carcasses on sales to war procurement agencies, $0.07 per hundredweight.

7. Section 1364.171 (a) is amended to read as follows:

(a) For all lamb and/or mutton carcasses and/or lamb or mutton wholesale cuts and/or other meat items subject to this § 1364.171 delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct $0.25 per hundredweight from the applicable maximum price.

8. Section 1364.171 (c) is revoked.

9. Section 1364.174 (a) (4) is revoked.

10. Section 1364.174 (a) (5), (6), (7), (8), (9), (10), (11), (12) and (13) are redesignated as (a) (4), (5), (6), (7), (8), (9), (10), (11) and (12) respectively.

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
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PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 398,[1] Amdt. 1]

VARIETY MEATS AND EDIBLE BY-PRODUCTS AT WHOLESALE

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

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

[1] 7 F.R. 10683, 8 F.R. 3589, 4786, 7679, 8677, 9066, 10444.

[1] 8 F.R. 6945, 7351.

Maximum Price Regulation No. 398 is amended in the following respects:

1. The head-note of section 3 is amended to read "Quality and descriptive labeling requirements."

2. Section 3 (b) is amended to read as follows:

(b) *Descriptive labeling requirements.* No variety meat or edible by-product may be offered for sale or sold, or bought in the course of trade or business, except in accordance with the provisions of this paragraph.

(1) The carton or other immediate container shall have stamped or printed on it the word "kosher" whenever kosher products are packed therein, and, whenever sterilized products are, the word "sterilized."

(2) The name of the variety meat or edible by-products must appear on the seller's invoice. Kosher and sterilized meat shall be invoiced as such.

3. Section 5 (b) is amended by changing the word "months" to read "month."

4. Section 8 is amended to read as follows:

SEC. 8. *Indirect price increases.* No person shall evade any of the provisions of this regulation by any scheme or device and no person shall indirectly charge or receive for variety meats or edible by-products a price higher than the maximum prices permitted by this regulation. No person shall as a condition of selling any variety meats or edible by-products require a purchaser to buy any other meat or any other product: *Provided,* That the following payments shall not be construed as evasions of such price limitations under the following conditions:

(1) A payment by a buyer to a seller for icing services performed by the seller after June 1, 1943, and before delivery of variety meats and edible by-products to a railroad whose charges are paid directly to such railroad by the buyer, if the charge for such icing services is no higher than the costs actually incurred by the seller in performing such services and no higher than the charge which could lawfully have been made by the railroad if such services had been performed by the railroad.

(2) A payment by a war procurement agency to a seller for costs incurred in freezing and/or storing variety meats and by-products purchased by such agency, (i) if such freezing and/or storage costs were actually incurred by the seller and are evidenced by an invoice and warehouse receipt duly issued to the seller by a commercial warehouse in which case the agency may also pay actual costs not to exceed $0.10 per hundredweight, incurred by the seller in transporting such meat to the commercial warehouse; or (ii) if such storage services were performed by the seller and not by a commercial warehouse and are evidenced by a warehouse receipt showing the length of the storage, issued by the seller to the war procurement agency, and if such charges do not exceed the second month's maximum storage rates (under the General Maximum Price Regulation) of commercial warehousemen in the vicinity of the place where the storage occurred.

5. Section 13 (a) (1) is amended to read as follows:

(1) *Variety meats and edible by-products—Fresh or frozen, cured or smoked.*

Variety meats and edible by-products	Beef	Kosher beef	Veal	Kosher veal	Lamb and mutton	Kosher lamb and mutton	Pork
Blood (defibrinated)	6.00						
Brains	7.00	13.00	10.00	16.00	10.00	11.00	11.00
Caul fat	10.00		9.00	9.00		10.50	11.00
Cheek meat	13.00		13.00		10.00		18.00
Cheek meat, lip on		13.00					
Cheek meat trimmings	8.00						
Chitterlings							8.00
Crown meat							8.00
Cutlets							25.00
Diaphragm meat	11.00		11.00		9.00		11.00
Ears							6.00
Feet		11.00	10.00	10.00			
Fries	6.00		25.00		28.00		
Gullett weasand meat	11.00		11.00		9.00		11.00
Head (pork)							8.00
Head (calf, skin on)				4.00			
Head (calf, skinned)			8.00				
Head (calf, scalded)			15.00				
Heart, cap off	15.00		15.00				
Heart	12.00	12.00	12.00	12.00	12.00		12.00
Heart and melt				9.00			
Heart trimmings	6.00		6.00				
Kidneys	11.00	11.00	17.00				10.00
Leaf lard, raw							12.75
Lips	6.00	6.00	6.00	6.00			5.00
Livers, unblemished	23.00	31.00	50.00	57.00	18.00	25.00	13.00
Livers, blemished	19.00	27.00	47.00	54.00			
Lungs	3.00	3.00	3.00		3.00		
Lungs and heart						7.00	
Lungs, heart and melt				5.50			
Melts	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Oxtail split joints	13.00						
Palates	3.00						
Plucks			27.00		12.50	12.50	12.75
Rennets		2.00		ea. 23½		ea. 03	
Snouts							9.00
Sweetbreads, neck	23.00	31.00	40.00	40.00	25.00	27.00	
Sweetbreads, heart	10.00	18.00	40.00	40.00			
Pairs:							
Under 6 oz			40.00	40.00			
6–12 oz			45.00	45.00			
Over 12 oz			50.00	55.00			
Tails—under ¾ lb	8.00	10.00	8.00	10.00			
Tails—¾ lb. and up	11.00	13.00	11.00	13.00			
Tongues	22.00	25.00	18.00	21.00	15.00	16.00	18.00
Tongues, cured	23.00	26.00	19.00	22.00			19.00
Tongues, smoked	29.50	32.50	25.50	28.50			25.50
Tongues, canner	16.00	19.00	13.00	16.00			
Tongues, canner, cured	20.50						
Tongue meat	11.00		11.00				10.00
Tripe scalded (bellies)	4.00	4.00	4.00		3.00	3.00	4.00
Tripe cooked	8.00		8.00		7.00		8.00
Tripe honeycomb	13.00						
Udders	3.00						

6. Section 13 (a) (2) and (a) (3) are redesignated (a) (3) and (a) (4) respectively.

7. Section 13 (a) (2) is added to read as follows:

(2) *For sales by a hotel supply house to purveyors of meals.*

Variety meats and edible by-products	Beef	Veal	Lamb and mutton	Pork
Brains	10.25	13.75	13.75	15.00
Fries	8.00	29.50	33.00	
Hearts	18.00	18.00		
Kidneys	13.50	20.50		12.25
Livers	28.00	60.75	31.25	17.00
Oxtails, split joints	16.00			
Plucks		31.75		
Sweetbreads (neck)	29.00	49.00	33.75	
Pairs:				
Under 6 oz		47.00		
6–12 oz		52.75		
Over 12 oz		58.25		
Tails:				
¾ lb and under	10.00	10.00		
¾ lb and over	13.25	13.25		
Tongues:				
Fresh	26.25			
Cured	27.00			
Smoked	35.00			
Tripe:				
Cooked	10.00			
Honeycomb	16.00			

8. Section 14 (b) (1) is amended to read as follows:

(1) For delivery in shipping containers on domestic sales: (No addition permitted where prices in section 13 (a) include shipping containers.)

	Per cwt.
(i) In 5 lb. container, including outside package, if used; sweetbreads, brains and cutlets, only	$2.00
(ii) In 10–15 lb. container, including outside package, if used; sweetbreads, brains, cutlets, lamb and veal livers and chitterlings, only	1.50
(iii) In 16–30 lb. wooden or fibre boxes	.75
(iv) In 31–100 lb. wooden or fibre boxes	.50
(v) Slack barrels	.25

(vi) The following additions may be charged where cured tongues are packed as described below:

	Per cwt.
(*a*) 200 lb. net weight tight hardwood barrels "pickle on"	$1.50
(*b*) 100 lb. net weight tight hardwood barrels, "pickle on"	1.75
(*c*) 50 lb. net weight tight hardwood kegs, "pickle on"	2.00
(*d*) 25 lb. net weight tight hardwood kits, "pickle on"	2.50

9. Section 14 (c) is amended to read as follows:

(c) *Hotel supply house's selling addition.* A hotel supply house may add

$2.00 per hundredweight on sales to purveyors of meals of items listed in section 13 (a) (1). No such addition may be made on sales to purveyors of meals of items listed in section 13 (a) (2).

10. Section 14 (e) is added to read as follows:

(e) *Freezing.* For freezing variety meats and edible by-products sold to war procurement agencies, in seller's plant and not in a commercial warehouse, $0.10 per hundredweight.

11. Section 14 (f) is added to read as follows:

(f) *Slicing livers.* For slicing livers at the request of a purchaser, $2.00 per hundredweight.

12. Section 14 (g) is added to read as follows:

(g) *Wholesaler's selling addition.* On sales of variety meats and edible by-products, a person who at the time of the sale is a wholesaler may add $1.00 per hundredweight to the applicable price: *Provided, however,* That on and after August 25, 1943, no person shall charge the addition permitted by this section 15 (b) unless by such date such person shall have filed with the appropriate Regional Office of the Office of Price Administration a certified statement that the person: (1) is engaged in the business of buying variety meats and edible by-products for resale other than at retail; (2) does not own or control, in whole or in substantial part, any slaughtering plant or facilities, and is not owned or controlled, in whole or in substantial part, by another person who owns or controls in substantial part any slaughtering plant or facilities; and (3) is not a hotel supply house or peddler truck seller within the meaning of this Maximum Price Regulation No. 398. The filing of such a statement shall not preclude investigation by the Office of Price Administration of the facts relating to the nature of the business carried on by the person filing the statement, or any action or proceeding arising from such investigation.

13. Section 15 (b) is amended to read as follows:

(b) *Carload discount.* For all variety meats and edible by-products delivered in a straight or mixed carload shipment or sold as a part of a straight or mixed carload sale, the seller shall deduct 25 cents per hundredweight from the applicable zone price.

14. The following definition is added to section 16 (a).

"Container" means either (1) a substantial carton or box or bag made of crinkled Kraft paper lined with waxed or other moisture resistant paper which is used as an interior package for product shipped in wire-bound, solid fibre or corrugated shipping cases, or (2) an individual shipping container made of wood, wire-bound, solid fibre or corrugated board lined with waxed or other moisture resistant paper.

15. Subdivision (ii) in the definition of "purveyor of meals" contained in section 16 (a) is amended to read as follows:

(ii) The War Shipping Administration of the United States Government.

16. Subdivision (v) is added to the definition of "purveyor of meals" contained in section 16 (a) to read as follows:

(v) "Contract school" (means and includes any person who is feeding, pursuant to a written contract with an agency of the United States, personnel of the armed services of the United States, fed under the command of a commissioned officer or other authorized representative of the armed services of the United States.)

17. The heading of the definition "Hearts, beef, Type A" in section 16 (b) is amended to read, "Hearts, beef, cap off"; the heading "Heats, beef, Type B" is amended to read "Hearts, beef"; the definition following the heading "Heart trimmings" is amended by striking therefrom the words "Type A" and substituting "cap off"; the heading "Livers, veal or calf, Type A" is amended to read, "Livers, veal or calf, unblemished"; the heading, "Livers, beef, Type A" is amended to read, "Livers, beef, unblemished"; the heading "Livers, beef, calf, Type B" is amended to read, "Livers, beef, calf, blemished"; the heading "Sweetbreads, beef, Type A" is amended to read "Sweetbreads, beef, neck"; the heading "Sweetbreads, beef, Type B" is amended to read "Sweetbreads, beef, heart"; the heading "tongues, beef, Type A" is amended "Tongues, beef"; the definition following the heading "Tongues, beef, canner trim" is amended by striking out the words, "Type A" and substituting the word "above" the definition of "head, calf" is amended to read as follows: "Head, calf means a calf head scalded with the hair completely removed leaving skin on; must be thoroughly cleaned with the eye lids and ear drums removed. The throat and nostrils shall be thoroughly flushed and the ragged edges of the skin around the head and esophagus (gullet) trimmed off. Tongue shall be kept in."

The definition of "Tripe, cooked" is amended to read as follows: "Tripe, cooked" means tripe which has been thoroughly cooked by boiling in water, cooled and washed; any excess fat is to be removed from beef and calf tripe.

Two new definitions are added to section 16 (b) to read as follows:

"Head, calf, skin on", means the unskinned head with the horns left on and the tongue left in.

"Head, calf, skinned" means a calf head thoroughly cleaned with the entire skin, eye lids and ear drums removed. The throat and nostrils must be thoroughly flushed and the esophagus (gullet) trimmed off. The tongue shall be left in.

This amendment shall become effective August 7, 1943.

(Pub. Laws 421 and 729, 77th Cong.; and Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of August 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-12866; Filed, August 7, 1943; 4:19 p. m.]

TITLE 34—NAVY

Chapter I—Department of the Navy

NAVAL AND CIVIL COURT PROCEEDINGS CONCERNING MEMBERS OF THE NAVY

Parts 11 and 12, Chapter I, Title 34, are hereby amended and revised to read as follows:

PART 11—NAVAL COURTS AND BOARDS

Sec.

AUTHORITY: §§ 11.213 to 11.720, inclusive, issued under R.S. 1547; 34 U.S.C. 591. Additional statutory provisions noted in parentheses at the end of particular sections are applicable to such sections

NOTE: In §§ 11.213 to 11.720, inclusive, the numbers to the right of the decimal point correspond with the article numbers in Naval Courts and Boards, 1937, Navy Department, effective July 1, 1937, as amended to August 1, 1943.

§ 11.213 *Depositions before naval tribunals; procedure.* (a) The method of procedure in order to obtain a deposition is as follows: The party, prosecutor or defendant, desiring the deposition submits to the court a list of interrogatories to be propounded to the absent witness; then the opposite party, after he has been allowed a reasonable time for this purpose, prepares and submits a list of cross-interrogatories. After the court has assented to the interrogatories and cross-interrogatories thus submitted, it adds such as, in its judgment, may be necessary to elucidate the whole subject of the testimony to be given by the witness. Depositions may also be taken before the assembling of the court by mutual agreement between the judge advocate and the accused (counsel), subject to objections when read in court. (Sec. 16, 35 Stat. 622, 34 U.S.C. 1200, art. 68)

(b) If the witness whose deposition it is desired to take be a civilian, the judge advocate should prepare, in duplicate, a subpoena requiring the witness to appear before the officer designated at the time

and place designated for the purpose of giving his deposition. The officer who is to take the deposition will be designated, or caused to be designated, by the convening authority, or by the Commandant of the naval district in which the deposition is to be taken. It may be left to the designated officer to name the time and place of taking the deposition. The subpoena (in duplicate), together with the interrogatories, should be forwarded to the officer who is to take the deposition. This officer will cause the duplicate subpoena to be served personally upon the witness and return the original, with indorsement that the duplicate has been delivered, to the judge advocate. A civilian witness who attends to give his deposition is entitled to the same fees and expenses as if he had attended personally before the court, and a proper account with the required data should be furnished. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

(c) If the deposition of a person in the service is required, a summons will not be inclosed with the interrogatories, but the officer before whom the deposition is to be taken, or the officer who causes it to be taken, shall direct the witness to appear at the proper time and place. (Sec. 16, 35 Stat. 622; 34 U.S.C. 1200, art. 68)

(d) If the witness is in a foreign country his testimony or written interrogatories may be taken by a consular officer of the United States, as provided by the Act of June 20, 1936. (Sec. 3, 49 Stat. 1562; 28 U.S.C. 695b)

§ 11.238 *Testimony of husband and wife.* The rule for naval courts martial is summarized:

(a) Wife or husband of an accused may testify on behalf of the accused without restriction, but when so testifying shall be subject to cross-examination in the same manner as an accused testifying at his own request.

(b) Wife or husband of an accused may not be called to testify against the accused without the consent of both accused and witness, unless on a charge of an offense committed by the accused against the witness.

(c) Wife or husband of any person may not testify to confidential communications of the other, unless the other give consent.

(The last two rules are rules of privilege, and are more fully considered in §§ 11.261, 11.265.)

§ 11.240 *Testimony of medical officers and civilian physicians.* It is the duty of medical officers to attend officers and men when sick, to make the annual physical examination of officers, and examine applicants for enlistment, and they may be specially directed to observe an officer or man or specially to examine or attend him; such observations, examinations, or attendance would be official and the information acquired would be official. While the ethics of the medical profession forbid doctors divulging to unauthorized persons the information thus obtained and the statements thus made to them, such information and statements do not possess the character of privileged communications. If a medical officer, when called as a witness before a court martial, refuses to testify to such matters, he is subject to punishment under the forty-second article (sec. 12, 35 Stat. 622; 34 U.S.C. 1200) for the Government of the Navy or to court martial. Neither is there any privilege between a civilian physician and a patient.

§ 11.241 *Testimony of children.* The admissibility of testimony of children is not regulated by their age, but by their apparent sense and understanding. The court may, in its discretion, receive the testimony of any child, regardless of age, and give it such weight as it may appear to deserve; provided, only that in the opinion of the court the child understands the moral importance of telling the truth, for which purpose the court may examine the child.

§ 11.244 *Persons amenable to service as witnesses.* All persons are amenable to the service of process to appear as witnesses. One who has disobeyed a subpoena or a summons can show as a defense to a proceeding to punish for contempt that it was impossible for him to appear, or that by reason of illness or otherwise his life would have been endangered; but no duty, except of the most imperative kind, nor any business engagement, is a valid excuse for failure to attend. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.245 *Summoning witnesses.* (a) The judge advocate shall summon as witnesses persons whose testimony is necessary to a trial, whether for the prosecution or the defense; but shall not, except as hereinafter provided, summon any witness at the expense of the United States.

(b) The written instrument that serves to summon a witness who is in the naval or military service is termed a summons; a witness who is not in the service, a subpoena. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.247 *Summoning civilian witnesses.* (a) The power with which a naval general court martial and a court of inquiry is vested to compel witnesses to appear and testify is conferred upon such courts by the 42nd Article for the Government of the Navy (sec. 12, 35 Stat. 622; 34 U.S.C. 1200). A naval court martial has the power to subpoena witnesses, and such subpoenas run throughout the United States. However, article 42 (c), Articles for the Government of the Navy, provides for the punishment of any person who wilfully neglects to obey the subpoena, but limits this power so that it shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held. The word "District" applies to the District of Columbia only.

(b) From the foregoing it will be seen that a subpoena issued by a naval court to compel the attendance of witnesses will run throughout the United States, but that the penalties provided in article 42 (c), do not attach where the person resides beyond the State.

(c) To illustrate, a general court martial at the Navy Yard, New York, N. Y., has the power to compel the attendance of civilian witnesses who reside within the State of New York; and should such witnesses wilfully neglect or refuse to appear they may be proceeded against and prosecuted in the manner provided in article 42 (c) mentioned in paragraph (a) of this section. However, should the naval court desire the attendance of a witness who resides in the State of New Jersey it can not compel his attendance, but should such witness be willing to appear to testify, he may lawfully be paid his fees and mileage. (See § 11.248.) (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

CROSS REFERENCES: For warrant of attachment to compel attendance of civilian witness, see § 11.256. For fees to civilian witnesses, see §§ 11.257, 11.259.

§ 11.248 *Authority of judge advocate in summoning civilian witnesses.* (a) The judge advocate is authorized to subpoena as a witness any civilian who is to be a material witness as to facts, and who is within the State, Territory, or District in which a naval court sits and can compel attendance.

(b) The judge advocate is not authorized to subpoena as a witness, at the expense of the United States, any civilian who is not within the territorial limits in which the court can compel attendance, even though such witness be considered a material one and be willing to attend. In such cases the judge advocate shall forward the subpoena to the Secretary of the Navy, together with the information, and in the manner required when forwarding a summons for a naval witness who is not present at the station where the court martial is convened. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.253 *Service of subpoena.* (a) Unless he has reason to believe that a formal service of subpoena will be required, the judge advocate will endeavor to secure the attendance of a civilian witness by correspondence with him, sending him duplicate subpoenas properly filled out, with a request to accept service on one by signing the printed statement, "I hereby accept service of the above subpoena", and to return it to the judge advocate, for which purpose a return address penalty envelope should be inclosed. Ordinarily there will be no difficulty in securing the voluntary attendance of a civilian witness if he is informed that his fees and mileage will not be reduced by reason of his voluntary attendance, and that a voucher for his fees and mileage going to and returning from the place of the sitting of the court martial will be delivered to him promptly on being discharged from attendance on the court. If this procedure will not procure the witness, the judge advocate shall prepare duplicate subpoenas. Service is made by a personal delivery of the duplicate subpoenas to the witness, and proof of service by returning the original to the judge advocate properly indorsed and sworn to by the person who serves the subpoena. Any person duly instructed to do so may serve the subpoena, but the service must be personal.

(b) If the desired witness lives near the place where the court is convened, and within the territorial limits in which the court can compel attendance, the subpoena may be served by the judge advocate, provost marshal, or by any other person instructed to do so. If the residence of the witness is not near at hand, but within the territorial limits in which the court can compel attendance, the president of the court shall address a letter to the Commandant or senior officer present, requesting that a person be designated to proceed to such place as the desired witness may be for the purpose of serving the subpoena, and further requesting that the necessary transportation and subsistence be furnished. If the witness is beyond the territorial limits within which the court can compel attendance, the necessity for personal service no longer exists. In such case delivery may be made by such method as may be most practicable. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.254 *Advance notice to witnesses.* The judge advocate will endeavor to issue subpoenas to civilian witnesses and to make request for the attendance of military witnesses at such time as will give each witness at least 24 hours' notice before starting to attend the meeting of the court.

§ 11.255 *When subpoena is disregarded.* In case a civilian, duly subpoenaed before a general court martial or court of inquiry, wilfully neglects or refuses to appear or qualify as a witness or to testify or produce documentary evidence as required by law, he shall at once be tendered or paid, in the manner prescribed in § 11.257, one day's fees and mileage for the journey to and from the court, and shall thereupon be again called upon to comply with the requirements of the law. For the further procedure to be taken in the event that a witness persists in refusal to attend, see articles 42 (b) and 42 (c), Articles for the Government of the Navy (secs. 11, 12, 35 Stat. 621, 622; 34 U.S.C. 1200, arts. 42 (b), 42 (c)). The fees and mileage of civilian witnesses residing beyond the territorial limits within which the court can compel attendance shall not be paid in advance, as such witnesses can not be punished if they disregard a subpoena. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.256 *Warrant of attachment to compel attendance of civilian witnesses.* (a) In order to compel the appearance of a civilian witness in certain exceptional cases, under the circumstances hereinafter set forth, it may become desirable to resort to a warrant of attachment.

(b) In such cases the proper procedure is as follows: The president of the court will issue a warrant of attachment, directing and delivering it for execution to an officer designated for that purpose, generally the provost marshal of the court. He will also deliver to this officer the subpoena, indorsed with affidavit of service (to be returned when the warrant is executed) and a certified copy of the order appointing the court martial. A warrant, or writ of attachment, does not run beyond the State, Territory, or District (of Columbia) in which the court martial sits.

(c) In executing such process it is lawful to use only such force as may be necessary to bring the witness before the court. Whenever force is actually required, the senior officer present, or other officer designated by the convening authority, nearest the witness' residence will furnish a detail sufficient to execute the process. The use of this procedure, however, should be resorted to only when the ends of justice absolutely demand it, when all other means have failed, and only upon the authorization of the Secretary of the Navy. (Sec. 12. 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.257 *Fees of civilian witnesses.* (a) When directed in writing by the commanding officer, payment of the fees and mileage of civilian witnesses shall be made by the disbursing officer of any vessel or, at a yard or station where there is no receiving ship, by the disbursing officer of the yard, or at Marine Corps posts, not at a navy yard or station, and where there is no disbursing officer of the Navy, by the assistant paymaster of the Marine Corps serving with the command. The order from the commanding officer must be accompanied by a certified copy of the precept and by vouchers, properly sworn to by the witness and certified by the judge advocate or recorder of the court, or by the deck court officer, or by the officer before whom the witness gave his deposition.

(b) The fees and mileage of a civilian witness who refuses to obey a subpoena to appear before a general court martial or court of inquiry will be duly paid (or tendered) by the judge advocate; the money for this purpose will be supplied by such pay officer as may be designated upon the written order of the senior officer present, and the judge advocate receiving the money for the purpose named shall furnish the pay officer concerned with a proper receipt.

(c) The certificate of the judge advocate, recorder, deck court officer, or officer before whom a deposition is taken will be evidence of the fact and period of attendance and place from which summoned, and said certificate shall be made on the voucher.

(d) Upon execution of the certificate the witness will be paid upon his discharge from attendance, without awaiting performance of return travel. The charges for return journeys will be made upon the basis of the actual charges allowed for travel to the court, or place designated for taking a deposition. No other items will be allowed.

(e) Travel must be estimated by the shortest usually traveled route, by established lines of railroad, stage, or steamer, the time occupied to be determined by the official schedules; reasonable allowance will be made for unavoidable detention.

(f) If no pay officer be present at the place where the court sits, the accounts, properly authenticated as directed above, shall be transmitted to the convening authority or to the nearest naval station to which a pay officer is attached, with the request that the amount be paid by check.

(g) Accounts of civilian witnesses are not transferable.

(h) Signatures of witnesses when signed by mark must be witnessed.

§ 11.258 *Fees of civilian witnesses; rates prescribed.* A civilian not in government employ, duly summoned as a witness before a naval court, or at a place where his deposition is to be taken for use before such court, will receive $1.50 a day for each day of actual attendance and for the time necessarily occupied in going and returning, and 5 cents a mile for going from his or her place of residence and return. A civilian witness not in the Government employ who attends a naval court or at a place where his deposition is to be taken, at a point so far removed from his residence as to prohibit return thereto from day to day, will receive, in addition to the compensation provided above, $3 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to attend court and return home. (R.S. 823, 848, sec. 3, 44 Stat. 323; 28 U.S.C. 600c, 601)

§ 11.259 *Fees of civilian witnesses attending several trials on same day.* A civilian attending as a witness in several court-martial trials on the same day is entitled to a separate fee for attendance in each case, but will receive mileage in only one case. (R.S. 823, 848, sec. 3, 44 Stat. 323; 28 U.S.C. 600c, 601)

§ 11.261 *Privilege of witness in not answering particular questions.* Although every person is amenable to the service of process to appear and testify, a witness may be privileged with respect to certain testimony, or there may be certain matters concerning which he may claim the privilege of not testifying. This privilege should be distinguished from the incompetency attaching to certain testimony, as of husband and wife, and of an attorney as set forth in sections 238 and 239.[1] The principal cases of privilege are:

(a) *State secrets.* This class of privilege covers all the departments of the Government, and its immunity rests upon the belief that the public interests would suffer by a disclosure of state affairs. The scope of this class is very extended, and the question of the inclusion of a given matter therein is decided by a consideration of the requirements of public policy with reference to such matter.

(b) *Criminating questions.* All questions whose answers would expose the witness to a criminal prosecution or penal action come under the head of criminating questions. A witness may properly decline to answer a criminating question. If the declination be sustained by the court, no inference therefrom or comment thereon is permissible.

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[1] For section 238 cited to the text, see § 11.238 of this part. Section 239 is not included in this part. "Naval Courts and Boards" is available at the office of the Judge Advocate General, Navy Department.

(c) *Degrading questions.* A witness may also properly decline to answer where the inquiry is as to collateral, irrelevant, or immaterial matters on the ground that his answer will have the direct effect of degrading or disgracing him, as, for example, in a case where his answer could have no effect upon the case except to impair his credibility. He may, however, be compelled to answer as to a matter which is material to the issue or trial, notwithstanding the fact that his answer may tend to disgrace him or bring him into disrepute, unless his answer would also tend to incriminate him in addition to degrading him. (R.S. 858, 34 Stat. 618; 28 U.S.C. 631)

§ 11.265 *Rule for determining privilege on ground of self-incrimination.* (a) To entitle a witness to the privilege of silence, the court must see from the circumstances of the case and the nature of the evidence which the witness is called to give that there is reasonable ground to apprehend danger to the witness from his being compelled to answer. In order to assist the court in deciding whether to require the witness to answer, it is proper to inquire into the merits of his refusal to answer and afford him the opportunity to substantiate his contention that such answer would, in fact, incriminate him. If the party examining the witness requests he be compelled to answer, the court will then decide, in accordance with the above, whether the answer will tend to incriminate him and, if so, will not require the witness to answer. If there is no reasonable apprehension of incrimination, then the witness should be compelled to answer or be cited for contempt. The danger to be apprehended must be real and appreciable with reference to the ordinary operation of the law in the ordinary course of things. It is not sufficient if the danger is of an imaginary and unsubstantial character having reference to some barely possible contingency so improbable that no reasonable man would allow it to influence his conduct.

(b) If the witness has been previously tried in connection with the matter about which he is called upon to testify, his claim of privilege is not valid, the danger having ceased. Completion of the trial is the test and the trial is deemed to be complete when jeopardy is complete.

(c) If the privilege claimed be on the ground of self-incrimination and the answers when made under compulsion thus tend to incriminate the witness then such answers can not subsequently be put in evidence in a criminal proceeding against the witness. However, no such right accrues to the person compelled to answer a degrading question. (R. S. 858, 34 Stat. 618; 28 U.S.C. 631)

§ 11.290 *Authority of naval courts to punish contempt.* The forty-second Article for the Government of the Navy (34 U.S.C. 1200, art. 42) gives a court authority to punish contempts. The article is not construed as extending the authority to punish for contempt to a summary court martial or deck court. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, art. 42)

§ 11.292 *Procedure when witness is charged with contempt.* When a witness is charged with contempt, the regular business of the court should be suspended, and he should be given opportunity to reply. The action taken is properly summary, a formal trial not being called for. If the reply is satisfactory, the proceedings for contempt may be ended. A witness can not, however, purge himself of contempt by insisting that his language or behavior was proper. The testimony of a witness who has been adjudged guilty of contempt may be continued.

§ 11.294 *Further procedure where civilian witness is adjudged guilty.* If possible, before a civilian witness in contempt before a general court martial or court of inquiry is permitted to withdraw, the Federal district attorney should be communicated with in order that the witness may be apprehended expeditiously. The law does not give a naval court authority to restrain such witness of his liberty as in the case of naval witnesses. Even though the witness has departed from the jurisdiction within which the court martial sits, the district attorney may cause his arrest in another jurisdiction, as the offense is one against the United States. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, Art 42)

§ 11.720 *Courts of inquiry; power to compel attendance of witnesses.* A court of inquiry has power to compel the attendance of civilian witnesses, and should be convened or requested where testimony of civilians will likely be desired; the proceedings of a court of inquiry may under certain conditions be evidenced before a court martial; otherwise there is no vital distinction in the power or effectiveness of a court of inquiry and an investigation, and the question which to convene is entirely within the discretion of the convening authority. Whether or not an investigation shall be by a board of officers or by one officer is entirely within his discretion, but in important cases where the facts are various and complicated, where there appears to be reason for suspecting criminality, or where crime has been committed with uncertainty as to the perpetrator, or where serious blame has been incurred without certainty on whom it ought chiefly to fall, a court of inquiry or a board of investigation affords the best means of collecting, sifting, and methodizing information for the purpose of enabling the convening authority to decide upon the necessity and expediency of further judicial proceedings. (Sec. 12, 35 Stat. 622; 34 U.S.C. 1200, Art. 42)

PART 12—PROCEEDINGS IN CIVIL COURTS

Secs.

AUTHORITY: §§ 12.1 to 12.15, inclusive, issued under R.S. 1547; 34 U.S.C. 591.

NOTE: In §§ 12.1 to 12.24, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in Appendix C, Naval Courts and Boards, 1937, Navy Department, effective July 1, 1937, as amended to August 1, 1943.

§ 12.1 *Delivery of men to civil authorities.* In no case will commanding officers of vessels or shore stations of the Navy or Marine Corps deliver to the civil authorities, State or Federal, any person in their custody or under their control without first communicating with the Secretary of the Navy and awaiting his instructions. The Secretary of the Navy will promptly issue the necessary orders in the case or make request upon the Attorney General, in accordance with 5 U.S.C. 5, to furnish such legal assistance to the commanding officer concerned as the interests of the United States involved in such case may demand.

§ 12.4 *Delivery of men to state authorities for trial.* In every case in which the Secretary of the Navy authorizes the delivery of any person in the Navy or Marine Corps to the civil authorities of a State, for trial, such person's commanding officer will, before making such delivery, obtain from the Governor or other duly authorized officer of such State a written agreement that he will be informed of the outcome of the trial and that the person so delivered will be returned to the naval authorities at the place of his delivery or issued transportation to the nearest receiving ship (or marine barracks in the case of Marines) without expense to the United States or to the person delivered immediately upon the completion of his trial for the alleged misconduct which occasioned his delivery to the civil authorities, in the event that he is acquitted upon said trial, or immediately upon satisfying the sentence of the court in the event that he is convicted and a sentence imposed, or upon other disposition of his case, provided that the naval authorities shall then desire his return.

§ 12.10 *Naval prisoners wanted by civil authorities.* In any case in which the delivery of a person in the Navy or Marine Corps for trial is desired by the civil authorities, Federal or State, and such person is a naval prisoner (which includes any person serving sentence of court martial or in custody awaiting trial by court martial or disposition of charges against him), he will not, in general, be delivered to the Federal or State authorities until he has served the sentence of the naval court martial, or his case has otherwise been finally disposed of by the naval authorities. However, if the Federal or State authorities desire the surrender of the party under the above circumstances upon a serious charge,

such as felonious homicide, and the interests of justice would be better served by his delivery, the Secretary of the Navy may, in his discretion, discharge the man from naval custody and from his contract of enlistment and deliver him to the civil authorities for trial.

§ 12.11 *Naval prisoners as witnesses or parties in civil courts.* If the Federal or State authorities desire the attendance of a naval prisoner as a witness in a criminal case pending in a civil court, upon the submission of such a request to the Secretary of the Navy, authority will be given in a proper case for the production of the man in court without resort being had to a writ of habeas corpus ad testificandum. The Department, however, will not authorize the attendance of a naval prisoner in a Federal or State court, either as a party or as a witness in private litigation pending before such court, as in such cases the court may grant a postponement or a continuance of the trial; but the Department will allow the deposition of such naval prisoner to be taken in the case.

§ 12.12 *Men released by civil authorities on bail.* Where a person in the Navy or Marine Corps is arrested by the Federal or State authorities for trial and returns to his ship or station on bail, the commanding officer may grant him leave of absence to appear for trial on the date set upon an official statement by the judge, prosecuting attorney, or clerk of the court, reciting the facts, giving the date on which the appearance of the man is required, and the approximate length of time that should be covered by such leave of absence.

§12.13 *Service of subpoena or other process on a person in the Navy.* Commanding officers afloat or ashore are authorized to permit the service of subpoena or other process upon the person named therein, provided such person is within the jurisdiction of the court out of which the process issues, but such service will not be allowed without permission of the commanding officer first being obtained. Where the person in the naval service is on board ship or at a naval station beyond the jurisdiction of the court, it is necessary that the process be presented to the man's commanding officer who will deliver the process to the person named therein and inform him that, if he is willing voluntarily to accept such service, he should indicate his acceptance in the manner provided. In the event the man declines to accept service, the commanding officer will return said warrant with a statement to that effect. In cases in which service by mail is legally sufficient, the papers may be addressed to the man.

§ 12.15 *Production of documents in civil court in response to a subpoena duces tecum.* Unless authorized by the Secretary of the Navy, persons in the naval service and civil employees are prohibited from producing official records or copies thereof in a civil court in answer to subpoenas duces tecum, or otherwise, and from disclosing the information described in article 113,[1] Navy Regulations, or the secret and confidential correspondence and information described in article 2005,[2] Navy Regulations. In all cases where copies of records are desired by or on behalf of parties to a suit, whether in a Federal or State court, such parties will be informed that it has been the invariable practice of the Navy Department to decline to furnish in the case of legal controversies, at the request of the parties litigant, copies of papers or other information to be used in the course of the proceedings, or to grant permission to such parties or their attorneys to make preliminary or informal examination of the records, but that the department will promptly furnish copies of papers or records in such cases upon call of the court before which the litigation is pending. In all cases where the production of records in civil courts is authorized, the original records are not to leave the custody of the person producing them. However, copies of such records may be introduced into evidence.

§ 12.24 *Habeas corpus proceedings; State courts.* State courts have no jurisdiction in habeas corpus proceedings to order the discharge of any person held by an officer of the Navy or Marine Corps by authority of the United States; however, in the event that a writ of habeas corpus should be issued by a State court to a commanding officer of the Navy or Marine Corps, afloat or ashore, the Secretary of the Navy will be communicated with immediately in accordance with section C-3;[3] and should instructions not be received by the commanding officer from the Secretary of the Navy by the time specified in the writ, or if no definite time be specified therein, within 3 days after the service of the writ, the officer upon whom the writ is served will make return thereto in accordance with the instructions in the preceding section[4] without producing the body of the accused in court. (27 How. 506)

JAMES FORRESTAL,
Acting Secretary of the Navy.

[F. R. Doc. 43-12861; Filed, August 7, 1943; 1:10 p. m.]

[1] Article 113, Navy regulations, is available at the Office of the Chief of Naval Operations, Navy Department.

[2] Article 2005, Navy Regulations, is available at the Office of the Chief of Naval Operations, Navy Department.

[3] Section C-3 is available at the office of the Judge Advocate General.

[4] Preceding section refers to section C-23, of Naval Courts and Boards. This is available at Office of Judge Advocate General.

[5] 8 F.R. 10620.

TITLE 46—SHIPPING

Chapter IV—War Shipping Administration

PART 304—LABOR

[General Order 17, Rev.,[5] Correction]

EMPLOYMENT OF GRADUATES OF TRAINING ORGANIZATION SCHOOLS AND STATIONS ON AMERICAN, PANAMANIAN AND HONDURAN FLAG VESSELS

Section 304.10 (a) (3) should read:

(3) Interstate Building, 600 Canal Street, New Orleans, Louisiana; and

By order of the War Shipping Administration.

[SEAL] A. J. WILLIAMS,
Acting Secretary.

AUGUST 7, 1943.

[F. R. Doc. 43-12876; Filed, August 9, 1943; 9:42 a. m.]

TITLE 49—TRANSPORTATIONS AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 144]

PART 95—CAR SERVICE

SHIPMENTS OF SAND OR GRAVEL DESTINED TO DALHART, TEXAS, REGION

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of August, A. D. 1943.

It appearing, that shipments of sand, gravel, or aggregates in carloads originating at various points and destined to Dalhart, Hitt, Twist, Wagner, or Ware, Texas, or any other point near Dalhart, for use on government construction at Dalhart are being weighed on railroad track scales, thus impeding the use, control, supply, movement, and distribution of cars; in the opinion of the Commission an emergency exists requiring immediate action to avoid a shortage of equipment and congestion of traffic: *It is ordered,* That:

§ 95.25 *Carloads of sand, gravel, or aggregates destined to Dalhart, Hitt, Twist, Wagner, or Ware, Texas, or any other point near Dalhart, for use on government construction at Dalhart, not to be weighed.* (a) No common carrier by railroad subject to the Interstate Commerce Act shall weigh, or permit to be weighed, any shipment of sand, gravel, or aggregates in carloads, on any railroad track scales when such traffic originates on or after the effective date of this order at any point and is destined to Dalhart, Hitt, Twist, Wagner, or Ware, Texas, or any point near Dalhart, for use on government construction at Dalhart, except that a limited number of cars may be weighed as is necessary to obtain average weights. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(b) *Announcement of suspension.* Each of such railroads shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., August 7, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of

this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

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

[F. R. Doc. 43-12838; Filed, August 7, 1943; 11:10 a. m.]

[Service Order 126, Amdt. 4]

PART 95—CAR SERVICE

ICING OF POTATOES ORIGINATING IN CERTAIN EASTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of August, A. D. 1943.

It appearing, that weather conditions have enhanced the perishable characteristics of potatoes originating in the States of Florida, Georgia, and South Carolina, so that they require icing; that the acute shortage of ice in this territory precludes full icing privileges for such traffic, or any icing or reicing of such traffic originating in Delaware, Maryland, New York (Long Island), New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia, or West Virginia when moving in refrigerator cars; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That Service Order No. 126 (8 F.R. 7285) of May 29, 1943, as amended (8 F.R. 7728-29; 8 F.R. 8082; 8 F.R. 9033), be, and it is hereby, further amended to read as follows:

§ 95.308 *Refrigerator cars*—(a) (1) *Cars of potatoes originating in Delaware, Maryland, New York (Long Island), New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia or West Virginia, not to be iced or reiced.* Notwithstanding the provisions of Service Order No. 123, as amended (§ 95.307 of this part, 8 F.R. 6481), no common carrier by railroad subject to the Interstate Commerce Act shall initially ice or reice, or permit to be initially iced or reiced, a refrigerator car or cars loaded with potatoes originating at points in the States of Delaware, Maryland, New York (Long Island), New Jersey, North Carolina, Pennsylvania, Tennessee, Virginia, or West Virginia. The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(2) *Cars of potatoes originating in Florida, Georgia, or South Carolina to be initially iced.* All common carriers by railroad may initially ice, or permit to be initially iced, a refrigerator car or cars loaded with potatoes originating in the States of Florida, Georgia, or South Carolina, but not in excess of 5,000 pounds of ice per car: *Provided, however*, That where a refrigerator car is equipped for half-stage icing, such ice, but not to exceed 5,000 pounds per car, shall be placed in the upper half of the bunkers with grates set for half-stage icing. This order shall not be construed to permit any reicing.

(b) *Charges to be assessed.* Charges to be assessed for icing prescribed in paragraph (a) (2) of this section shall be as now provided in Rule 240 of Agent Quinn's Perishable Protective Tariff, No. 12, I. C. C. No. 19, supplements thereto or reissues thereof.

(c) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension and establishing the substitute provisions above set forth.

(d) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12.01 a. m., August 7, 1943, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

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

[F. R. Doc. 43-12839; Filed, August 7, 1943; 11:10 a. m.]

PART 95—CAR SERVICE

[Service Order 145]

ICING RESTRICTIONS ON WESTERN POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 7th day of August, A. D. 1943.

It appearing, that an acute shortage of ice is affecting the movement of perishables in refrigerator cars originating in certain Western States; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That:

§ 95.316 *Western potatoes*—(a) (1) *Icing restrictions on Idaho and Oregon potatoes.* Notwithstanding the provisions of Service Order No. 143 (8 F.R. 10942) of August 4, 1943, no common carrier by railroad subject to the Interstate Commerce Act shall:

(i) After the first or initial icing which carriers shall perform at Nampa, Idaho, allow or permit more than one reicing of a refrigerator car or cars loaded with potatoes originating at Group B points in the States of Oregon or Idaho when destined to any point or points west of the western border of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee, nor more than two reicings in transit when destined to points on or east of the western border of the above-described states. The provisions of this subparagraph shall not be construed to apply on refrigerator cars loaded with potatoes originating at the aforesaid points when destined to stations in Oregon (Group 3 Territory) or Idaho (Group 2 or 3 Territories).

(ii) After the first or initial icing which carriers shall perform at Pocatello, Idaho, allow or permit more than one reicing of a refrigerator car or cars loaded with potatoes originating at Group C points in the State of Idaho when destined to any point or points west of the western border of Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, or Tennessee, nor more than two reicings in transit when destined to points on or east of the western border of the above described states. The provisions of this subparagraph shall not be construed to apply on refrigerator cars loaded with potatoes originating at the aforesaid points when destined to stations in Oregon (Group 3 Territory) or Idaho (Group 2 or 3 Territories), nor to permit reicing after an initial icing at Pocatello, of refrigerator cars loaded with potatoes destined to points in Montana or Utah.

(2) The reicing or reicings authorized under paragraph (a) (1), subparagraphs (i) and (ii) shall consist of no more than sufficient ice to fill the bunkers three-fourths full.

(b) *Icing restrictions on Colorado, Kansas, Montana, New Mexico, Nebraska, or Wyoming potatoes.* No refrigerator car or cars loaded with potatoes originating in Colorado, Kansas, Montana, New Mexico, Nebraska, or Wyoming shall be initially iced with more than enough ice to fill the bunkers three-fourths full, nor reiced in transit more than once, which said reicing shall consist of no more than sufficient ice to fill the bunkers three-fourths full, when destined to any point or points west of the western border of the States described in paragraph (a) (1) subparagraphs (i) (ii) nor reiced in transit more than twice, which said reicings shall consist of no more than sufficient ice, to fill the bunkers three-fourths full when destined to points on or east of the western border of the States described in paragraph (a) (1) subparagraphs (i) and (ii).

(c) *Tariff provisions suspended.* The operation of all tariff rules or regulations insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Announcement of suspension.* Each of such railroads, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter) announcing the suspension of any of the provisions therein.

(e) *Special and general permits.* The provisions of this order shall be sub-

ject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 43–12886; Filed, August 9, 1943; 11:22 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order 209]

LOGGING, LUMBER AND TIMBER AND RELATED PRODUCTS INDUSTRIES

INDUSTRY COMMITTEE APPOINTMENT

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene for the Logging, Lumber and Timber and Related Products Industries (as such industry is defined in paragraph 2) an industry committee No. 64 composed of the following representatives:

For the public:
- George E. Osborne, Chairman, Palo Alto, Calif.
- Leslie H. Buckler, Charlottesville, Va.
- Clyde E. Dankert, Hanover, N. H.
- Z. Clark Dickinson, Ann Arbor, Mich.
- Charles F. Lay, Austin, Tex.
- William Nash, Little Rock, Ark.
- Erwin H. Schell, Cambridge, Mass.
- Josephine Wilkins, Atlanta, Ga.

For the employers:
- E. J. Curtis, Clinton, Iowa.
- Thomas De Weese, Philadelphia, Miss.
- Abbott Fox, Iron Mountain, Mich.
- James G. McNary, McNary, Ariz.
- Hobart Manley, Savannah, Ga.
- George Metzger, Eugene, Oreg.
- J. P. Rogers, Laconia, N. H.
- Jack W. Simmons, Tallahassee, Fla.

For the employees:
- William Botkin, Memphis, Tenn.
- James J. Doyle, Boston, Mass.
- J. E. Fadling, Portland, Oreg.
- Charles Fisher, Duluth, Minn.
- Maurice A. Hutcheson, Indianapolis, Ind.
- Charles F. Mendenhall, Little Rock, Ark.
- A. W. Muir, Los Angeles, Calif.
- Boris Shiskin, Washington, D. C.

Such representatives have been chosen with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "Logging, Lumber and Timber and Related Products Industries" means:

Logging; wood saw milling and surfacing; wood preserving; wood re-working, including but without limitation kiln or air drying, and the manufacture of planing mill products, dimension stock, boxes and other containers including cigar boxes and vegetable and fruit baskets, and wood turnings and shapings; and the manufacture of shingles, cooperage and cooperage stock, veneer, plywood, insulation board made of any vegetable fiber, prefabricated building units, and all other products made from wood, reed, cork, rattan, and related materials and from such other materials as bone, shell, horn, and ivory: *Provided, however,* That the definition shall not include any product or operation included in the Wood Furniture Manufacturing Industry, Button and Buckle Manufacturing Industry or the Metal, Plastics, Machinery, Instrument, and Allied Industries (as defined in the wage orders for those industries); or in the Pens and Pencils Manufacturing Industry (as defined in Administrative Order No. 168).

3. The definition of the Logging, Lumber and Timber and Related Products Industries covers all occupations in the industry which are necessary to the production of products covered in the definition including clerical, maintenance, shipping and selling occupations, *Provided, however,* This definition does not cover clerical, maintenance, shipping and selling occupations when carried on in an establishment, the greater part of whose sales are of products not covered in the definition, or employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. Any person, who, in the opinion of the committee, having a substantial interest in the proceeding and who is prepared to present material pertinent to the question under consideration, may, with the approval of the committee, appear on his own behalf or on behalf of any other person. Moreover, any interested person may submit in writing pertinent data to the committee either through the Administrator or through the chairman of the committee.

5. The industry committee herein created shall meet at 10:00 a. m. on August 30, 1943 in the Hotel Victoria, Victoria Room, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at New York, New York, this 5th day of August 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43–12825; Filed, August 7, 1943; 9:12 a. m.]

FINESILVER MANUFACTURING COMPANY

NOTICE OF CANCELLATION OF SPECIAL LEARNERS' EMPLOYMENT CERTIFICATE

Notice of cancellation of special certificate for the employment of learners in the Single Pants, Shirts and Allied Garments and Women's Apparel Industries.

Notice is hereby given that the special certificate for the employment of learners, authorizing the employment of not more than twenty (20) learners at any one time between January 29, 1942 and January 29, 1943, issued to the Finesilver Manufacturing Company of San Antonio, Texas, has been ordered cancelled as of the date of first violation because of the violation of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the regulations. If a petition is properly filed the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at New York, New York, this 5th day of August 1943.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 43–12879; Filed, August 9, 1943; 10:59 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

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 § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective August 9, 1943.

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 the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Mid-West Map Company, 107 Washington Street, Aurora, Missouri; Converted paper products; 2 learners (T); Color Separator and Photo Retoucher for a learning period of 160 hours at 30 cents per hour until December 31, 1943.

Navajo Weavers, Roswell, New Mexico; Neckwear; 2 learners (T); Hand sewing, machine sewing for a learning period of 160 hours at 30 cents per hour until February 9, 1944.

Signed at New York, N. Y., this 7th day of August 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12881; Filed, August 9, 1943; 10:59 a. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

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 wage rates 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 as amended June 25, 1942, 7 F.R. 4725), and the determination and order or regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Reglations, September 7, 1940 (5 F.R. 3591), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments, Divisions of the Apparel Industry, Learner Regulations July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

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 September 20, 1940 (5 F.R. 3748), and as further amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982), as amended by Administrative Order, March 13, 1943 (8 F.R. 3079).

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) as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. 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, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Single Pants, Shirts, and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

American Sheep Lined Coat Company, Inc., Bayway Terminal Building #12, Elizabeth, New Jersey; Leather jackets, wool mackinaws; 8 learners (T); effective August 9, 1943, expiring August 9, 1944.

Archbald Sewing Company, Cherry Street, Archbald, Pennsylvania; Children's dresses; 25 learners (E); effective August 4, 1943, expiring February 4, 1944.

Bell Sportswear Company, 127 East 9th Street, Los Angeles, California; Women's slacks and slack suits; 5 learners (T); effective August 9, 1943, expiring August 9, 1944.

Blain Associates, Blain, Perry County, Pennsylvania; Women's panties, gowns and pajamas; 4 learners (T); effective August 7, 1943, expiring August 7, 1944.

Boston Blouse Company, 75 Kneeland Street, Boston, Massachusetts; Women's blouses; 10 percent (T); effective August 18, 1943, expiring August 18, 1944.

Millen Shirt Company, 21 Academy Avenue, Middletown, New York; Cotton shirts and rayon sportswear; 10 percent (T); effective August 7, 1943, expiring August 7, 1944. (This certificate replaces the one previously issued, effective July 28, 1943 and terminating July 28, 1944.)

S. L. Robinson Company, 119 South 9th Street, Omaha, Nebraska; Cotton trousers and jackets; 10 percent (T); effective August 6, 1943, expiring August 6, 1944.

Texas Infants' Dress Company, Incorporated, 1200 West Houston Street, San Antonio, Texas; Children's cotton and rayon dresses; 10 learners (T); effective August 7, 1943, expiring August 7, 1944. (This certificate replaces the one previously issued, effective December 17, 1942, and expiring December 17, 1943.)

P. A. Specht, Blooming Glen, Pennsylvania; Pants; 5 learners (T); effective August 14, 1943, expiring August 14, 1944.

Tamon Manufacturing Company, 1951 Brooklyn Street, Los Angeles, California; Shirts; 2 learners (T); effective August 5, 1943, expiring August 5, 1944.

Knitted Wear Industry

Dove Manufacturing Company, 1013 South Los Angeles Street, Los Angeles, California; Rayon knit underwear; 5 learners (T); effective August 6, 1943, expiring August 6, 1944.

Trenton Mills, Incorporated, Factory Street, Trenton, Tennessee; Commercial knitting; 3 learners (A. T.) effective August 6, 1943, expiring January 4, 1944.

Telephone Industry

Central Iowa Telephone Company, Toledo, Iowa; To employ learners as commercial switchboard operators at its Eldora exchange, located at Eldora, Iowa; effective August 11, 1943, expiring August 11, 1944.

Textile Industry

Cabin Handicrafters, Inc., Clayton, Georgia; Hand woven rag rugs; 3 learners (T); effective August 7, 1943, expiring August 7, 1944.

Trenton Mills, Inc., Factory Street, Trenton, Tennessee; Cotton meat bags and stockinettes for packing trade; 3 percent (A. T.); effective August 6, 1943, expiring January 4, 1944.

Signed at New York, N. Y., this 7th day of August 1943.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 43-12880; Filed, August 9, 1943; 10:59 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6532]

AMERICAN TELEPHONE & TELEGRAPH COMPANY

ORDER FOR HEARING

In the matter of American Telephone and Telegraph Company, charges for telephone service between the United States and Puerto Rico.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 3d day of August, 1943;

It appearing that the American Telephone and Telegraph Company has filed with the Commission new tariff schedules, to become effective August 15, 1943, proposing to establish new ocean-link rates from New York, New York to San Juan, Puerto Rico applicable to Channels for Program Transmission and proposing to discontinue the ocean-link rates from Miami, Florida to San Juan, Puerto Rico applicable to this service; said tariff schedules being designated as follows:

American Telephone and Telegraph Company; Tariff F. C. C. No. 198 26th revised page 42.

It further appearing that the new ocean-link rates from New York, New York, to San Juan, Puerto Rico for Channels for Program Transmission are higher than those from Miami, Florida to San Juan, Puerto Rico heretofore stated for like service; and

It further appearing that the American Telephone and Telegraph Company is proposing to discontinue the use of Miami, Florida, as its normal gateway for Message Toll Telephone Service with Puerto Rico without making any adjustment in existing charges for Message Toll Telephone Service with Puerto Rico, which charges are based on Miami as a gateway instead of New York City;

It is ordered, That the Commission shall, on its own motion, and without formal pleading, enter upon a hearing concerning the lawfulness of the new provision contained in the above-cited tariff schedule with respect to charges for Channels for Program Transmission between the United States and Puerto Rico;

It is further ordered, That insofar as the above-cited tariff schedule of American Telephone and Telegraph Company provides for the cancellation of ocean-link rates from Miami, Florida to San Juan, Puerto Rico applicable to Channels for Program Transmission, the operation of such schedule be, and it is hereby, suspended until November 15, 1943, unless otherwise ordered by the Commission; and that during such period of suspension no changes shall be made in the provisions whose operation is hereby so suspended, or in the provisions sought to be altered thereby, unless authorized by the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted into the lawfulness of the rates, charges, classifications, regulations, practices and services of the American Telephone and Telegraph Company for and in connection with Message Toll Telephone Service between the United States and Puerto Rico;

It is further ordered, That a copy of this order shall be filed in the office of the Federal Communications Commission with said tariff schedules herein suspended in part; that copies hereof served upon the carrier parties to such tariff schedules; and that said carrier parties be, and they are hereby, each made a party respondent to this proceeding;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing at 10 a. m. on the 16th day of September, 1943, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-12821; Filed, August 6, 1943; 4:57 p. m.]

[Docket No. 6533]

JOSEPH P. SELLY, AMERICAN COMMUNICATIONS ASSOCIATION, ET AL.

ORDER FOR INVESTIGATION

In the matter of Joseph P. Selly and American Communications Association (C. I. O.), Complainants, vs. The Western Union Telegraph Company and Postal Telegraph, Inc., Defendants, in the matter of the investigation of any discontinuance, reduction or impairment of Telegraph Service in violation of section 214 of the Communications Act of 1934, as amended, by The Western Union Telegraph Company, Postal Telegraph, Inc. and the companies comprising the Postal Telegraph Land Line System.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of August, 1943;

The Commission, having under consideration the above-entitled complaint and motion for a temporary order pending hearing and determination of the issues raised by said complaint, filed June 26, 1943, and the answers thereto filed by the defendants, The Western Union Telegraph Company and Postal Telegraph, Inc., on July 3, 1943, and July 5, 1943, respectively; and

It appearing that said complaint alleges violations by the defendants of sections 201, 202, 214, and 222 of the Communications Act of 1934, as amended, and the Sherman and Clayton Anti-Trust Acts and orders of the War Manpower Commission; and that the motion requests the Commission to enter a temporary order, pending hearing and determination of the issues raised by said complaint; and

It further appearing that there is reasonable ground for investigating the alleged violations of section 214 of the Communications Act of 1934, as amended; that, with respect to the other charges made, either such charges are not within the jurisdiction of the Commission or no reasonable ground is given for investigating the same; and that the Commission is not authorized by law to enter an order, pending hearing, directing the relief prayed for by complainants; and

It further appearing that Postal Telegraph, Inc., is a holding company and that any discontinuance, reduction or impairment of telegraph service to a community or part of a community by The Western Union Telegraph Company or the operating companies comprising the Postal Telegraph Land Line System, in violation of section 214 of the Communications Act of 1934, as amended, should also be investigated at this time;

It is ordered, That an investigation be, and the same is hereby, instituted as to the complaint, in so far as it alleges unauthorized discontinuance, reduction or impairment of service by The Western Union Telegraph Company and the Postal Telegraph, Inc., in violation of Section 214 of the Communications Act of 1934, as amended; that the complaint be, and the same is hereby, dismissed, as to all other issues; and that the motion for a temporary order pending hearing and determination of the issues raised by said complaint be, and the same is hereby, denied; and

It is further ordered, That the companies comprising the Postal Telegraph Land Line System be, and the same are hereby, made respondents to this proceeding and that an investigation be, and the same is hereby, ordered to determine whether The Western Union Telegraph Company or the companies comprising the Postal Telegraph Land Line System have, since March 6, 1943, occasioned the discontinuance, reduction or impairment of telegraph service to any community or part of a community in the United States in violation of section 214 of the Communications Act of 1934, as amended.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-12822; Filed, August 6, 1943; 4:57 p. m.]

[Docket No. 6531]

FLORIDA DEFENSE GUARD

NOTICE OF HEARING

In re application of Florida Defense Force (State Guard), dated February 15, 1943, for Construction permits and licenses to cover for twelve land and seven portable special emergency radio stations in the State of Florida; class of service, emergency; class of station, special emergency; locations, Jacksonville, Homestead, Fort Myers, Sanford, Lake Worth, West Palm Beach, Titusville, Orlando, Tampa, Everglades, Miami, Panama City, Florida, and Portable; operating assignment specified: Frequency, 2726 kc., Emission A-3, 3190 kc., Emission A-1; power, ranging from 12 watts to 240 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described applications and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, and other qualifications of the applicant to operate the proposed stations.
2. To determine what types of communications will be transmitted and the extent and purpose of the proposed communications system.
3. To determine what other means of communication is available for this purpose and the adequacy thereof.
4. To determine whether or not interference would result to any existing station or stations from operation of the proposed stations.
5. To determine whether the applications may be granted under the existing rules and regulations of the Commission governing special emergency radio stations.
6. To determine whether operation of the proposed stations would serve an essential military need or a vital public need which cannot otherwise be met, as required by the Commission's Memorandum Opinion of July 7, 1942.
7. To determine whether in the light of the evidence adduced on the foregoing issues the granting of the applications would serve public interest, convenience, or necessity.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Florida Defense Force, (State Guard), The Arsenal, Marine Street, St. Augustine, Florida.

Dated at Washington, D. C., August 5, 1943.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-12862; Filed, August 7, 1943; 1:40 p. m.]

[Docket No. 6535]

POLICE RADIO FACILITIES IN WESTPORT, CONN.

ORDER FOR HEARING

In re application of Town of Westport, Connecticut (WBLT) Westport, Connecticut, for construction permit for additional police radio facilities.

The Commission having under consideration the application of the Town of Westport, Connecticut, for a permit to authorize construction of an additional portable mobile unit for its existing police radio station WBLT; and

It appearing that the applicant has failed to make a proper showing that operation of this additional equipment would serve an essential military need or a vital public need which cannot otherwise be met, as required by the Commission's Memorandum Opinion of July 7, 1942;

It is ordered, This 3d day of August, 1943, that this matter be, and the same is hereby, assigned for hearing on the ninth day of September, 1943, beginning at 10:00 a. m. at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-12871; Filed, August 7, 1943; 4:39 p. m.]

[Docket No. 6535]

POLICE RADIO FACILITIES IN WESTPORT, CONN.

NOTICE OF HEARING

In re application of Town of Westport, Connecticut (WBLT), dated May 21, 1943, for construction permit for additional police radio facilities; class of service, emergency; class of station, municipal police; location, Westport, Connecticut; operating assignment specified: Frequency, 33940 kc; power, 30 watts special emission; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether or not operation of th proposed station would serve an essential military need or a vital public need which cannot otherwise be met, and

2. To determine whether, in the light of the evidence adduced on the foregoing issue, public interest, convenience or necessity would be served by granting the application

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Town of Westport, Connecticut, 53 East State Street, Westport, Connecticut.

Dated at Washington, D. C., August 7, 1943.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-12877; Filed, August 9, 1943; 10:22 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Special Permit 4 Under Service Order 126]

PENNSYLVANIA RAILROAD COMPANY

INITIAL ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

The Pennsylvania Railroad Company to initially ice, but not in excess of 5,000 pounds of ice per car, 25 refrigerator cars containing potatoes originating on The Pennsylvania Railroad Company in New Jersey and consigned to various Army and naval installations in the States of Alabama, Florida, or Georgia.

Initial icing on the above cars shall take place at Potomac Yard, Virginia.

No reicing is allowed under this permit.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 5th day of August 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-12840; Filed, August 7, 1943; 11:10 a. m.]

[Special Permit 49 Under Service Order 133]

COMMON CARRIERS BY RAILROAD

REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, as amended (8 F.R. 9728-29), permission is granted for:

Any common carrier by railroad to retop or rebody ice at Chicago, Illinois, any refrigerator car or cars loaded with fresh or green vegetables, in straight or mixed carloads, originating at points in Arizona or California.

This permit shall not be construed to allow retop or rebody icing of a refrigerator car not equipped with collapsible bunkers in excess of 15,000 pounds when bunker ice is used.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 5th day of August, 1943.

HOMER C. KING, *Director, Bureau of Service.*

[F. R. Doc. 43-12841; Filed, August 7, 1943; 11:10 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev.-48]

VIKING FREIGHT COMPANY AND HAYES FREIGHT LINES, INC.

COORDINATED OPERATIONS BETWEEN ST. LOUIS, MISSOURI, AND POINTS IN ILLINOIS.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Viking Freight Company, St. Louis, Missouri, and Hayes Freight Lines, Inc., Mattoon, Illinois, to facilitate compliance with the requirements of General Order ODT, 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle to and from St. Louis, Missouri, and points in Illinois, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment,

[1] Filed as part of the original document.

and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

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

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

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

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

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

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

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-48" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective August 5, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12790; Filed, August 6, 1943; 11:29 a. m.]

[Supp. Order ODT 3, Revised-49]

WILSON STORAGE AND TRANSFER CO. AND BUCKINGHAM TRANSPORTATION CO.

COORDINATED OPERATIONS BETWEEN POINTS IN SOUTH DAKOTA, MINNESOTA, IOWA, NEBRASKA, AND WYOMING

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Wilson Storage and Transfer Co., a corporation, Sioux Falls, South Dakota, and Earl F. Buckingham, Glen O. Buckingham, Harold D. Buckingham, and Oliver L. Buckingham, doing business as Buckingham Transportation Company, Rapid City, South Dakota, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between points in South Dakota, Minnesota, Iowa, Nebraska, and Wyoming, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

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

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

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

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

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the pro-

[1] Filed as part of the original document.

visions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

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

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised–49" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

8. This order shall become effective August 11, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

EXHIBIT A

Between Rapid City, Hot Springs, and Belle Fourche, South Dakota, and Gillette, Wyoming, as follows:

From Rapid City, South Dakota, over S. Dak. Highway 79 to junction S. Dak. Highway 36, thence over S. Dak. Highway 36 to junction U. S. Highway 16, thence over U. S. Highway 16 via Custer, South Dakota, to Gillette;

From Hot Springs, South Dakota, over Alternate U. S. Highway 85 to Custer (also from Hot Springs over Alternate U. S. Highway 85 to junction S. Dak. Highway 87, thence over S. Dak. Highway 87 to junction U. S. Highway 16, thence over U. S. Highway 16 to Custer), thence as specified above to Gillette;

From Belle Fourche, S. Dak. over U. S. Highway 85 to Spearfish, South Dakota, thence over U. S. Highway 14 to Sturgis, South Dakota, (also from Spearfish over unnumbered highways via Whitewood, South Dakota, to junction U. S. Highway 14, thence over U. S. Highway 14 to Sturgis), thence over U. S. Highway 14 to Rapid City, South Dakota, and thence as specified above to Gillette;

From Belle Fourche over U. S. Highway 212 to Newell, South Dakota, thence over S. Dak. Highway 79 to Sturgis, South Dakota, and thence as specified above to Gillette; and

Return over these routes to Rapid City, Hot Springs, and Belle Fourche.

Between Kadoka, South Dakota, and Rapid City, South Dakota, as follows:

From Kadoka over S. Dak. Highway 40 to Rapid City and return over the same route;

From Kadoka over U. S. Highway 16 to Rapid City and return over the same route.

Between Kadoka, S. Dak. and Sioux City, Iowa, as follows:

From Kadoka over U. S. Highway 16 to Sioux Falls, South Dakota, thence over U. S. Highway 77 to Sioux City and return over the same route.

Between Pierre and Ft. Pierre, South Dakota, over U. S. Highway 14.

EXHIBIT B

Between St. Paul, Minnesota, and Miller, South Dakota, as follows:

From St. Paul over city streets to Minneapolis, Minnesota, thence over U. S. Highway 212 to Redfield, South Dakota, thence over U. S. Highway 281 to junction South Dakota Highway 26, thence over South Dakota Highway 26 to junction South Dakota Highway 45, thence over South Dakota Highway 45 to Miller and return over the same route.

Between Miller, South Dakota, and Pierre, South Dakota, over U. S. Highway 14.

Between Omaha, Nebraska, and Sioux City, Iowa, as follows:

From Omaha over U. S. Highway 75 to Sioux City and return over the same route.

Between Sioux Falls, South Dakota, and Sioux City, Iowa:

From Sioux Falls over U. S. Highway 77 to junction U. S. Highway 18, thence over U. S. Highway 18 to Canton, South Dakota, thence over unnumbered highways via Norway Center, Alcester, and Nora, South Dakota, to junction U. S. Highway 77, thence over U. S. Highway 77 to Sioux City and return over the same route.

Between Sioux Falls, South Dakota, and Yankton, South Dakota:

From Sioux Falls over U. S. Highway 16 to junction South Dakota Highway 17, thence over South Dakota Highway 17 to junction U. S. Highway 18, thence over U. S. Highway 18 to junction South Dakota Highway 19, thence over South Dakota Highway 19 via Viborg, South Dakota, to junction South Dakota Highway 46, thence over South Dakota Highway 46 and unnumbered highways via Wakonda, Volin, and Mission Hill, South Dakota, to junction South Dakota Highway 50 and thence over South Dakota Highway 50 to Yankton and return over the same route.

Between Sioux Falls, South Dakota, and Philip Junction, South Dakota, as follows:

From Sioux Falls over U. S. Highway 16 to Philip Junction and return over the same route.

Between Huron, South Dakota, and Miller, South Dakota, as follows:

From Huron over U. S. Highway 14 to Miller and return over the same route.

[F. R. Doc. 43–12847; Filed, August 7, 1943; 11:25 a. m.]

FLORISTS OF SIOUX FALLS, S. DAK.

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377), Strongs Florists, J. G. Coleman, doing business as Coleman The Florist, Arthur R. Anderson, doing business as Anderson Flower Shop, and Roger Malcomb, doing business as Egyptian Flower Shop, all of Sioux Falls, South Dakota, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of flowers and related articles in Sioux Falls.

The participants in the plan proposes to eliminate wasteful operations in the retail delivery of flowers and related articles by curtailing deliveries and by pooling the use of their trucks. All retail deliveries of the participants will be made in one truck after 4 p. m. each week day and none will be made on Sundays. Each participant will assign a truck to the pool and will operate it 2 successive days in each series of 8 delivery days. No delivery will be made where the purchase price of the merchandise is less than $1.00. The participants agree, on the days they are not operating the pool truck, not to make any delivery which requires the use of a commercial motor vehicle. Excepted from the operation of the plan are deliveries for weddings and funerals, deliveries on Mother's Day and on the Sunday preceding Decoration Day, deliveries to wholesale customers or to cemeteries during the spring planting season, and deliveries of articles too heavy or bulky for efficient handling by the pool truck. By unanimous consent of the participants the plan may be suspended not to exceed 4 consecutive days immediately preceding Mother's Day and the Sunday preceding Decoration Day, also on any particular day when it appears that there will be more parcels for delivery than can be conveniently handled by one truck. The participants estimate that effectuation of the plan will result in savings of 60 percent or 18,000 truck-miles a year. Joint selling activities are not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under section

12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 6th day of August 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-12895; Filed, August 9, 1943; 11:40 a. m.]

[Supplementary Order ODT 6A-1]

TAYLOR TRUCKING CO., ET AL.

COORDINATED OPERATIONS WITHIN THE CINCINNATI, OHIO, AREA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by John R. Taylor, doing business as Taylor Trucking Co. and as Taylor Drayage Co., and Henry J. Stueve, doing business as John B. Stueve & Son, local carriers, pursuant to § 501.25 of General Order ODT 6A (8 F.R. 8757, a copy of which plan is attached hereto as Appendix 1,[1] and

It appearing that the carriers propose, by the plan, to coordinate their operations as local carriers of property by motor vehicle within an area comprised of the City of Cincinnati, Ohio, and the contiguous municipalities and other suburbs of Cincinnati, known as Greater Cincinnati, and the northern Kentucky towns, which are within a zone extending 10 miles from the boundaries of Cincinnati, by informing each other, from time to time, in respect of the intended movement of partially laden vehicles, and by diverting shipments to each other, in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war: *It is hereby ordered,* That:

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

[1] Filed as part of the original document.

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

3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.

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

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

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

7. Any carrier by motor vehicle duly authorized or permitted to engage in transportation as herein described and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C., for authorization to participate in the plan. A copy of every such application shall be served upon each of the carriers parties to the plan. Upon receiving such authorization, such carrier shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all the provisions and conditions of this order, in the same manner and degree as the carriers named herein.

8. Communications concerning this order should refer to "Supplementary Order ODT 6A-1", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

9. This order shall become effective August 10, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 6th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-12896; Filed, August 9, 1943; 11:40 a. m.]

OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS UNDER PRICE REGULATIONS

The following orders were filed with the division of the Federal Register on August 6, 1943.

Order Number:	*Name*
RPS 6, Order 46	Empire Sheet & Tin Plate Co.
RPS 41, Order 20	Hunt-Spiller Mfg. Co.
RPS 64, Order 108	Caloric Gas Stove Works
RPS 67, Order 17	Henry & Wright Mfg. Co.
MPR 120, Order 232.	Excelsior Paramount Coal Co.
MPR 120, Order 233.	Black Oak Coal Mining Co.
MPR 120, Order 234.	Hardscrabble Coal Co.
MPR 136, as amended, Revised Order 73.	General Ceramics & Steatite Corp.
MPR 188, Order 559.	Fold-Away Basket Co.
MPR 246, Order 10	Red Cross Mfg. Co.
MPR 246, Order 11	Kingston Products Corp.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK,
Head, Editorial and Reference Section.

[F. R. Doc. 43-12851; Filed, August 7, 1943; 11:44 a. m.]

Regional, State, and District Office Orders.

[Region IV Order G–7 Under 18 (c)]

Fluid Milk in Halifax County, N. C.

Order No. G–7 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Halifax County, North Carolina. (Formerly Price Order No. 18 (c)–8.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of raw and pasteurized fluid milk both at wholesale and at retail exists in Halifax County, North Carolina. The Regional Administrator has further found that a supply of raw milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Halifax County, North Carolina, will be alleviated by adjusting the maximum prices of sellers of raw and pasteurized fluid milk in said county to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage or a need for increases in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for raw and pasteurized fluid milk.* On and after the 8th day of January 1943, the maximum prices of raw and pasteurized fluid milk in glass bottles sold and delivered within the boundaries of Halifax County, North Carolina, by any person at wholesale or retail shall be either the price set out in inferior subdivision (a) or inferior subdivision (b), whichever is higher;

(a) The maximum prices already established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this order, established such maximum prices), or

(b) At wholesale, 14¢ per quart, 8¢ per pint, and 4¢ per half-pint in glass bottles; at retail, 16¢ per quart, 9¢ per pint, and 5¢ per half-pint in glass bottles, both store sales and home delivered.

This order shall have no application to sales at retail of raw or pasteurized milk in a hotel, restaurant, soda fountain, bar, cafe or other similar establishments for consumption on the premises.

II. *Definitions.* For purposes of this order:

(1) "Halifax County, North Carolina," shall mean the area included within the established boundaries of this county.

(2) "Raw and pasteurized fluid milk" shall mean liquid milk of at least 3.5 per cent butterfat content packaged in half pints, pints and quarts in glass containers.

(3) All other terms used, unless the context otherwise requires, including the terms, "retail" and "wholesale", shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Requirements of notification.* (1) Each seller making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(2) Each seller making sales at retail pursuant to this order except persons making such sales from a retail store shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By order No. G–7 issued by the Atlanta Regional Office on December 31, 1942, and effective January 8, 1943, the Regional Administrator of the Office of Price Administration for Region IV has established adjusted maximum prices for raw and pasteurized milk within the boundaries of Halifax County, North Carolina, as follows:

(a) The maximum prices already established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this order, established such maximum prices), or

(b) At wholesale, 14¢ per quart, 8¢ per pint, and 4¢ per half-pint in glass bottles; at retail, 18¢ per quart, 8¢ per pint, and 5¢ per half-pint in glass bottles, both store sales and home delivered.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise herein provided, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–7 shall become effective January 8, 1943.

This order No. G–7 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

Oscar Strauss, Jr.,
Regional Administrator.

[F. R. Doc. 43–12804; Filed, August 6, 1943; 10:57 a. m.]

[Region IV Order G–8 Under 18 (c)]

Fluid Milk in Chatham County, Ga.

Order No. G–8 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Chatham County, Georgia. (Formerly Price Order No. 18 (c)–9.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of fluid milk, both at wholesale and at retail, is threatened in Chatham County, Georgia. The Regional Administrator has further found that a supply of fluid milk is essential to a standard of living consistent with the prosecution of war; that the threatened shortage in Chatham County, Georgia, will be eliminated by adjusting the maximum prices of sellers of fluid milk in Chatham County, Georgia, to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator, by § 1499.18 (c) of General Maximum Price Regulation, as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for raw and pasteurized fluid milk.* On and after January 1, 1943, the maximum prices for raw and pasteurized fluid milk sold and delivered within the boundaries of Chatham County, Georgia, by any person at wholesale shall be 16¢ per quart, 9¢ per pint and 5¢ per half-pint, and the maximum prices for raw and pasteurized fluid milk sold and delivered within the boundaries of Chatham County, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 18¢ per quart, 10¢ per pint and 6¢ per half-pint.

II. *Definitions.* (1) "Chatham County, Georgia," shall mean the area included within the established boundaries of such county.

(2) "Raw and pasteurized fluid milk" shall mean liquid milk containing no less than 3.5% butterfat content in half-pint, pint and quart glass containers.

(3) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale within five days after the first delivery of such product to such purchaser after the effective date hereof.

(2) All persons making sales at retail pursuant to this order, except persons making such sales from a retail store, shall in writing notify each purchaser of the maximum prices established by this order for sales at retail within five days after the first delivery of such product to such purchaser after the effective date hereof.

(3) The written notifications required in subparagraphs III (1) and (2) shall contain the following statement:

By Order No. G–8 issued by the Atlanta Regional Office on December 31, 1942, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Raw and Pasteurized fluid milk within the boundaries of Chatham County, Georgia, as follows:

	Quart	Pint	Half pint
	Cents	*Cents*	*Cents*
Wholesale	16	9	5
Retail	18	10	6

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

(4) Every person making sales and deliveries of raw and pasteurized fluid milk at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–8 shall become effective January 1, 1943. This order No. G–8 may be rovoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43–12805; Filed, August 6, 1943; 10:57 a. m.]

[Region IV Order G–10 Under 18 (c)]

FLUID MILK IN LEE AND RUSSELL COUNTIES, ALA.

Order No. G–10 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Lee and Russell Counties, Alabama. (Formerly Price Order No. 18 (c)–11.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of raw and pasteurized fluid milk both at wholesale and at retail exists in Lee and Russell Counties, Alabama. The Regional Administrator has further found that a supply of raw milk is essential to a standard of living consistent with the prosecution of the war; that the existing shortage in Lee and Russell Counties, Alabama, will be alleviated by adjusting the maximum price of sellers of raw and pasteurized fluid milk in said counties to the extent permitted by this Order; and that such adjustment will not create or tend to create a shortage or need for increases in prices in any other locality and will effectuate the purposes of the Emergency Price Control Act of 1942 as amended.

Therefore, under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation as amended and § 1351.807 (a) of Maximum Price Regulation 280 as amended, *It is hereby ordered,* That:

I. *Adjusted maximum prices for raw and pasteurized fluid milk.* On and after the 14th day of January, 1943, the maximum prices of raw and pasteurized fluid milk sold and delivered by any person at wholesale and retail other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be either the price set forth in subdivision (a) or subdivision (b), whichever is higher:

(a) The maximum price already established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this order established such maximum price), or

(b) (1) Raw and pasteurized milk sold in glass or paper containers

	Wholesale	Retail
	Cents	*Cents*
Gallon	54	58
Quart	14	16
Pint	8	9
Half-pint	4	5

Provided, however, That in sales at retail of four or more quarts delivered at one time, packaged in glass or paper quart containers, the price shall not exceed 14½¢ per quart.

(2) Raw and pasteurized milk sold at wholesale to stores, hotels, restaurants and institutions in glass and paper containers shall not exceed the maximum prices provided for wholesale sales set forth in subdivision (b) (1).

Raw and pasteurized milk sold at wholesale to stores, hotels, restaurants and institutions in other than glass or paper containers shall not exceed the maximum prices for wholesale sales set forth in subdivision (b) (1).

(3) No seller may establish an adjusted maximum price under this order which exceeds the maximum price established by him under the provisions of the General Maximum Price Regulation by more than 6¢ at wholesale, and 8¢ at retail per gallon, and at wholesale and retail by 2¢ per quart, 1¢ per pint, and 1¢ per half-pint.

II. *Definitions.* For purposes of the order:

(a) "Lee and Russell Counties, Alabama," shall mean the area included within the established boundaries of these counties.

(b) "Sold at wholesale" refers to a sale of fluid milk in glass or paper containers to any person including an industrial or commercial user, other than the ultimate consumer, and in addition, refers to a sale of fluid milk other than in glass or paper containers to stores, hotels, restaurants and institutions.

(c) Unless the context otherwise requires, the definitions of the General Maximum Price Regulation as amended and section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

III. *Requirements of notification.* (a) Each seller making sales at wholesale pursuant to this order shall in writing notify each purchaser of the maximum prices established by this order for sales at wholesale on or before the first delivery of such product to such purchaser after the effective date hereof.

(b) Each seller making sales at retail pursuant to this order except persons making such sales from a retail store shall in writing notify each purchaser of the maximum prices established by this order for sales at retail on or before the first delivery of such product to such purchaser after the effective date hereof.

(c) The written notifications required in subparagraphs III (a) and (b) shall contain the following statement:

By Order No. G–10 issued by the Atlanta Regional Office on January 9, 1943, and effective January 14, 1943, the Regional Administrator of the Office of Price Administration for Region IV has established adjusted maximum prices for raw and pasteurized milk within the boundaries of Lee and Russell Counties, Alabama, as follows:

(a) The maximum price already established by any such seller under the General Maximum Price Regulation (if such seller has prior to the effective date of this order established such maximum price), or

(b) (1) Raw and pasteurized milk sold in glass or paper containers

	Wholesale	Retail
	Cents	*Cents*
Gallon	54	58
Quart	14	16
Pint	8	9
Half-pint	4	5

Provided, however, That in sales at retail of four or more quarts delivered at one time, packaged in glass or paper quart containers, the price shall not exceed 14½¢ per quart.

(2) Raw and pasteurized milk sold at wholesale to stores, hotels, restaurants and institutions in glass and paper containers shall not exceed the maximum prices provided for wholesale sales set forth in subdivision (b) (1).

Raw and pasteurized milk sold at wholesale to stores, hotels, restaurants and institutions in other than glass or paper containers shall not exceed the maximum prices for wholesale sales set forth in subdivision (b) (1).

(3) No seller may establish an adjusted maximum price under this order which exceeds the maximum price established by him under the provisions of the General Maximum Price Regulation by more than 6¢ at wholesale, and 8¢ at retail per gallon, and at wholesale and retail by 2¢ per quart, 1¢ per pint, and 1¢ per half-pint.

Copy of said order and the accompanying opinion may be inspected at the place of business of the seller.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise herein provided, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G–10 shall become effective January 14, 1943.

This order No. G–10 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

OSCAR R. STRAUSS, Jr.
Regional Administrator.

[F.R. Doc. 43-12806; Filed, August 6, 1943; 11:05 a. m.]

[Region IV Order G-12 Under 18 (c)]

FLUID MILK IN COLLETON COUNTY, S. C.

Order No. G-12 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Colleton County, South Carolina. (Formerly Price Order No. 18 (c)-14.)

The Regional Administrator of the Office of Price Administration for Region IV has determined that a serious shortage of whole milk, raw and pasteurized, both at wholesale and at retail, exists in Colleton County, South Carolina. The Regional Administrator has further found that a supply of whole milk is essential to a standard of living consistent with the prosecution of war; that the existing shortage in Colleton County, South Carolina will be eliminated by adjusting the maximum price of sellers of whole milk in Colleton County, South Carolina to the extent permitted by this order; and that such adjustment will not create or tend to create a shortage, or a need for increase in prices in any other locality and will effectuate the purpose of the Emergency Price Control Act of 1942, as amended.

Therefore, under the authority vested in the Regional Administrator by §1499.18 (c) of the General Maximum Price Regulation, as amended, *It is hereby ordered*, That:

I. *Adjusted maximum prices for whole milk, raw and pasteurized.* On and after January 14, 1943 the maximum price for whole milk, raw and pasteurized, sold and delivered in quart, pint and half-pint glass containers within the boundaries of Colleton County, South Carolina by any person at wholesale or retail shall be either the price set out in subsection (a) or subsection (b) of this section, whichever is higher:

(a) The maximum prices established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this order, established such maximum price), or,

(b)

	Quart	Pint	Half-pint
PASTEURIZED	*Cents*	*Cents*	*Cents*
Wholesale	15	8	4
Out of retail store	17	9	5
Retail home delivered	17	9	5
RAW			
Wholesale	14	8	4
Out of retail store	16	9	5
Retail home delivered	16	9	5

Provided, however, That the maximum price for whole milk, raw and pasteurized, sold and delivered in Colleton County, South Carolina by any person to the War Department or the Department of the Navy of the United States or to a Post Exchange shall be:

	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Pasteurized	15	8	4
Raw	14	8	4

This order is not intended to establish maximum prices for the sale at retail of milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises.

II. *Definitions.* (1) "Colleton County" shall mean the area included within the established boundaries of such county.

(2) "Whole milk, raw or pasteurized" shall mean fluid milk, raw or pasteurized, containing not less than 3.5% butter fat content in half-pint, pint and quart glass containers.

(3) All other terms used, unless the context otherwise requires, including the terms "retail" and "wholesale" shall be construed in accordance with § 1499.20 of the General Maximum Price Regulation.

III. *Requirements of notification.* (1) All persons making sales at retail and all persons making sales at wholesale pursuant to this order, except persons making retail sales from a retail store, shall, in writing, notify each purchaser of the maximum price established by the order within five days after the first delivery of such product to such purchaser after the effective date hereof.

(2) The written notification required in subparagraph III (1) shall contain the following statement:

By Order No. G-12 issued by the Atlanta Regional Office on January 9, 1943, and effective January 14, 1943, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for whole milk, raw and pasteurized, within the boundaries of Colleton County, South Carolina, as follows:

On and after January 14, 1943, the maximum price for whole milk, raw and pasteurized, sold and delivered in quart, pint and half-pint glass containers within the boundaries of Colleton County, South Carolina by any person at wholesale or retail shall be either the price set out in sub-section (a) or sub-section (b) of this section, whichever is higher:

(a) The maximum prices established by any such seller under the General Maximum Price Regulation (if such seller has, prior to the effective date of this Order, established such maximum price), or,

(b)

	Quart	Pint	Half-pint
PASTEURIZED	*Cents*	*Cents*	*Cents*
Wholesale	15	8	4
Out of retail store	17	9	5
Retail home delivered	17	9	5
RAW			
Wholesale	14	8	4
Out of retail store	16	9	5
Retail home delivered	16	9	5

Provided, however, That the maximum price for whole milk, raw and pasteurized, sold and delivered in Colleton County, South Carolina by any person to the War Department or the Department of the Navy of the United States or to a Post Exchange shall be:

	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Pasteurized	15	8	4
Raw	14	8	4

This order is not intended to establish maximum prices for the sale at retail of milk at a hotel, restaurant, soda fountain, bar, cafe or other similar establishment for consumption on the premises.

Copy of this order and the accompanying opinion may be inspected at the place of business of the seller.

(3) Every person making sales and deliveries of whole milk, raw and pasteurized, at wholesale or retail pursuant to this order shall post a copy of this order and the accompanying opinion at a conspicuous place in his place of business, and shall make such order and opinion available during usual business hours for examination by any person requesting to see same.

IV. *Applicability of the General Maximum Price Regulation.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments that have been heretofore or which may be hereafter issued.

V. *Effective date.* This order No. G-12 shall become effective January 14, 1943. This order No. G-12 may be revoked or amended by the Regional Administrator at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of January 1943.

OSCAR R. STRAUSS, Jr.
Regional Administrator.

[F. R. Doc. 43-12807; Filed, August 6, 1943; 11:05 a. m.]

[Connecticut Order G-1 Under SR 14]

FIREWOOD IN CONNECTICUT

Order No. G-1 under Supplementary Regulation 14 to the General Maximum Price Regulation—Firewood. (Formerly Price Order No. 1.)

The Director of the State Office of The Office of Price Administration for the State of Connecticut has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the State of Connecticut. The State Director has ascertained and given due consideration to the increased production costs which sellers of firewood in the State of Connecticut must incur in order to produce such firewood compared with the costs of production in March, 1942, and in any earlier months in which firewood was generally produced in the State of Connecticut. He has also ascertained and given due consideration

to the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in the State of Connecticut. So far as practicable, the Director has advised and consulted with representative members of the industry which will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the State of Connecticut.

Therefore, under the authority vested in the State Director by Amendment No. 26 to Supplementary Regulation 14 to the General Maximum Price Regulation, Connecticut State Order No. G–1 is hereby issued. This Connecticut State Order No. G–1 supersedes the provisions of § 1499.2 of the General Maximum Price Regulation with regard to sales and deliveries of the types of firewood for which prices are fixed in this Order No. G–1.

SECTION 1. *Maximum prices for firewood.* On and after October 17, 1942, regardless of the provisions of any contract, agreement or other obligations, no person shall sell or deliver in the State of Connecticut and no person shall buy or receive in the course of trade or business in the State of Connecticut any firewood listed in Appendix A hereof, incorporated herein as section 6, at prices higher than the maximum prices set forth in said Appendix A.

SEC. 2. *Less than maximum prices.* Lower prices than those provided in this Connecticut State Order No. G–1 may be charged, demanded, paid or offered.

SEC. 3. *Evasion.* (a) The price limitations set forth in this Connecticut State Order No. G–1 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to firewood in the State of Connecticut, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) Without in any way limiting the generality of the foregoing, the following practices are forbidden:

(i) The sale, delivery, purchase or acceptance of firewood in units other than a cord, half-cord, quarter-cord, or any multiples thereof, or

(ii) Requiring as a condition of any sale or delivery of firewood that the buyer use the services of the seller in stacking the purchased firewood on the premises of the buyer.

(c) The maximum prices established in this Connecticut State Order No. G–1 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

SEC. 4. *Definitions.* When used in this Connecticut State Order No. G–1, the term:

(a) "Person" includes any individual, corporation, partnership, association or any other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States, or any government, or any of its political sub-divisions, or any agency of any of the foregoing.

(b) (1) "Cord" shall mean a standard cord of 128 cubic feet of compactly piled wood.

(2) A cord of 24-inch firewood shall contain the quantity of 24-inch wood cut from a standard cord but not less than 104 cubic feet of 24-inch wood when compactly piled.

(3) A cord of 16-inch firewood shall contain the quantity of 16-inch wood cut from a standard cord but not less than 96 cubic feet of 16-inch wood when compactly piled.

(4) A cord of 12-inch firewood shall contain the quantity of 12-inch wood cut from a standard cord but not less than 96 cubic feet of 12-inch wood when compactly piled.

(c) This order does not recognize the term "running cord" or any other similar term, except as such term may be used to describe a proportion of a cord of wood containing 128 cubic feet.

(d) "Firewood" means any wood prepared and intended for consumption as fuel.

(e) "Cordwood" means any firewood so prepared that at least 80% thereof consists of cleft wood or merchantable body wood in the round of desirable species.

(f) "Slab wood" means the refuse except sawdust and bark not adhering to the wood from sawing any logs.

(g) "Hardwood cordwood" and "hardwood slabwood" means cordwood and slabwood respectively cut from the following deciduous woods: oak, beech, black, yellow, and white birch, hard and soft maple, hickory, ash, cherry, elm and gum.

(h) "Softwood cordwood" and "softwood slabwood" mean cordwood and slabwood respectively cut from any trees other than those set forth in section 4 (g) of this price order.

(i) "Mixed slabwood" means a mixture of hardwood slabwood and softwood slabwood containing not less than 50% by quantity of hardwood slabwood in the total quantity delivered on any individual sale of mixed slabwood.

(j) "Delivered" means deposited in the yard of the purchaser.

SEC. 5. *Effective date.* This Connecticut State Order No. G–1 shall become effective October 17, 1942.

SEC. 6. *Appendix A: Maximum prices for firewood.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the types of firewood listed in this Appendix A sold or delivered in the State of Connecticut shall be modified as set forth in this Appendix A.

(b) To the maximum prices set forth in this Appendix A, the seller may add a charge at a rate not to exceed $1.00 per cord for his services in neatly stacking firewood in the house or in any covered outbuilding of the buyer if the buyer requests such services.

(c) When used in this Appendix A, Zone I shall mean the following towns: Bridgeport, Darien, East Hartford, Fairfield, Greenwich, Hartford, Milford, New Britain, New Haven, Newington, Norwalk, Stamford, Stratford, Waterbury, West Hartford, West Haven, Westport, Wethersfield.

Zone 2 shall mean the following towns: Ansonia, Avon, Bloomfield, Bristol, Danbury, Derby, East Haven, Farmington, Groton, Hamden, Manchester, Meriden, Middletown, New London, North Haven, Norwich, Orange, Putnam, Simsbury, Thompsonville, Torrington, Wallingford, Windham, Windsor Locks, Woodbridge, Windsor.

Zone 3 shall mean all other towns in the State of Connecticut not included in Zone 1 or Zone 2.

HARDWOOD CORDWOOD

	At roadside, lengths 30″–4′6″ (per cord)	At roadside, cut lengths 12″–30″ (per cord)	At retail yard, cut lengths 12″–30″			Delivered into yard consumer			
						30″–4′6″ lengths	Cut lengths 12″–30″		
			Per cord	Per ½ cord	Per ¼ cord	Per cord	Per cord	Per ½ cord	Per ¼ cord
Zone 1	$10	$12	$17.00	$8.50	$4.50	$18.00	$20.00	$10.00	$5.50
Zone 2	10	12	15.00	7.50	4.00	15.00	17.00	8.50	4.75
Zone 3	10	12	13.50	6.75	3.50	12.50	14.50	7.25	4.10

SLABWOOD

	Hardwood slabwood				Softwood slabwood				Mixed slabwood			
	At mill all lengths (per cord)	Delivered into consumer's yard, cut lengths, 12″–30″			At mill all lengths (per cord)	Delivered into consumer's yard, cut lengths, 12″–30″			At mill all lengths (per cord)	Delivered into consumer's yard, cut lengths, 12″–30″		
		Per cord	Per ½ cord	Per ¼ cord		Per cord	Per ½ cord	Per ¼ cord		Per cord	Per ½ cord	Per ¼ cord
Zone 1	$4.50	$12	$6.00	$3.50	$2.50	$10	$5.00	$3.00	$3.50	$11	$5.50	$3.25
Zone 2	4.50	11	5.50	3.25	2.50	9	4.50	2.75	3.50	10	5.00	3.00
Zone 3	4.50	10	5.00	3.00	2.50	8	4.00	2.50	3.50	9	4.50	2.75

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Dated at Hartford, Connecticut, October 16, 1942.

CHESTER BOWLES,
State Director.

[F. R. Doc. 43-12803; Filed, August 6, 1943; 11:04 a. m.]

[Maine Order G-1 Under SR 14]

FIREWOOD IN STATE OF MAINE

Order No. G-1 (Formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

The Director of the State Office of the Office of Price Administration for the State of Maine has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the State of Maine. The State Director has ascertained and given due consideration to the increased production costs which sellers of firewood in the State of Maine must incur in order to produce such firewood compared with the costs of production in March 1942, and in any earlier months in which firewood was generally produced in the State of Maine. He has also ascertained and given due consideration to the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in The State of Maine. So far as practicable, the Director has advised and consulted with representative members of the industry which will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the State of Maine.

Therefore under the authority vested in the State Director by Amendment No. 26 to Supplementary Regulation 14 to the General Maximum Price Regulation, Maine State Order No. G-1 is hereby issued.

A. *Maximum prices for firewood.* On and after October 5, 1942, regardless of any contract or other obligation, no person shall sell or deliver in the State of Maine any firewood and no person shall buy or receive in the course of trade or business in the State of Maine any firewood at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as Section E.

B. *Evasion.* (a) The price limitations set forth in this Order No. G-1 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to firewood in the State of Maine, alone or in conjunction with any other commodity or by way of commission, service transportation, or other charge or discount, premium or other privilege, or by tying agreement or other trade understanding or otherwise.

(b) The maximum prices established in this Order No. G-1 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

(c) *Definitions.* When used in this Order No. G-1, the term:

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

(2) "Firewood" means any wood prepared and intended for consumption as fuel.

(3) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round, of desirable species.

(4) "Hardwood cordwood" means cordwood cut from any deciduous tree.

(5) "Delivered" means deposited on or at premises designated by the buyer.

(6) A cord of 4 foot firewood shall measure 8 feet in length, 4 feet in width, and 4 feet in height, or shall otherwise contain 128 cubic feet. A cord of firewood less than 4 feet long shall contain the quantity of such shorter wood cut from a cord of 4 foot wood.

(7) A load of firewood, not exceeding 16 inches in length, sold in the loose shall contain not less than 144 cubic feet; three-fourths of a load shall contain not less than 108 cubic feet; one-half of a load shall contain not less than 72 cubic feet; and one-fourth of a load shall contain not less than 36 cubic feet.

(8) "Zone A," "Zone B" and "Zone C" shall comprise the towns set out respectively in Appendix A, Table II.

D. *Effective date.* This Order No. G-1 shall become effective October 5, 1942.

E. *Appendix A: Maximum prices for firewood sold or delivered in the state of Maine.* The maximum prices established by § 1499.2 of the General Maximum Price Regulation for firewood sold or delivered in the State of Maine shall be modified as follows: *Provided,* That, for the sale of wood suitable for stove use, split to buyer's order, the seller may add at the rate of one dollar per cord or per load to the prices established below for wood delivered:

APPENDIX A

TABLE I

	At roadside, available for trucking per cord	Delivered at buyers' premises, grounds only					
		Per cord	Per ½ cord	Per ¼ cord	Per cord or per load	Per ½ cord or per ½ load	Per ¼ cord or per ¼ load
Maximum price for firewood in Zone A:							
Hardwood cordwood, 4 feet	$10	$12	$6.00	$3.25			
Hardwood cordwood, 24 inches	12	16	8.00	4.50			
Hardwood cordwood, 12 or 16 inches	12				$16	$8.00	$4.50
Maximum prices for firewood in Zone B:							
Hardwood cordwood, 4 feet	10	12	6.00	3.25			
Hardwood cordwood, 24 inches	12	15	7.50	4.25			
Hardwood cordwood, 12 or 16 inches	12				15	7.50	4.25
Maximum price for firewood in Zone C:							
Hardwood cordwood, 4 feet	10	12	6.00	3.25			
Hardwood cordwood, 24 inches	12	14	7.00	4.00			
Hardwood cordwood, 12 or 16 inches	12				14	7.00	4.00

TABLE II

For the purposes of the schedule the State of Maine is set off into three zones, designated as Zone A, Zone B, and Zone C.

Zone A: The following cities, towns, townships, and plantations in the State of Maine shall comprise Zone A—(by Counties):

Androscoggin: Lewiston, Auburn. *Aroostook:* Presque Isle, Fort Fairfield, Caribou, Limestone, Houlton, Littleton, Mars Hill, Easton. *Cumberland:* Portland, South Portland, Cape Elizabeth, Falmouth, Harpswell, Freeport, Yarmouth, Westbrook, Cumberland, Brunswick, Scarborough. *Franklin:* None. *Hancock:* Bar Harbor, Mt. Desert, S. W. Harbor, Tremont, Swan's Island, Long Island Place, Cranberry Isles, Deer Island, Stonington. *Kennebec:* Augusta, Hallowell, Gardiner, Randolph, Farmingdale, Winslow, Waterville, Oakland. *Knox:* Rockland, Rockport, Camden, Thomaston, South Thomaston, North Haven, Vinalhaven, St. George, Cushing, Friendship, Warren, Owl's Head, Matinicus Isle, Isle Au Haut. *Lincoln:* Waldoboro, Nobleborough, Damariscotta, Bremen, Bristol, South Bristol, Boothbay, Boothbay Harbor, Southport, Westport, Newcastle, Edgecomb, Wiscasset, Monhegan Island. *Oxford:* None. *Penobscot:* Bangor, Veazie, Brewer, Orrington, Hampden. *Piscataquis:* None. *Sagadahoc:* Arrowsic, Georgetown, Phippsburg, West Bath, Bath, Woolwich, Topsham. *Somerset:* Fairfield. *Waldo:* Islesborough. *Washington:* None. *York:* Saco, Biddeford, Kittery, Eliot, York, Old Orchard Beach.

Zone B: The following cities, towns, townships, and plantations in the State of Maine shall comprise Zone B—(by Counties):

Androscoggin: Lisbon, Wester, Mechanic Falls, Livermore Falls, Green, Poland, Minot, Durham. *Aroostook:* Fort Kent, Frenchville, Madawaska, Grand Isle, Van Buren, St. Agatha, Blaine, Bridgewater, Monticello, Washburn, Mapelton, Westfield, Connor, Caswell Plantation, New Sweden, Chapman, Ludlow, New Limerick, Hodgdon, Linneus, Woodland. *Cumberland:* Gorham, Windham, Bridgton, Harrison, Pownal, North Yarmouth, Gray, New Gloucester. *Franklin:* Farmington, Wilton, Jay. *Hancock:* Bucksport, Orland, Ellsworth, Surry, Bluehill, Brooklin, Sedgwick, Brooksville, Castine, Penobscot, Trenton, Lamoine, Sorrento, Winter Harbor, Verona, *Kennebec:* Vassalboro, Winthrop, Chelsea, Pittston, Clinton, Benton, Albion, China, Sidney, Belgrade, Windsor, Manchester, West Gardiner. *Knox:* Union, Hope. *Lincoln:* Jefferson, Alna, Dresden. *Oxford:* Rumford,

Mexico, Dixfield, Bethel, Paris, Norway, Fryeburg. *Penobscot:* Old Town, Millford, Bradley, Orono, Eddington, Holden, Alton, Glenburn, Hermon, Carmel, Newburgh, Newport, Corinna, Dexter. *Piscataquis:* Dover-Foxcroft, Sangerville, Milo, Guilford, Brownville. *Sagadahoc:* Richmond, Bowdoin, Bowdoinham. *Somerset:* Skowhegan, Norridgewock, Madison, Pittsfield, Anson, Canaan, Smithfield. *Waldo:* Belfast, Northport, Lincolnville, Winterport, Frankfort, Prospect, Stockton Springs. *Washington:* Calais, Baring, Eastport, Lubec, Machias, Machiasport, Jonesport. *York:* Wells, Kennebunk, Kennebunkport, Berwick, South Berwick, North Berwick, Sanford, Buxton, Dayton.

Zone C: All cities, towns, townships, and plantations in the State of Maine not specifically set out in Zone A and Zone B shall comprise Zone C.

Issued at Augusta, Maine, October 3, 1942.

EDWARD C. MORAN, Jr.,
State Director.

[F. R. Doc. 43-12798; Filed, August 6, 1943; 10:59 a. m.]

[Maine Order G-1 Under SR 14, Amdt. 1]

FIREWOOD IN STONINGTON AND DEER ISLE, MAINE

Amendment No. 1 to Order No. G-1 (formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

An opinion accompanying this amendment has been issued simultaneously herewith and a copy of this amendment together with the accompanying opinion has been duly transmitted (1) to the Regional Office for Region I of the Office of Price Administration in Boston, Massachusetts and (2) to the National Office of the Office of Price Administration in Washington, D. C.

Section D of Order No. G-1 is amended by adding a new subsection (a); and Section E is amended, as set forth below:

D. * * *

(a) Amendment No. 1 to Order No. G-1 shall become effective December 21, 1942.

E. *Appendix A: Maximum prices for firewood sold or delivered in the State of Maine.* The maximum prices established by § 1499.2 of the General Maximum Price Regulation for firewood sold or delivered in the State of Maine shall be modified as follows: *Provided,* That for the sale of wood suitable for stove use, split to buyer's order, the seller may add at the rate of one dollar per cord or per load to the prices established below for wood delivered; except that for four foot hardwood cordwood sold in the Town of Stonington and in the Town of Deer Isle, both located in Zone A, the maximum price for such wood delivered at buyer's premises, grounds only, shall be $14.00 per cord, $7.00 per one-half cord, and $3.75 per one-quarter cord:

* * * * *

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued at Augusta, Maine this 21st day of December, 1942.

EDWARD C. MORAN, Jr.,
State Director.

[F. R. Doc. 43-12799; Filed, August 6, 1943; 11:04 a. m.]

[Vermont Order G-1 Under SR 14]

FIREWOOD IN VERMONT

Order No. G-1 (Formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

The Director of the State Office of the Office of Price Administration for the State of Vermont has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the State of Vermont. The State Director has ascertained and given due consideration to the increased production costs which sellers of firewood in the State of Vermont must incur in order to produce such firewood compared with the costs of production in March, 1942, and in any earlier months in which firewood was generally produced in the State of Vermont. He has also ascertained and given due consideration to the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in the State of Vermont. So far as practicable, the Director has advised and consulted with representative members of the industry which will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the State of Vermont.

Therefore, under the authority vested in the State Director by Amendment No. 26 to Supplementary Regulation 14, Vermont State Order No. G-1 is hereby issued.

1. *Maximum prices for firewood.* On and after October 3, 1942, regardless of any contract or other obligation, no person shall sell or deliver in the State of Vermont any firewood and no person shall buy or receive in the course of trade or business in the State of Vermont any firewood at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as section 5.

2. *Evasion.* (a) The price limitations set forth in this Vermont Order No. G-1 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to firewood in the State of Vermont, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) The maximum prices established in this Vermont Order No. G-1 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

3. *Definitions.* When used in this Vermont Order No. G-1, the term:

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

(b) "Firewood" means any wood prepared and intended for consumption as fuel.

(c) "Hardwood cordwood" means any cordwood cut from any deciduous tree.

(d) "Softwood cordwood" means all cordwood other than hardwood cordwood.

(e) "A cord" shall contain 128 cubic feet of wood. A cord of 16 inch wood shall contain the equivalent of three piles of wood 4 feet high, 8 feet long and 16 inches wide. A cord of 12 inch wood shall contain the equivalent of four piles of wood 4 feet high, 8 feet long and 12 inches wide. No cord of wood of any length shall contain less than 128 cubic feet of wood. This order does not recognize the terms, "a run", or "stove cord", except as they apply to that proportion of a cord of wood containing 128 cubic feet.

(f) "Fitted wood" shall be cordwood firewood suitable for stove use, sawed and split to buyer's order.

(g) "Slab wood" means the refuse except sawdust and bark not adhering to the wood from sawing any logs.

(h) "Wood waste" means edging, bobbin wood, clippings, and any other wooden material except sawdust and slab wood produced in the course of milling or manufacturing wood.

(i) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round of desirable species.

(j) "Delivered" means deposited on or at premises designated by the buyer.

(k) "Kindling wood" shall mean any hardwood or softwood, including waste wood, split and prepared so as to be primarily used to start or kindle a fire.

4. *Effective date.* This Vermont Order No. G-1 shall become effective October 3, 1942.

5. *Appendix A: Maximum prices for firewood sold or bought in the State of Vermont.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for firewood sold or delivered in the State of Vermont shall be modified as follows: *Provided,* That, for the sale of fitted wood, the seller may add one dollar and fifty cents ($1.50) per cord to the maximum prices for cordwood listed in Table I below.

(b) The classifications of firewood listed herein in Table I of Appendix A may be mixed but the maximum price of the mixture shall be the same as the maximum price of the lowest classification therein.

TABLE 1—MAXIMUM PRICES FOR FIREWOOD

	In the woods per cord	At roadside per cord	At mill per cord	At retail yard per cord	Delivered at consumers premises					
					Per cord cut 24"	Per cord cut 16"	Per cord cut 12"	Per cord 4 feet	Per cubic foot in baskets or containers piled 9 cubic feet or less	Per cubic foot closely packed and in quantity of more than 9 cubic feet
Hardwood cordwood, 4 feet	$7	$9	.....	$11.00	.....	.....	.....	$11	.....	.....
Hardwood cordwood, under 4 feet	.....	11	.....	14.00	$15	$15	$16	.....	.....	.....
Softwood cordwood, 4 feet	3	5	.....	8.00	.....	.....	.....	8	.....	.....
Softwood cordwood, under 4 feet	.....	7	.....	9.00	10	10	11	.....	.....	.....
Hardwood slabwood, 4 feet or over	.....	.....	$4.00	5.00	.....	.....	.....	6	.....	.....
Hardwood slabwood, under 4 feet	.....	.....	5.50	11.00	12	12	14	.....	.....	.....
Softwood slabwood, 4 feet or over	.....	.....	1.50	3.50	.....	.....	.....	4	.....	.....
Softwood slabwood, under 4 feet	.....	.....	2.00	8.00	9	9	10	.....	.....	.....
Softwood kindling	.....	.....	.....	.....	.....	.....	.....	.....	$0.13	$0.11
Hardwood—Kindling	.....	.....	.....	.....	.....	.....	.....	.....	.17	.15

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 1st day of October 1942, at Montpelier, Vermont.

FRED S. BRYNN,
State Director.

[F. R. Doc. 43-12800; Filed, August 6, 1943; 11:00 a. m.]

[New Hampshire Order G-1 Under SR 14]

FIREWOOD IN NEW HAMPSHIRE

Order No. G-1 (formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

The Director of the State Office of the Office of Price Administration for the State of New Hampshire has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale or delivery of firewood are inadequate to insure a sufficient supply of firewood to meet heating requirements in the State of New Hampshire. The State Director has ascertained and given due consideration to the increased production costs which sellers of firewood in the State of New Hampshire must incur in order to produce such firewood compared with the costs of production in March 1942, and in any earlier months in which firewood was generally produced in the State of New Hampshire. He has also ascertained and given due consideration to the extent of increased transportation costs which must be incurred by sellers of firewood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in the State of New Hampshire. So far as practicable, the Director has advised and consulted with representative members of the industry which will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of firewood in the State of New Hampshire.

Therefore under the authority vested in the State Director by Amendment No. 26 to Supplementary Regulation 14 to the General Maximum Price Regulation, New Hampshire State Order No. G-1 is hereby issued.

A. *Maximum prices for firewood.* On and after September 26, 1942, regardless of any contract or other obligation, no person shall sell or deliver in the State of New Hampshire any firewood and no person shall buy or receive in the course of trade or business in the State of New Hampshire any firewood at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as section G; no person shall sell or deliver any firewood in the State of New Hampshire and no person shall buy or receive in the course of trade or business in the State of New Hampshire any firewood in quantities other than the units specified herein; and no person subject to this New Hampshire Order No. G-1 shall agree, offer, solicit, or attempt to do any of the foregoing.

B. *Less than maximum prices.* Lower prices than those provided in this New Hampshire Order No. G-1 may be charged, demanded, paid or offered.

C. On and after September 26, 1942, regardless of any contract or other obligation, the following shall be the only units for the sale, delivery, purchase, or acceptance of firewood in the State of New Hampshire:

(a) *A cord.* Firewood may be sold by the quarter cord or by any multiple thereof.

(1) A cord of four foot firewood shall contain a standard cord.

(2) A cord of 24-inch firewood shall contain the quantity of 24-inch wood cut from a standard cord but not less than 104 cubic feet of 24-inch wood when compactly piled.

(3) A cord of 16-inch firewood shall contain the quantity of 16-inch wood cut from a standard cord but not less than 96 cubic feet of 16-inch wood when compactly piled.

(4) A cord of 12-inch firewood shall contain the quantity of 12-inch wood cut from a standard cord but not less than 96 cubic feet of 12-inch wood when compactly piled.

(b) *A load.* Firewood not exceeding 16 inches in length may be measured and sold by the quarter load or any multiple thereof. A load shall contain 80 cubic feet of such firewood thrown in loose.

D. *Evasion.* (a) The price limitations set forth in this New Hampshire Order No. G-1 shall not be evaded, whether by direct or indirect methods in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to firewood in the State of New Hampshire, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) The maximum prices established in this New Hampshire Order No. G-1 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the price would have been decreased on March 1, 1942.

E. *Definitions.* When used in this New Hampshire Order No. G-1, the term:

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

(2) "Firewood" means any wood prepared and intended for consumption as fuel.

(3) "Cordwood" means any firewood so prepared that at least 80% consists of cleft wood or merchantable body wood in the round of desirable species.

(4) "Hardwood cordwood" means cordwood cut from any deciduous tree.

(5) "Softwood cordwood" means all cordwood other than hardwood cordwood.

(6) "Fitted wood" means cordwood firewood suitable for stove use, split to buyer's order.

(7) "Slab wood" means the refuse except sawdust and bark not adhering to the wood from sawing any logs.

(8) "Wood waste" means edging, bobbin wood, clippings, and any other wooden material except sawdust and slab wood produced in the course of milling or manufacturing wood.

(9) "Standard cord" means 128 cubic feet of four foot firewood piled four feet high and eight feet long.

(10) "Delivered" means deposited on or at premises designated by the buyer.

F. *Effective date.* This New Hampshire Order No. G–1 shall become effective September 26, 1942.

G. *Appendix A: Maximum prices for firewood.* The maximum price for firewood sold or delivered in the State of New Hampshire shall be as follows: *Provided*, That, for the sale of fitted wood, the seller may add at the rate of one dollar per cord or at the rate of 60¢ per load to the prices established below for wood delivered.

The classifications of firewood listed herein in Appendix A may be mixed but the maximum price of the mixture shall be the same as the maximum price of the lowest classification therein.

TABLE 1—MAXIMUM PRICES FOR FIREWOOD IN MANCHESTER AND NASHUA, NEW HAMPSHIRE

	In the woods (per cord)	At roadside (per cord)	At mill (per cord)	At retail yard (per cord)	Delivered at buyer's premises, grounds only					
					Per cord	½ cord	¼ cord	Load (80 cubic feet)	½ load	¼ load
Hardwood cordwood, 4 foot	$8	$10	-------	$12	$14	$7	$3.75	-------	-------	-------
Hardwood cordwood 12-, 16-, or 24-inch	-------	12	-------	16	18	9	5.00	$9.50	$5.25	$3.00
Softwood cordwood, 4-foot	4	6	-------	7	8	4	2.50	-------	-------	-------
Softwood cordwood, 12-, 16-, or 24-inch	-------	8	-------	9	10	5	3.00	5.50	3.25	1.75
Hardwood slabwood, 4-foot	-------	-------	$6	8	10	5	3.00	-------	-------	-------
Hardwood slabwood, 12-, 16,- or 24-inch	-------	-------	-------	10	12	6	3.50	6.50	3.50	2.00
Softwood slabwood, 4-foot	-------	-------	2	4	6	3	2.00	-------	-------	-------
Softwood slabwood, 12-, 16-, or 24-inch	-------	-------	-------	-------	8	4	2.50	4.50	2.50	1.50
Hardwood waste	-------	-------	[1] 5	-------	-------	-------	-------	6.50	3.50	2.00
Softwood waste	-------	-------	[1] 1	-------	-------	-------	-------	4.00	2.25	1.25

[1] Prices per load.

TABLE 2—MAXIMUM FIRE WOOD PRICES FOR THE FOLLOWING NEW HAMPSHIRE COMMUNITIES: BERLIN, CLAREMONT, CONCORD, DERRY, DOVER, EXETER, FRANKLIN, KEENE, LACONIA, LEBANON, NEWPORT, PORTSMOUTH, ROCHESTER, AND SOMERSWORTH

	In the woods (per cord)	At roadside (per cord)	At mill (per cord)	At retail yard (per cord)	Delivered at buyer's premises, grounds only					
					Per cord	½ cord	¼ cord	Load (80 cubic feet)	½ load	¼ load
Hardwood cordwood, 4-foot	$8	$10	-------	$12	$14	$7	$3.75	-------	-------	-------
Hardwood cordwood, 12-, 16-, or 24-inch	-------	12	-------	14	16	8	4.50	$8.50	$4.75	$2.50
Softwood cordwood, 4-foot	4	6	-------	7	8	4	2.50	-------	-------	-------
Softwood cordwood, 12-, 16-, or 24-inch	-------	8	-------	9	10	5	3.00	5.50	3.25	1.75
Hardwood slabwood, 4-foot	-------	-------	$6	8	10	5	3.00	-------	-------	-------
Hardwood slabwood, 12-, 16-, or 24-inch	-------	-------	-------	10	12	6	3.50	6.50	3.50	2.00
Softwood slabwood, 4-foot	-------	-------	2	4	6	3	2.00	-------	-------	-------
Softwood slabwood, 12-, 16-, or 24-inch	-------	-------	-------	-------	8	4	2.50	4.50	2.50	1.50
Hardwood waste	-------	-------	[1] 5	-------	-------	-------	-------	6.50	3.50	2.00
Softwood waste	-------	-------	[1] 1	-------	-------	-------	-------	4.00	2.25	1.25

[1] Prices per load.

TABLE 3—MAXIMUM FIRE WOOD PRICES FOR ALL OTHER NEW HAMPSHIRE COMMUNITIES NOT LISTED IN TABLES 1 AND 2 OF APPENDIX A

	In the woods (per cord)	At roadside (per cord)	At mill (per cord)	At retail yard (per cord)	Delivered at buyer's premises only					
					Per cord	½ cord	¼ cord	Load (80 cu. feet)	½ load	¼ load
Hardwood cordwood, 4-foot	$8	$10	-------	$12	$12.00	$6.00	$3.50	-------	-------	-------
Hardwood cordwood 12-, 16-, or 24-inch	-------	12	-------	13	14.00	7.00	4.00	$7.50	$4.25	$2.25
Softwood cordwood, 4-foot	4	6	-------	7	8.00	4.00	2.50	-------	-------	-------
Softwood cordwood 12-, 16-, or 24-inch	-------	8	-------	9	10.00	5.00	3.00	5.50	3.25	1.75
Hardwood slabwood, 4-foot	-------	-------	$6	8	10.00	5.00	3.00	-------	-------	-------
Hardwood slabwood 12-, 16-, or 24-inch	-------	-------	-------	10	12.00	6.00	3.50	6.50	3.50	2.00
Softwood slabwood, 4-foot	-------	-------	2	3	4.50	2.25	1.25	-------	-------	-------
Softwood slabwood, 12-, 16-, or 24-inch	-------	-------	-------	-------	6.50	3.25	1.75	3.75	2.25	1.25
Hardwood waste	-------	-------	[1] 5	-------	-------	-------	-------	6.50	3.50	2.00
Softwood waste	-------	-------	[1] 1	-------	-------	-------	-------	3.50	2.00	1.25

[1] Prices per load.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Dated at Concord, New Hampshire, September 25, 1942.

RUSSELL R. LARMON,
State Director.

[F. R. Doc. 43–12801; Filed, August 6, 1943; 11:01 a. m.]

[Rhode Island Order G–1 Under SR 14]

CORDWOOD IN RHODE ISLAND

Order No. G–1 under Supplementary Regulation 14 to General Maximum Price Regulation (Formerly Price Order No. 1)—Cordwood.

The Director of the Rhode Island Office of the Office of Price Administration has determined upon his own motion that in his judgment the maximum prices established in § 1499.2 of the General Maximum Price Regulation for the sale and delivery of cordwood are inadequate to insure a sufficient supply of cordwood to meet heating requirements in the State of Rhode Island. The State Director has ascertained and given due consideration to the increased production costs which sellers of cordwood in the State of Rhode Island must incur in order to produce such cordwood compared with the costs of production in March, 1942, and in earlier months in which cordwood was generally produced in the State of Rhode Island. He has also ascertained and given due consideration to the extent of increased transportation costs which must be incurred by sellers of cordwood in order to move sufficient supplies thereof to meet the requirements of the several affected localities in the State of Rhode Island. So far as practicable, the Director has advised and consulted with representative members of the industry and of consumers that will be affected by this order.

In the judgment of the State Director, the maximum prices established by this order are and will be generally fair and equitable and will adjust maximum prices established in § 1499.2 of the General Maximum Price Regulation to the minimum extent necessary to insure a sufficient supply of cordwood in the State of Rhode Island.

Therefore, under the authority vested in the State Director by § 1499.73 (a) (8), as amended, of General Maximum Price Regulation (See Amendment No. 26 to Supplementary Regulation 14 to General Maximum Price Regulation), Rhode Island State Order No. G–1 is hereby issued.

1. *Maximum prices for cordwood.* On and after October 15, 1942, regardless of any contract or other obligation, no person shall sell or deliver any cordwood in the State of Rhode Island, and no person, in the course of trade or business, shall buy or receive any cordwood in the State of Rhode Island, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as section 6.

2. *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

3. *Definitions.* When used in this Rhode Island Order No. G–1, the term:

(a) "Cordwood" means hardwood consisting of oak, maple, ash, birch, hickory, and apple, or the equivalent burning species prepared for consumption as fuel.

(b) "Delivered", with respect only to sales to an ultimate consumer, means deposited on or at premises designated by the buyer.

(c) The definitions set forth in § 1499.20 of the General Maximum Price

Regulation shall apply to other terms used herein.

(d) "Zone A", "Zone B", "Zone C", and "Zone D" shall comprise the cities and towns specified in Appendix A hereof, incorporated herein as § 6.

4. This order may be revoked or amended at any time by the State Director.

5. *Effective date.* This Rhode Island Order No. G–1 shall become effective October 15, 1942.

6. *Appendix A: Maximum prices for cordwood sold or delivered in the State of Rhode Island.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for cordwood sold or delivered in the State of Rhode Island are hereby adjusted as follows:

(1) For cordwood delivered to the ultimate consumer in:

(i) "Zone A," $17.50 per cord for all lengths of cut.

(ii) "Zone B," $12.50 per cord for all lengths of cut.

(iii) "Zone C," $20 per cord, in 4 foot lengths, plus the sum of $1 for each additional cut required for less than 4 foot lengths.

(iv) "Zone D," $16 per cord for all lengths of cut.

(2) For cordwood sold or delivered to others than the ultimate consumer, the maximum price established under § 1499.2 of the General Maximum Price Regulation, plus $2.50 per cord.

(b) Zones "A," "B," "C," and "D" are hereby established comprising the cities and towns specified for each such zone as follows:

Zone "A": The Cities of Central Falls, Cranston, Pawtucket and Providence, and the town of East Providence.

Zone "B": The towns of Charlestown, Exeter, Hopkinton, Richmond and Westerly.

Zone "C": The city of Newport, and the Towns of Jamestown, Middletown, New Shoreham and Portsmouth.

Zone "D": All of that area of the State of Rhode Island not comprised in Zones "A," "B," and "C" as above.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued at Providence, Rhode Island, October 15, 1942.

CHRISTOPHER DEL SESTO,
State Director.

[F. R. Doc. 43–12802; Filed, August 6, 1943; 11:01 a. m.]

[Tulsa Order G–1 Under Gen. Order 50, Amdt. 1]

DOMESTIC MALT BEVERAGE IN TULSA DISTRICT

Order No. G–1, Amendment No. 1 under General Order No. 50. Filing of prices by restaurants and similar establishments: Delegation of authority to fix maximum prices.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Tulsa, Oklahoma, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order, *It is hereby ordered,* That Tulsa Order No. G–1 under General Order No. 50 be amended as follows:

1. Section 9 (a) (2), is hereby amended to read as follows:

(2) *On draught.* All brands, except Michelob, of domestic malt beverage (beer or ale) ten (10) fluid ounces, exclusive of foam, for ten cents (10¢). Michelob domestic malt beverage may be sold eight (8) ounces, exclusive of foam, for ten cents (10¢).

Other quantities of all brands of domestic malt beverage sold on draught, may be sold by any "eating or drinking place" to which this order applies: *Provided,* That such "eating or drinking place" dispenses no less than one (1) fluid ounce, exclusive of foam, of domestic malt beverage (beer or ale) for each one cent (1¢) charged.

This amendment to Tulsa Order No. G–1 under General Order No. 50, shall become effective at 12:01 a. m., July 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681, Gen. Order 50, 8 F.R. 4808)

Issued at Tulsa, Oklahoma, this 23d day of July 1943.

BEN O. KIRKPATRICK,
District Director.

[F. R. Doc. 43–12837; Filed, August 7, 1943; 10:49 a. m.]

[Shreveport Order G–1 Under Gen. Order 50]

CEILING PRICES FOR DOMESTIC MALT BEVERAGES IN SHREVEPORT DISTRICT

Order No. G–1 under General Order No. 50. (Filing of prices by restaurants and similar establishments: delegation of authority to fix maximum prices). Dollars and cents ceiling prices for domestic malt beverages.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the District Director of the Shreveport, Louisiana, District Office of Region V of the Office of Price Administration by General Order No. 50, issued by the Administrator of the Office of Price Administration, and Region V Delegation Order dated April 13th, 1943, *it is hereby ordered:*

SECTION 1. *What this order does.* In accordance with the provisions of General Order No. 50, this order establishes in section 9 hereof, "dollars-and-cents" maximum prices for certain beverage items offered for sale or sold by any "person" owning or operating an "eating or drinking place" located in the Shreveport District, composed of the following parishes in the State of Louisiana:

Bienville.	East Carroll.
Bossier.	Franklin.
Caddo.	Grant.
Caldwell.	Jackson.
Catahoula.	LaSalle.
Claiborne.	Lincoln.
Concordia.	Madison.
DeSoto.	Morehouse.
Natchitoches.	Tensas.
Ouachita.	Union.
Red River.	Webster.
Richland.	West Carroll.
Sabine.	Winn.

SEC. 2. *What this order covers.* The beverage item to which this order applies are:

(a) Domestic malt beverages as defined in section 7 hereof and commonly known as beer or ale.

SEC. 3. *Prohibition against sales or beverage items above maximum prices.* (a) On and after the effective date of this order, regardless of any contract, agreement, lease, or other obligation:

(1) No person shall sell or deliver any beverage item subject to this order at higher prices than the maximum prices set forth in this order.

(2) No person shall buy or receive any beverage item subject to this order in the course of trade or business at higher prices than the maximum prices set forth in this order.

(3) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 4. *Posting*—(a) *Selling prices.* All persons subject to this order must post in the "eating or drinking place," plainly visible to their customers, their selling prices for the beverage items listed in Section 9 hereof, at or near the place where the beverage item is offered for sale.

(b) *Maximum prices.* All persons subject to this Order must post in a conspicuous place in the "eating or drinking place" a list of the "dollars-and-cents" maximum prices of the beverage items offered for sale, so that such list will be plainly visible to their customers.

SEC. 5. *Applicability of General Order No. 50.* This order is subject to all the provisions of General Order No. 50 which are hereby made a part of this order.

SEC. 6. *Applicability of General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation, as well as amendments thereto, shall be applicable to all "eating and drinking places" subject to this order:

(a) Sales Slips and Receipts: § 1499.14.

(b) Registration: § 1499.15.

(c) Licensing: § 1499.16.

SEC. 7. *Definitions.* (a) "Domestic malt beverage" shall mean any and all malt beverages produced within the continental United States, or its territories and possessions, made by the alcoholic fermentation of an infusion or decoction, or combinations of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

(b) "Domestic malt beverage sold on draught" means domestic malt beverage dispensed from a barrel, keg or other container by a "person" owning or operating an "eating place" subject to this order.

(c) "Person" includes an individual, corporation, partnership, trust or estate, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any state, county, or municipal government, or any of its political subdivisions, and any agencies of any of the foregoing: *Provided,* That no punishment provided by this order shall apply to the United States, or to any such government, political subdivision, or agency.

(d) "Eating or drinking place" means any place, establishment, business, or location, whether temporary or permanent, stationary or movable, including, but not limited to, a restraurant, hotel, cafe, boarding house, diner, coffee shop, tea room, private club, bar, tavern, delicatessen, soda fountain, cocktail lounge, catering business, or any other place from which any beverage item subject to this order is offered for sale or sold, except those places which are specifically exempted in section 8 hereof.

(e) "Beverage items" listed herein shall include all domestic malt beverages sold or served by "eating or drinking places" for consumption in or about the place, without additional preparation other than cooling.

(f) "Hotel room service sale" means sale to a guest or guests in a hotel room when delivery is made to a guest's hotel room.

(g) "Hotel" means any establishment generally regarded as such in its community and used predominantly for transient occupancy.

(h) *Other definitions.* Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

SEC. 8. *Exempt sales.* Sales by the following are specifically exempt from the provisions of this order:

(a) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar, and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(b) Hospitals, except for beverage items served to persons other than patients.

(c) Hotel room service sales.

(d) Any place of business which does not sell domestic malt beverages for consumption on or about the premises where sold.

Such aforesaid sales, not otherwise exempt from Price Control, shall remain subject to the appropriate maximum price regulation or order.

SEC. 9. *Maximum "Dollars-and-Cents" prices.* (a) The maximum "dollars-and-cents" prices which may be charged for the beverage items subject to this order are:

(1) *In bottles:*

Brand or trade name	Maximum price per bottle	
	12 oz.	32 oz.
	Cents	*Cents*
Blatz Pilsener (beer)	16	36
Budweiser (beer)	16	36
Burger Brau (beer)	16	----
Fortune (beer)	16	36
Manhattan (beer)	16	----
Muehlebach (beer)	16	36
Pabst (beer)	16	36
Schlitz (beer)	16	36
Silver Fox (beer)	16	36
Burger Beer (beer)	11	----
Burger Ale (ale)	11	----
Birk's (beer)	11	26
Champ-Velvet (beer)	11	26
Eagle (beer)	11	26
Falstaff (beer)	11	26
Fox DeLuxe (beer)	11	26
Gold Crest (beer)	11	26
Hapsburg (beer)	11	26
Jax (beer)	11	26
Regal (beer)	11	26
Stag (beer)	11	26
76—Ale (ale)	11	26

(2) *On draught.* All brands of domestic malt beverage (beer or ale) ten (10) fluid ounces, exclusive of foam, for ten cents (10¢), or in other quantities at the rate of one cent (1¢) per ounce, exclusive of foam.

(3) *Non-labeled bottles.* Any domestic malt beverage item (beer or ale) offered for sale or sold in bottles by any "eating or drinking place" subject to this order, which does not have the manufacturer's label affixed thereto, or the trade name or brand stamped, printed, or engraved or appearing in raised letters on the cap or bottle as proper identification, shall not be offered for sale or sold at a price higher than the lowest maximum price fixed herein for the size of bottle of domestic malt beverage (beer or ale) offered for sale or sold.

SEC. 10. *Less than maximum prices.* Lower prices than those established by this order may be charged, demanded, paid or offered.

SEC. 11. *Other brands of domestic malt beverages.* Any person subject to this order desiring to sell any other trade name or brand of domestic malt beverage not specifically priced by section 9 herein, shall, before offering such domestic malt beverage for sale, apply to and receive from the Shreveport District Office of the Office of Price Administration a maximum price for such beverage.

Such application need not be in any particular form, but must contain the following information: Name and address of applicant, location and type of "eating or drinking place", trade name or brand of domestic malt beverage, size of bottle, and cost per case, delivered. The Shreveport District Office of the Office of Price Administration shall then fix the maximum price for such trade name or brand of domestic malt beverage, and shall notify such applicant accordingly. The price so fixed shall be the maximum price for which such trade name or brand of domestic malt beverage may be sold by such applicant.

SEC. 12. *Taxes.* The dollars-and-cents maximum prices for the beverage items listed in section 9 hereof, include municipal, state and federal taxes in effect as of the effective date of this order. In the event of an increase in an existing tax or of the levy of a new or additional tax, not in effect on the effective date of this order, the Shreveport District Director of the Office of Price Administration may make such adjustment in the maximum prices provided for herein, as may appear equitable and just.

SEC. 13. *Evasion.* The price limitations set forth in this order shall not be evaded by direct or indirect methods in connection with an offer, solicitation, agreement, sale or delivery of, or relating to the sale of any beverage item, alone or in connection with any other commodity or by way of commission, service, transportation, or any charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or by any other means, manner, method, device, scheme, or artifice, or otherwise.

SEC. 14. *Enforcement.* "Persons" violating any provisions of this order are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages, provided by the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Petition for amendment.* Any person seeking an amendment of any provisions of this order, may file a petition for amendment, in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 16. *Effective date.* This order becomes effective at 12:01 a. m., Central War Time, August 9, 1943.

SEC. 17. *Revocation.* This order may be amended, corrected, revised, or revoked at any time.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued at Shreveport, Louisiana, this 31st day of July 1943.

J. E. BRUMFIELD,
District Director.

[F. R. Doc. 43-12836; Filed, August 7, 1943; 10:48 a. m.]

[Region III Order G-27 Under 18 (c) of GMPR]

HOG HOUSES IN SOUTHERN AND CENTRAL INDIANA

Order No. G-27 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Order adjusting maximum prices for hog houses in southern and central Indiana.

Pursuant to § 1499.18 (c) of the General Maximum Price Regulation and upon the facts found and for the reasons stated in the annexed opinion: *It is hereby ordered:*

1. This order applies only to persons located in those counties of the State of Indiana south of the southern boundaries of Newton, Jasper, Pulaski, Fulton, Kosciusko, Whitley and Allen Counties who construct or manufacture hog houses and sell the same direct to raisers of hogs within such portion of the State of Indiana.

2. Any seller of hog houses to whom this order applies is authorized to adopt as his maximum price for hog houses sold in transactions governed by this order in the place and stead of his maximum price established under the General Maximum Price Regulation, the total of the following amounts:

(a) The maximum price for sale at retail of each item of lumber and other material actually used in the manufacture or construction of the hog house. In determining the amount of lumber and other material actually used, the allowance for wastage shall in no event exceed 5%.

(b) The actual cost of direct labor used in the manufacture or construction. This means the amount of wages or salary paid for time actually worked on the manufacture or construction of the hog house and shall not include any sum for supervision or administrative cost. In instances where the seller performs the labor himself, he shall compute the value of his time at wage rates prevailing ing his community for similar type of work.

(c) 10% of the total amount allowed for labor and material as above set forth.

3. Every seller making sales pursuant to this order shall in addition to all other records required by the maximum price regulation, prepare an itemized statement showing in detail how he determined his maximum price on each kind and type of hog house manufactured or constructed by him and shall retain such statement while this order remains in effect for examination by any representative of the Office of Price Administration. Where any used, scrap, discarded, or rejected materials are employed, that fact shall be noted on such statement.

4. Except to the extent expressly authorized by this order, each seller shall conform to all requirements of the General Maximum Price Regulation.

5. This order shall take effect upon the execution hereof and remain in force until revoked, modified or superseded by order or regulation issued by the Office of Price Administration.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12860; Filed, August 7, 1943; 11:50 a. m.]

[Region IV Order G-3 Under 18 (c) of GMPR]

FLUID MILK IN BARTOW AND GORDON COUNTIES, GA.

Amendment No. 1 to Order No. G-3, (formerly Price Order No. 18 (c)-3) under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjustment of certain fluid milk prices for Bartow and Gordon Counties, Georgia.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. G-3 issued December 7, 1942, with effective date of December 14, 1942, is amended as follows:

Paragraph I is revoked; and Paragraph II and Paragraph IV (3) are amended as set forth below:

II. *Adjusted maximum prices for Grade A raw and pasteurized milk.* On and after December 14, 1942, the maximum price for Grade A raw and pasteurized milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at wholesale shall be 13¢ per quart, 7¢ per pint, and 3½¢ per half-pint; and the maximum price of Grade A raw and pasteurized milk sold and delivered within the boundaries of Bartow and Gordon Counties, Georgia, by any person at retail, other than a person selling such milk at a hotel, restaurant, soda fountain, bar, cafe, or other similar establishment for consumption on the premises, shall be 15¢ per quart, 8¢ per pint, and 5¢ per half-pint.

IV. *Requirements of notification.*

* * *

(3) The written notifications required in subparagraphs III, (1) and (2) shall contain the following statement:

By Order No. G-3 effective December 14th, as amended by Amendment No. 1 thereto, issued December 9th, and effective December 14th, the Regional Administrator of the Office of Price Administration for Region IV established adjusted maximum prices for Grade A raw and pasteurized milk within the boundaries of Bartow and Gordon Counties, Georgia, as follows:

Raw and pasteurized	Quart	Pint	Half-pint
	Cents	*Cents*	*Cents*
Wholesale	13	7	3½
Out of retail store	15	8	5
Retail home delivered	15	8	5

Copy of said order and the accompanying opinion, and Amendment No. 1 to said order and the opinion issued in connection therewith may be inspected at the place of business of the seller.

Effective Date

Amendment No. 1 to Order No. G-3 shall be effective as of December 14, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 9th day of December 1942.

OSCAR R. STRAUSS, Jr.,
Regional Administrator.

[F. R. Doc. 43-12854; Filed, August 7, 1943; 11:46 a. m.]

[Region VIII Order G-3 Under SR 14]

FLUID MILK IN POLK COUNTY, OREG.

Order G-3 under § 1499.73 (a) (1) (iv) of Supplemental Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order 5.) Fluid milk prices at wholesale and retail in Polk County, Oregon.

For the reasons set forth in a statement of reasons issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, the General Maximum Price Regulation, and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold and delivered at retail in Polk County, Oregon.* (a) The maximum prices for fluid milk sold and delivered at retail in Polk County, Oregon, shall be the seller's maximum prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Butterfat	Container size	Adjusted maximum price (cents)
4%	½ pint	5
4%	pint	8
4%	quart	13
5%	½ pint	6
5%	pint	9
5%	quart	15

(2) *Maximum prices for fluid milk sold at wholesale in Polk County, Oregon.* (a) The maximum prices for fluid milk sold and delivered at wholesale in Polk County, Oregon, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Butterfat	Container size	Adjusted maximum price (cents)
4%	½ pint	3¼
4%	pint	6
4%	quart	11
5%	½ pint	3¾
5%	pint	7
5%	quart	13

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

(a) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(b) "4% butterfat" milk means milk having a butterfat content of 4.5% or less, and includes chocolate milk. "5% butterfat" milk means milk having a butterfat content exceeding 4.5%.

(c) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than the ultimate consumer.

(d) "Sale at retail" means a sale or selling of fluid milk in bottles or paper containers to an ultimate consumer other than an industrial or commercial user.

(4) According to the Sixteenth Census of the United States 1940, no city in Polk County, Oregon has a population of 100,000 persons or more. No marketing Agreement Act of 1937, as amended, has been made or issued establishing a minimum producer price for milk in any part of Polk County, Oregon.

(5) No seller of fluid milk affected by this order shall change his customary allowances, discounts, or other price differentials unless such change results in a lower price.

(6) Any maximum price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(7) This Order No. G–3 may be revoked or amended at any time by the Office of Price Administration.

(8) This Order No. G–3 shall become effective October 16, 1942.

Issued this 16th day of October 1942.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–12853; Filed, August 7, 1943; 11:44 a. m.]

[Region VIII Order G–2 Under SR 14]

FLUID MILK IN CERTAIN LOCALITIES IN WASHINGTON

Order G–2 under § 1499.73 (a) (1) (iv) of Supplemental Regulation No. 14 to the General Maximum Price Regulation. (Formerly Order 3). Fluid milk prices at wholesale and retail in certain localities in the State of Washington.

For the reasons set forth in a statement of reasons issued simultaneously herewith and pursuant to and under the authority vested in the Regional Administrator by the Emergency Price Control Act of 1942, the General Maximum Price Regulation, and § 1499.73 (a) (1) (iv) of Supplementary Regulation No. 14 to the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk sold and delivered at retail in certain specified localities in the State of Washington.* (a) The maximum prices for fluid milk sold and delivered at retail, in the localities in the State of Washington set forth below, shall be the seller's maximum prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Locality	Grade	Butterfat	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
(a) Camas, Wash	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	13
(b) Washougal, Wash	Milk	Standard	Out of store or to the home.	Quart	Glass or paper	13

(2) *Maximum prices for fluid milk sold at wholesale in certain specified localities in the State of Washington.* (a) The maximum prices for fluid milk sold and delivered at wholesale, in the localities in the State of Washington set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher.

Locality	Grade	Butterfat	Container size	Type of container	Adjusted maximum price (cents)
(a) Camas, Wash	Milk	Standard	Quart	Glass or paper	11
(b) Washougal, Wash	Milk	Standard	Quart	Glass or paper	11

(3) *Definitions.* For purposes of this order:

(a) "Milk" means cow's milk produced, processed, distributed and sold for consumption in fluid form as whole milk.

(b) "Standard" milk means milk of the butterfat content which the seller normally supplied as his standard grade in March, 1942.

(c) "Sale at wholesale" means a sale of fluid milk in bottles or paper containers to any person, including an industrial or commercial user, other than the ultimate consumer.

(d) "Sale at retail" means a sale or selling of fluid milk to an ultimate consumer other than an industrial or commercial user.

(e) "Camas, Washington" means the area included within the city limits of the City of Camas, in the State of Washington, and any place within 3 miles of said city limits.

(f) "Washougal, Washington" means the area included within the city limits of the City of Washougal, in the State of Washington, and any place within 3 miles of said city limits.

(4) The City of Camas, Washington and the City of Washougal, Washington, according to the Sixteenth Census of the United States 1940, have populations of less than 100,000 persons. No marketing agreement or order under provisions of the Agricultural Marketing Agreement Act of 1937, as amended, has been made or issued establishing a minimum producer price for milk in the Cities of Camas and Washougal, Washington.

(5) Any selling price determined under this order shall be subject to adjustment at any time by the Office of Price Administration.

(6) This Order No. G–2 may be revoked or amended by the Office of Price Administration at any time.

(7) This Order No. G–2 shall become effective October 6th, 1942.

Issued this 6th day of October 1942.

HARRY F. CAMP,
Regional Administrator.

[F. R. Doc. 43–12852; Filed, August 7, 1943; 11:44 a. m.]

[New Hampshire Order G–1 Under SR 14 of GMPR, Amdt. 1]

FIREWOOD IN NEW HAMPSHIRE

Amendment No. 1 to Order No. G–1 (formerly Price Order No. 1) under Supplementary Regulation 14 to General Maximum Price Regulation—Firewood.

An opinion accompanying this amendment has been issued simultaneously herewith and a copy thereof has been duly transmitted to the Regional Office for Region I of the Office of Price Administration and a copy to the National Office of the Office of Price Administration in Washington, D. C.

Paragraph (a) of section C is amended, paragraph (b) of section D is amended, section C is amended, by adding a new paragraph (c), a new section Da is added (following section D), section E is amended, a new section Fa is added (following section F), section G, Appendix A, is amended, all as set forth below:

C. * * *

(a) *A cord or multiples thereof.* Firewood may also be sold in units of a quarter of a cord, one-third of a cord, or one-half of a cord. Multiples of a quarter of a cord or of one-third of a cord, not herein mentioned, may not be used as units of sale.

* * * * *

(c) *A basket.* Firewood in units of less than one quarter load and not exceeding 12 inches in length including but not limited to edgings, bobbin wood, clippings, slabwood and other wood waste may be sold by the bushel; *Provided,* That the baskets or similar receptacles used shall be of one bushel or multiple thereof, New Hampshire standard dry measure, and shall be filled at least level full when well shaken.

D. * * *

(b) *A load.* Firewood not exceeding 16 inches in length may be measured and sold by the quarter-load or any multiple thereof. A load shall contain 80 cubic feet of such firewood thrown in loose. Firewood exceeding 16 inches in length shall not be sold by the load.

Da. *Sales slips.* Every person selling firewood for which, upon sale by that person, maximum prices are established by this New Hampshire Order No. G–1 shall deliver to the purchaser a sales slip showing (1) the date, (2) the names and addresses of the seller and buyer, (3) the kind, grade, and quantity of such firewood being sold, (4) any permissible processing charges made in connection

therewith, (5) the price charged for each item, and (6) the total price for all the items listed on such slip.

E. * * *

(8) "Wood waste" means edgings, bobbin wood, clippings, and any other wooden material except sawdust, shavings, and slabwood produced in the course of milling or manufactured wood.

* * * * * *

(11) "Softwood blocks" means all block clippings one and one-half inches or thicker and two inches or more in width, cut from softwood lumber. Any other "softwood blocks" shall be wood waste.

(12) "Edgings" means the round-edge parts of boards removed in the process of sawing round-edge boards into square-edge boards. "Bundled edgings" means edgings that are tied with rope, twine, wire or other similar fastening into bundles of a convenient size for handling.

Fa. *Effective date of amendment.* Amendment No. 1 (C (a), C (b), C (c), Da, E, Fa, F) to order No. G-1 shall become effective December 17th, 1942.

G. *Appendix A: Maximum prices for firewood.* * * *

TABLE 1.—MAXIMUM PRICES FOR FIREWOOD IN MANCHESTER AND NASHUA, NEW HAMPSHIRE

	In the woods pr. cd.	At roadside pr. cd.	At mill pr. cd.	At retail yard pr. cd.	Delivered at buyers' premises, grounds only							
					Per cd.	½ cd.	⅓ cd.	¼ cd.	80 cu. ft.	½ load	¾ load	Bushel basket
Hardwood cordwood—4 ft.	$8	$10	------	$12	$14.00	$7.00	------	$3.75	------	------	------	------
Hardwood cordwood 12", 16", 24"	------	12	------	16	18.00	9.00	$6.25	5.00	[3]$9.50	[3]$5.25	[3]$3.00	[2] [3]$0.25
Softwood cordwood—4 ft.	4	6	------	7	8.00	4.00	------	2.50	------	------	------	------
Softwood cordwood 12", 16", 24"	------	8	------	9	10	5.00	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[2] .20
Hardwood slabwood—4 ft.	------	------	$6.00	8	10.00	5.00	------	3.00	------	------	------	------
Hardwood slabwood 12", 16", 24"	------	------	------	10	12.00	6.00	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[2] .25
Softwood slabwood—4 ft.	------	------	2.00	4	6.00	3.00	------	2.00	------	------	------	------
Softwood slabwood 12", 16", 24"	------	------	------	------	8.00	4.00	------	2.50	[1] 4.50	[1] 2.50	[1] 1.50	[2] .20
Hardwood waste	------	------	[4]5.00	------	------	------	------	------	6.50	3.50	2.00	[2] .25
Softwood waste	------	------	[4]1.00	------	------	------	------	------	4.00	2.25	1.25	[2] .20
Softwood blocks	------	------	[4]2.00	------	------	------	------	------	4.50	2.50	1.50	[2] .20
Bundled edgings—4 ft.	------	------	2.50	------	4.00	------	------	------	------	------	------	------
Hardwood cordwood—4 ft.	8	10	------	12	14.00	7.00	------	3.75	------	------	------	------
Hardwood cordwood 12", 16", 24"	------	12	------	14	16.00	8.00	5.50	4.50	[1] .50	[1] 4.75	[1] 2.50	[2] .25
Softwood cordwood—4 ft.	4	6	------	7	8.00	4.00	------	2.50	------	------	------	------
Softwood cordwood 12", 16", 24"	------	8	------	9	10.00	5.00	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[2] .20
Hardwood slabwood—4 ft.	------	------	6.00	8	10.00	5.00	------	3.00	------	------	------	------
Hardwood slabwood 12", 16", 24"	------	------	------	10	12.00	6.00	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[2] .25
Softwood slabwood—4 ft.	------	------	2.00	4	6.00	3.00	------	2.00	------	------	------	------
Softwood slabwood 12", 16", 24"	------	------	------	------	8.00	4.00	------	2.50	[1] 4.50	[1] 2.50	[1] 1.50	[2] .20
Hardwood waste	------	------	[4]5.00	------	------	------	------	------	6.50	3.50	2.00	[2] .25
Softwood waste	------	------	[4]1.00	------	------	------	------	------	4.00	2.25	1.25	[2] .20
Softwood blocks	------	------	[4]2.00	------	------	------	------	------	4.50	2.50	1.50	.20
Bundled edgings—4 ft.	------	------	2.50	------	4.00	------	------	------	------	------	------	------
Hardwood cordwood—4 ft.	8	10	------	12	12.00	6.00	------	3.50	------	------	------	------
Hardwood cordwood 12", 16", 24"	------	12	------	13	14.00	7.00	5.00	4.00	[1] 7.50	[1] 4.25	[1] 2.25	[2] .25
Softwood cordwood—4 ft.	4	6	------	7	8.00	4.00	------	2.50	------	------	------	------
Softwood cordwood 12", 16", 24"	------	8	------	9	10.00	5.00	3.50	3.00	[1] 5.50	[1] 3.25	[1] 1.75	[2] .20
Hardwood slabwood—4 ft.	------	------	6.00	8	10.00	5.00	------	3.00	------	------	------	------
Hardwood slabwood 12", 16", 24"	------	------	------	10	12.00	6.00	4.25	3.50	[1] 6.50	[1] 3.50	[1] 2.00	[2] .25
Softwood slabwood—4 ft.	------	------	2.00	3	4.50	2.25	------	1.25	------	------	------	------
Softwood slabwood 12", 16", 24"	------	------	------	------	6.50	3.25	------	1.75	[1] 3.75	[1] 2.25	[1] 1.25	[2] .20
Hardwood waste	------	------	[4]5.00	------	------	------	------	------	6.50	3.50	2.00	[2] .25
Softwood waste	------	------	[4]1.00	------	------	------	------	------	3.50	2.00	1.25	[2] .20
Softwood blocks	------	------	[4]2.00	------	------	------	------	------	4.50	2.50	1.50	[2] .20
Bundled edgings 4 ft.	------	------	2.50	------	4.00	------	------	------	------	------	------	------

[1] Load prices shall not apply to firewood exceeding 16 inches in length.
[2] Prices at retail yard or mill shall be 5 cents less in each case.
[3] 12 inch wood or less.
[4] Prices per load.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Dated at Concord, N. H., on December 15, 1942.

RUSSELL R. LARMON,
State Director.

[F. R. Doc. 43-12855; Filed, August 7, 1943; 11:46 a. m.]

[Region III Order G-20 Under 18 (c) of GMPR]

FLUID MILK IN DESIGNATED COUNTIES IN MICHIGAN

Amendment No. 1 to Order No. G-20 under § 1499.18 (c), as amended of the General Maximum Price Regulation (formerly Order No. III-1499.18 (c)-29). Adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan.

For the reasons set forth in the opinion attached hereto, paragraph 6 of Schedule A of Order No. G-20 is hereby revoked and a new paragraph 6, as set forth below, is substituted therefor.

6-A. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in the Counties of Keweenaw, Houghton, Ontonagon, Baraga, Iron, Marquette, Dickinson, Menominee, Delta, Alger, Schoolcraft, Mackinac, Luce and Chippewa in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	13¢ per quart.
Retail	Glass or paper	One pint	7½¢ per pint.
Wholesale	Glass or other	One gallon or multiples thereof	44¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	11¢ per quart.
Wholesale	Glass or paper	One pint	6¢ per pint.
Wholesale	Glass or paper	One-half pint	3¼¢ per one-half pint.

6-B. Adjusted maximum prices for the sale of pasteurized fluid whole milk at retail or wholesale in the County of Gogebic in the State of Michigan shall be the same as those set forth under the preceding sub-part (A) of this paragraph 6.

6-C. Adjusted maximum prices for the sale of raw fluid whole milk at retail or wholesale in the County of Gogebic in the State of Michigan.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	45¢ per gallon.
Retail	Glass or paper	One quart or multiples thereof	12¢ per quart.
Retail	Glass or paper	One pint	7¢ per pint.
Retail	Glass or paper	One-half pint	5¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	42¢ per gallon.
Wholesale	Glass or paper	One quart or multiples thereof	10¢ per quart.
Wholesale	Glass or paper	One pint	5½¢ per pint.
Wholesale	Glass or paper	One-half pint	3¢ per one-half pint.

This Amendment No. 1 shall be effective March 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued February 26, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12857; Filed, August 7, 1943; 11:47 a. m.]

[Region III Order G-20 Under 18 (c), Amdt. 2]

FLUID MILK IN KALAMAZOO AND BATTLE CREEK

Amendment No. 2 to Order No. G-20 under § 1499.18 (c), as amended, of the General Maximum Price Regulation (formerly Order No. III-1499.18 (c)-29). Adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of Michigan.

Subsequent to the issuance of Order No. G–20 further investigation has disclosed that distributors in Kalamazoo and Battle Creek, Michigan secure their supplies of raw fluid milk for the same general procurement area.

Distributors in Kalamazoo were forced to meet the competitive producer prices offered by Battle Creek distributors, who enjoyed higher resale prices.

Also, manufacturers of milk products located in the Kalamazoo area are currently paying producers prices for uninspected raw milk nearly equal to the maximum producer prices established for fluid milk distributors in said area.

It is established to the satisfaction of the Regional Administrator that it is necessary to adjust Kalamazoo County distributors' resale and producer prices upward in order to assure the maintenance of an adequate supply of fluid whole milk in said county.

For the reasons hereinbefore set forth, Order No. G–20 is hereby amended by deleting the County of Kalamazoo from the list of counties set forth in paragraph 2 of schedule A, and adding the County of Kalamazoo to the list of counties set forth in paragraph 3 of schedule A.

This Amendment No. 2 shall become effective April 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued March 31, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43–12856; Filed, August 7, 1943; 11:47 a. m.]

[Region III Order G–23 Under 18 (c) of GMPR]

FLUID MILK IN WEST VIRGINIA

Order No. G–23 under § 1499.18 (c) as amended, of the General Maximum Price Regulation. Order adjusting the maximum prices of fluid whole milk and special milk sold at retail and wholesale in the State of West Virginia (formerly Order No. III–1499.18 (c)–35).

For the reasons set forth in the opinion attached hereto, and pursuant to the authority vested in the Regional Administrator of Region III under the provisions of § 1499.18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation No. 280, and notwithstanding the provisions of § 1499.2 of the General Maximum Price Regulation and § 1351.803 of Maximum Price Regulation No. 280: *It is hereby ordered*, That:

I. *Sales of fluid whole milk.* Any person may sell or deliver fluid whole milk at retail or wholesale in any county in the State of West Virginia at (1) the maximum prices established for him under § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280, or (2) the maximum prices established for him under any previous order issued by the Regional Administrator of Region III, or (3) the maximum prices set forth in the schedule under the applicable paragraph in Schedule A hereof, whichever are greater.

II. *Sales of special milk.* A. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at retail in any county in the State of West Virginia who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the retail quart price of fluid whole milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase or increases to the retail quart price (or a proportional amount of such increase or increases in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

B. Except as hereinafter provided in paragraph C of this section II, any person selling special milk, as hereinafter defined, at wholesale in any county in the State of West Virginia who is permitted under the provisions of this order or has been permitted under the provisions of any previous order issued by the Regional Administrator of Region III to increase the wholesale quart price of fluid whole milk (raw or pasteurized regular, standard milk) sold by him, may add an amount equal to such increase to the wholesale quart price (or a proportional amount of such increase in the case of containers of greater or lesser content than one quart) of special milk established for him under the provisions of § 1499.2 of the General Maximum Price Regulation or § 1351.803 of Maximum Price Regulation No. 280.

C. The adjusted maximum price of plain homogenized milk, chocolate drink, buttermilk and skim milk as established under the preceding paragraphs A and B shall in no event exceed the adjusted maximum price of fluid whole milk (raw or pasteurized regular, standard milk) established under the applicable provisions of this order.

D. If any person selling special milk at retail or wholesale in any county in the State of West Virginia cannot determine his maximum prices for such special milk under the provisions of paragraphs A, B or C of this section II, he may apply by letter to the Regional Office, Office of Price Administration, Union Commerce Building, Cleveland, Ohio, for determination of his maximum prices. He shall submit full information as to his present maximum prices, the prices of his most closely competitive sellers, the type and approximate butterfat content of the special milk sold by him and his most closely competitive sellers, and a full statement of the reasons why he is unable to determine adjusted prices under paragraphs A, B or C hereof.

III. *Fractional sales.* A. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at retail, may adjust the unit price therefor to the next highest full cent. For sales of two or more such units, such seller shall, however, multiply such fractional unit figure by the number of units in such sale; for example, a maximum price of 7½¢ per unit may be adjusted to 8¢ for the sale of one unit, but must be 15¢ for the sale of two units, etc. Home deliveries shall be considered multiple unit sales unless separate collections are made for single unit deliveries.

B. Whenever the seller's maximum price, as established under this order, results in a unit figure containing a fraction of a cent, the seller, if the sale be at wholesale, shall multiply such fractional unit figure by the number of units such sale; for example, the maximum price for 24 one-half pints of fluid milk at a per unit cost of 3½¢ would be 84¢.

IV. *Reports.* Each person, other than a retail store, adjusting his maximum prices pursuant to the provisions of this order, shall, within five (5) days after such action, notify the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, by letter, of his maximum prices established pursuant to this order, together with a statement of his previous maximum prices.

Each person shall, in addition to the above, file with the Regional Office of the Office of Price Administration, Union Commerce Building, Cleveland, Ohio, such reports as may hereafter be required by said Regional Office.

V. *Discounts.* Any person selling fluid whole milk and/or special milk at retail or wholesale in the State of West Virginia may discontinue the granting of discounts.

VI. *Notification of retail stores.* Each distributor selling fluid whole milk and/or special milk at wholesale to a retail store or stores shall notify each store to whom he sells, by letter, of the adjustment permitted in this order, and each retail store is hereby required to comply with the requirements of the General Maximum Price Regulation as to the posting of prices of cost-of-living commodities.

VII. The provisions of this order supersede the provisions of General Order No. 1 (redesignated as Order No. G–17 under § 1499.18 (c), as amended, of the General Maximum Price Regulation) pertaining to certain trade practices in Region III. Said General Order No. 1 is, therefore, revoked as to all counties in the State of West Virginia.

VIII. *Definitions.* A. "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or successors of the foregoing.

B. 1. "Fluid whole milk" is defined to mean all grades of cow's milk which has been produced, processed, distributed, and sold for human consumption in fluid form as raw or pasteurized regular, standard whole milk, with essentially the same butterfat content as each person or seller maintained during the applicable base period.

C. *"Special Milk"* is defined to mean Vitamin D homogenized milk, plain homogenized milk, softcurd milk, butter-

milk, regular or standard milk flavored with chocolate, chocolate drink, skim milk and, in addition to the foregoing, any milk conforming to both of the following requirements: (a) it must contain a greater butterfat content than regular or standard milk, and (b) it must have sold during the month of March, 1942 at a price higher than regular or standard milk.

D. *"Sale or delivery at retail"* means a sale of fluid whole milk or special milk in glass, paper or other containers to an ultimate consumer other than to an industrial, institutional, commercial, or governmental user.

E. *"Sale or delivery at wholesale"* refers to a sale of fluid whole milk or special milk in glass, paper or other containers to any person, including an industrial or commercial user, other than an ultimate consumer. For the purposes of this order, a sale or delivery at wholesale shall include a sale or delivery to stores, hotels, restaurants, institutions and any branch of the armed forces of the United States. A sale or delivery at wholesale does not include a sale of bulk milk made by one distributor to another, or a sale by a cooling station to a manufacturing plant or to a distributor.

IX. This order shall remain in effect until modified or revoked by the Regional Administrator.

Effective February 8, 1943.
Issued February 6, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

SCHEDULE A

1. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in Barbour, Braxton, Calhoun, Clay, Doddridge, Gilmer, Jackson, Grant, Hardy, Monroe, Pendleton, Pleasants, Pocahontas, Lewis, Nicholas, Randolph, Ritchie, Roane, Summers, Tucker, Tyler, Upshur, Webster, Wirt and Wood Counties in the State of West Virginia.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Retail	Glass or paper	One-half gallon	26¢ per one-half gallon.
Retail	Glass or paper	One quart	14¢ per quart.
Retail	Glass or paper	One pint	8¢ per pint.
Retail	Glass or paper	One-half pint	6¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	45¢ per gallon.
Wholesale	Glass or paper	One-half gallon	23¢ per one-half gallon.
Wholesale	Glass or paper	One quart	12¢ per quart.
Wholesale	Glass or paper	One pint	6½¢ per pint.
Wholesale	Glass or paper	One-half pint	3½¢ per one-half pint.

2. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in Berkeley, Brooke, Cabell, Greenbriar, Hampshire, Hancock, Harrison, Jefferson, Lincoln, Marion, Marshall, Mason, Mineral, Monongalia, Morgan, Ohio, Putnam, Preston, Taylor, Wayne and Wetzel Counties in the State of West Virginia.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	51¢ per gallon.
Retail	Glass or paper	One-half gallon	28¢ per one-half gallon.
Retail	Glass or paper	One quart	15¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	48¢ per gallon.
Wholesale	Glass or paper	One-half gallon	25¢ per one-half gallon.
Wholesale	Glass or paper	One quart	13¢ per quart.
Wholesale	Glass or paper	One pint	8¢ per pint.
Wholesale	Glass or paper	One-half pint	4¢ per one-half pint.

3. Adjusted maximum prices for the sale of fluid whole milk at retail or wholesale in Boone, Fayette, Kanawha, Logan, McDowell, Mercer, Mingo, Raleigh and Wyoming Counties in the State of West Virginia.

Type of delivery	Container	Size	Adjusted maximum price
Retail	Glass or other	One gallon or multiples thereof	54¢ per gallon.
Retail	Glass or paper	One-half gallon	30¢ per one-half gallon.
Retail	Glass or paper	One quart	16¢ per quart.
Retail	Glass or paper	One pint	9¢ per pint.
Retail	Glass or paper	One-half pint	7¢ per one-half pint.
Wholesale	Glass or other	One gallon or multiples thereof	51¢ per gallon.
Wholesale	Glass or paper	One-half gallon	27¢ per one-half gallon.
Wholesale	Glass or paper	One quart	14¢ per quart.
Wholesale	Glass or paper	One pint	8¢ per pint.
Wholesale	Glass or paper	One-half pint	4½¢ per one-half pint.

I. *Sales at retail.* A. Any person who purchases any approved non-mechanical refrigerator, as hereinafter defined, directly from the manufacturer, may sell or deliver such refrigerator at retail at a price not in excess of:

1. The approved manufacturer's price, as hereinafter defined, plus
2. An amount not to exceed 80% of such approved manufacturer's price, plus
3. When the resulting figure obtained under 1 and 2 hereof is other than a multiple of 50¢, such amount as may be necessary to raise such resulting figure to the nearest mulitple of 50¢.

B. Any person who purchases any approved non-mechanical refrigerator, as hereinafter defined, from a distributor may sell or deliver such refrigerator at retail at a price not in excess of:

1. The approved manufacturer's price, as hereinafter defined, plus
2. An amount not to exceed 100% of such approved manufacturer's price, plus
3. When the resulting figure obtained under 1 and 2 hereof is other than a multiple of 50¢, such amount as may be necessary to raise such resulting figure to the nearest mulitple of 50¢.

II. *Sales at wholesale.* A. Any person may sell or deliver at wholesale any approved non-mechanical refrigerator, as hereinafter defined, at a price not in excess of the approved manufacturer's price, as hereinafter defined, increased by the following percentages of such approved manufacturer's price;

1. 30% in the case of sales of 1 to 9 refrigerators, inclusive, to a purchaser, f. o. b. distributor's warehouse.
2. 25% in the case of sales of 10 to 24 refrigerators, inclusive, to a purchaser, f. o. b. distributor's warehouse.
3. 20% in the case of sales of 25 or more refrigerators to a purchaser, f. o. b. distributor's warehouse.
4. 14% in the case of sales to a purchaser of carload lots shipped direct from the factory, f. o. b. factory.

B. A person purchasing at wholesale shall be billed at the highest applicable wholesale price until he has received delivery of sufficient refrigerators to entitle him to a lower wholesale price, after which time he shall be billed at the lower applicable wholesale price and shall receive a rebate for payments made for refrigerators billed at any higher price. The determination of the quantity purchased shall be based upon cumulative monthly deliveries to the purchaser during a calendar year. Rebates shall be made to the purchaser on or before the 15th day of the month following the delivery which entitles the purchaser to a lower price or prices. Such rebate shall be made by cash or by credit on an unpaid account.

C. A cash discount of 2%, which shall be stated on the invoice, shall be allowed for payment received within 10 days from the date of shipment and shall be based upon the price applicable at the time of shipment. Such discounts are not to be included in the computation of any rebate provided for in section II–B hereof.

III. *Additional charges.* Notwithstanding the provisions of sections I and II hereof, there may be added to the maximum selling prices established under said sections I and II a charge of

[F. R. Doc. 43–12858; Filed, August 7, 1943; 11:48 a. m.]

[Region III Order G–26 Under 18 (c), as Amended]

NON-MECHANICAL REFRIGERATORS IN INDIANA, KENTUCKY, MICHIGAN, OHIO AND WEST VIRGINIA

Order No. G–26 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. General order pertaining to the selling of non-mechanical refrigerators in Region III. (Formerly Order No. III–1499.18 (c)–55)

For the reasons set forth in the opinion attached hereto and pursuant to the authority vested in the Regional Administrator of Region III by the provisions of § 1499.18 (c) of the General Maximum Price Regulation, and notwithstanding the provisions of § 1499.2 thereof, *It is hereby ordered,* That:

$1.00 covering freight from the factory. When charged by the wholesaler and passed on to the retailer, such freight charge shall be separately stated.

IV. *Reports.* Any person affected by the provisions of this order shall furnish such reports as may be required from time to time by the Office of Price Administration, Cleveland Regional Office, Cleveland, Ohio.

V. *Definitions.* 1. "Person" includes an individual, corporation, partnership, association or any other organized group of persons or legal successor or representative of the foregoing.

2. "Approved non-mechanical refrigerator" is defined to mean any household non-mechanical (ice) refrigerator manufactured and released by an authorized manufacturer producing under War Production Board Limitation Order L-7-c for which the Office of Price Administration has issued the manufacturer an approved maximum price.

3. "Approved manufacturer's price" is defined to mean the price established by the Office of Price Administration as the maximum price for carload lots, f. o. b. manufacturer's factory.

4. "Sale at retail or selling at retail" means a sale or selling to an ultimate consumer.

5. "Sale at wholesale" means a sale to any person other than an ultimate consumer.

6. "Manufacturer" is defined to mean any person operating a plant or factory which manufactures or assembles approved non-mechanical refrigerators.

VI. *Applicability of the General Maximum Price Regulation.* The following sections of the General Maximum Price Regulation are incorporated in and made a part hereof:

§ 1499.5—Transfers of business or stock in trade.
§ 1499.7—Federal and State taxes.
§ 1499.8—Less than maximum prices.
§ 1499.12—Current records.
§ 1499.13—Maximum prices of cost-of-living commodities (posting).
§ 1499.14—Sales slip and receipts.
§ 1499.15—Registration.
§ 1499.16—Licensing.
§ 1499.17—Penalties.
§ 1499.19—Petitions for amendment.
§ 1499.21—Effect of other price regulations.
§ 1499.25—Appendix B.

VII. *Geographical applicability.* This order applies to all sales pursuant to which the buyer receives physical delivery within the States of Indiana, Kentucky, Michigan, Ohio and West Virginia.

This order shall remain in effect until modified or revoked by the Office of Price Administration.

Effective March 15, 1943.

Issued March 13, 1943.

BIRKETT L. WILLIAMS,
Regional Administrator.

[F. R. Doc. 43-12859; Filed, August 7, 1943; 11:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-251]

WESTERN PACIFIC RAILROAD CORPORATION

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of August, A. D. 1943.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $100 Par 6% convertible preferred stock, cumulative to 12%, of The Western Pacific Railroad Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on August 16, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12843; Filed, August 7, 1943; 11:07 a. m.]

[File No. 811-244]

CENTRAL CAPITAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of August, A. D., 1943.

An application having been filed by Central Capital Corporation pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said Act;

It is ordered, Pursuant to section 40 (a) of said Act, that a hearing on the aforesaid application be held on August 16, 1943, at 11:00 a. m. Eastern War Time, in Room 318 of the Securities Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12846; Filed, August 7, 1943; 11:07 a. m.]

[File No. 1-157]

WEBSTER EISENLOHR, INC.

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of August, A. D. 1943.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $100 Par 7% Cumulative Preferred Stock of Webster Eisenlohr, Inc.; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on August 16, 1943.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12842; Filed, August 7, 1943; 11:07 a. m.]

[File 1-2964]

TRANSAMERICA CORPORATION

ORDER DENYING MOTION TO STRIKE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 3d day of August, A. D. 1943.

The Commission having instituted proceedings pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether the Capital Stock, $2 par value, of Transamerica Corporation should be suspended or withdrawn from listing and registration upon the New York Stock Exchange, the San Francisco Stock Exchange, and the Los Angeles Stock Exchange;

Transamerica Corporation, by its counsel, having filed a "Special appearance and motion to strike out all of paragraph IV of the amended order for hearing and all of paragraph III of the supplemental amended order", together with a supporting affidavit and a citation of points and authorities, and having requested oral argument thereon before the Commission;

The Commission having duly considered the said motion and supporting

papers, and being fully advised in the premises;

It is ordered, That the request for oral argument and the motion to strike be, and they hereby are, denied; and

It is further ordered, That the hearing in these proceedings be reconvened on Monday, August 30, 1943, at 10:00 o'clock, A. M., in Room 1301 of the Commission's regional office at 625 Market Street, San Francisco, California; and

It is further ordered, That Henry Fitts be, and he hereby is, designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12845; Filed, August 7, 1943; 11:07 a. m.]

[File No. 1-2243]

ACME MINING COMPANY

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of August, A. D. 1943.

I

It appearing to the Commission:

That Acme Mining Company, a corporation organized under the laws of the State of California, is the issuer of Assessable Common Stock, 10¢ Par Value; and

That said Acme Mining Company registered its assessable Common Stock, 10¢ Par Value on the San Francisco Mining Exchange, a national securities exchange, by filing with the Exchange and with the Commission on or about January 24, 1940, an application on Form 8-A, pursuant to section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and Rule X-12B-1, as amended, promulgated by the Commission thereunder, registration pursuant to such application having become effective on March 7, 1940, and remaining in effect to and including the date hereof; and

It further appearing to the Commission:

That Rule X-13A-1, promulgated pursuant to section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Acme Mining Company; and

That said Rule X-13A-1 requires that said annual report be filed not more than 120 days after the close of each fiscal year or such other period as may be prescribed in the instruction book applicable to the particular form; that the Instruction Book for Form 10-K does not prescribe any period other than such 120 days; and that pursuant to said Rule X-13A-1 the annual report must be filed within such period unless the registrant files with the Commission a request for an extension of time to a specified date within six months after the close of the fiscal year; and

That the said Acme Mining Company has a fiscal year ending December 31; that the annual report of Acme Mining Company for its fiscal year ended December 31, 1942 was due to be filed not later than April 30, 1943; and that to date the registrant has not filed with the Commission such annual report, nor has it filed with the Commission a request for an extension of time within which to file same; and

II

The Commission having reasonable cause to believe:

That the said Acme Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that (1) it has failed to file its annual report for the year ended December 31, 1942, within the time prescribed to file said report, and (2) it has failed to file such annual report at any later date; and

That the said Acme Mining Company has failed to comply with the provisions of section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, in that the annual reports on Form 10-K filed by said Acme Mining Company for the fiscal years ended December 31, 1939, December 31, 1940 and December 31, 1941, contain financial statements which do not reflect the true financial condition of the company, and which, at the time and in the light of the circumstances, were false and misleading with respect to material facts, to wit: (1) the balance sheets dated December 31, 1939, December 31, 1940, and December 31, 1941, improperly include as assets, the maximum amounts of contingent royalties which may be paid, if production is sufficient, from the Chisna River Placers and Port Wells Quartz properties held under lease and option, and (2) the balance sheets dated December 31, 1940, and December 31, 1941, include general and administrative expenses in development costs, and improperly capitalize said general and administrative expenses; and

That the said Acme Mining Company has failed to comply with the provisions of said section 13 of the Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2 promulgated thereunder, and has failed to comply with Rules 2.02 and 3.07 of Regulation S-X promulgated under the Securities Exchange Act of 1934, in that

(a) The annual report on Form 10-K filed by said Acme Mining Company for the fiscal year ended December 31, 1940, includes in Item 8 thereof, an accountant's certificate which fails (1) to contain a reasonably comprehensive statement as to the scope of the audit made, including, if with respect to significant items in the financial statements any auditing procedures generally recognized as normal have been omitted, a specific designation of such procedures and of the reasons for their omission, (2) to state whether the audit was made in accordance with generally accepted auditing standards applicable in the circumstances, (3) to state whether the audit made omitted any procedure deemed necessary by the accountant under the circumstances of the particular case, and (4) to state clearly the opinion of the accountant as to any changes in accounting principles or practices, or adjustments of the accounts, required to be set forth by Rule 3.07 of Regulation S-X; and

(b) Such report fails to include in Item 8 thereof in notes to the appropriate financial statements, the statement required by Rule 3.07 of Regulation S-X regarding a change in accounting principles or practices with respect to the capitalization of development expenses in connection with Chisna River Placers and Port Wells Quartz properties, together with the necessary explanation of the effect of such change in accounting principles or practices upon proper comparison with the preceding fiscal period; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

It is ordered, Pursuant to section 19 (a) (2) of said Act, that a public hearing be held to determine whether Acme Mining Company has failed to comply with section 13 of the Securities Exchange Act of 1934, as amended, and the Rules, Regulations and Forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Assessable Common Stock, 10¢ Par Value, of the said Acme Mining Company on said San Francisco Mining Exchange;

It is further ordered, Pursuant to the provisions of section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other rec-

ords deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

It is further ordered, That the taking of testimony in this hearing begin on the 20th day of August, 1943, at 10:00 A. M. Pacific War Time at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, Calif., and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12844; Filed, August 7, 1943; 11:07 a. m.]

[File Nos. 54-39, 54-69, 59-65]

LACLEDE GAS LIGHT COMPANY, ET AL.

NOTICE OF FILING OF AMENDMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 7th day of August, A. D., 1943.

In the matters of The Laclede Gas Light Company, Laclede Power & Light Company, Phoenix Light, Heat and Power Company, and Ogden Corporation, File No. 54-39; Ogden Corporation and Subsidiary Companies, File No. 54-69; Ogden Corporation and subsidiary companies, Respondent, File No. 59-65.

Notice is hereby given that The Laclede Gas Light Company, Laclede Power & Light Company, and Phoenix Light, Heat and Power Company, subsidiaries of Ogden Corporation, a registered holding company, and Ogden Corporation have filed Amendment No. 6 to their joint application heretofore filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, for approval of a plan, the purpose of which is to effectuate the reorganization of The Laclede Gas Light Company, to dispose of the electric utility assets operated by Laclede Power & Light Company to Union Electric Company of Missouri, and to enable the Ogden holding company system to comply, in part, with the provisions of section 11 (b) of the Act.

All interested persons are referred to said plan, as now amended, which is on file at the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

1. The transfer by The Laclede Gas Light Company ("Laclede Gas"), Phoenix Light, Heat and Power Company ("Phoenix"), and Laclede Power & Light Company ("Laclede Electric") to Union Electric Company of Missouri ("Union Electric") of the electric properties operated by Laclede Electric for a base purchase price of $8,600,000, subject to certain adjustments for property additions and retirements, receivables, materials and supplies, and other items of a similar fluctuating nature. In connection with such sale, Laclede Electric will not exercise the option granted to it pursuant to an agreement entered into in 1926 to purchase from Laclede Gas the properties covered in said agreement, but said agreement will, as a part of the plan, be terminated concurrently with the joint transfer of the said electric properties;

Laclede Gas and Laclede Electric have entered into a contract for division of the proceeds of the sale of electric properties. Under this contract, Laclede Gas is to receive $2,200,000 out of such proceeds;

2. The payment by Union Electric of the aforesaid base purchase price for the said electric properties in the amount of $8,600,000, as adjusted, as follows:

(a) There shall be paid directly to Laclede Electric only such portion of the said purchase price which, when added to the cash of Laclede Electric, will be sufficient to discharge in full all the liabilities of Laclede Electric not assumed by Union Electric, as provided in the contract of sale, and to pay severance compensation to such of the employees of Laclede Electric as hereafter determined by its Board of Directors;

(b) There shall be paid directly to Laclede Gas all of the balance of the said purchase price, which balance will include not only the portion to which Laclede Gas is entitled ($2,200,000), but also the portion of the said price to which Laclede Electric is entitled which remains after the payment by Union Electric to Laclede Electric of the amount provided to be so paid in sub-paragraph (a) preceding;

3. The transfer to Laclede Gas by Laclede Electric of all of its assets, except cash, remaining after the consummation of the said contract of sale of the electric properties;

4. The decrease in the par value of the outstanding shares of preferred stock and of the outstanding, as well as the authorized but unissued shares of common stock of Laclede Gas, from a par value of $100 per share to a par value of $4 per share and a corresponding increase in the number of the outstanding shares of such preferred stock and of the outstanding, as well as the authorized but unissued, shares of such common stock;

5. The issuance to Ogden Corporation of 2,000,000 shares of authorized but unissued common stock of $4 par value of Laclede Gas in return for:

(a) The cancellation of the $2,000,000 principal amount of notes of Laclede Gas owned by Ogden Corporation,

(b) The payment to Laclede Gas by Ogden Corporation of $905,000 cash,

(c) The portion of the purchase price of said electric properties paid to Laclede Gas by Union Electric (hereinbefore provided) to which Laclede Electric is entitled, and

(d) The assets transferred by Laclede Electric to Laclede Gas, as hereinbefore described:

In the event that the portion of the purchase price of said electric properties, referred to in paragraph 5 (c) preceding shall be less than $5,975,000, the said 2,000,000 shares of Laclede Gas to be issued will be decreased by a number of shares which in the opinion of the proponents of the plan will fairly compensate for any such decrease in the amount of cash to be received by Laclede Gas below the estimated receipt of approximately $6,075,000. In the event that such portion of the said purchase price exceeds $6,175,000, such excess shall not be paid to Laclede Gas, but shall be paid by Union Electric to Laclede Electric, and thereafter distributed pro rata to its stockholders;

6. The payment by Ogden Corporation to each holder (other than Ogden Corporation) of common stock of Laclede Electric at the effective date of the plan, as amended, upon surrender for cancellation of such stock, of an amount in cash equal to the pro rata share of each such holder in the net assets of Laclede Electric as of said effective date, after giving effect to the consummation of the sale of the electric properties and assuming the payment in cash by Union Electric to Laclede Electric of all but $2,200,000 of the purchase price of such properties, but before giving effect (a) to the payment to Laclede Gas of any of Laclede Electric's portion of the said purchase price or (b) to the transfer to Laclede Gas of any of the other assets of Laclede Electric as provided in the plan, as amended;

7. The cancellation of fourteen out of the twenty-five shares of preferred stock of $4 par value, which each holder of one share of preferred stock is entitled to receive as a result of the decrease in par value of such stock and the corresponding increase in the number of shares, as described hereinbefore in paragraph 4, and the cancellation of all rights and preferences appertaining to the preferred stock, including all rights to accumulated, unpaid dividends. Such shares so cancelled will not be reissued;

The result of the foregoing will be that, upon consummation of the plan, each holder of preferred stock of $100 par value will receive eleven shares of common stock of $4 par value for each share of preferred stock of $100 par value surrendered by him;

8. The cancellation of twenty-four out of the twenty-five shares of common stock of $4 par value, which each holder of one share of common stock of $100 par value is entitled to receive as a result of the decrease in par value of such stock and the corresponding increase in the number of shares, as provided hereinbefore in paragraph 4. Such shares so cancelled shall not be reissued;

The result of the foregoing will be that upon consummation of the plan, each holder of common stock of $100 par value will receive one share of common stock of $4 par value for each share of common stock of $100 par value surrendered by him;

9. The issuance by Laclede Gas of the following securities:

(a) $19,000,000 principal amount of First Mortgage Bonds, bearing interest at the rate of 3¾% per annum, and maturing twenty years from the date of issuance thereof,

(b) $3,000,000 aggregate principal amount of serial debentures, maturing serially within a ten or fifteen year period from the date of issuance thereof;

The proceeds from the sale of these securities, together with other available cash on hand of Laclede Gas and to be received by it as a result of certain of the foregoing transactions, will be used to discharge the outstanding funded

debt of Laclede Gas aggregating $32,529,000 principal amount by payment of the face amount of such securities to the holders thereof;

10. The result of the cancellation of shares of preferred stock and common stock of $4 par value (as hereinbefore provided) will be to increase capital surplus on the books of Laclede Gas by approximately $12,600,000. The increase in the property account of Laclede Gas as a result of a revaluation effected in 1926, will be charged to capital surplus. There will be charged to earned surplus until it is exhausted, and then to capital surplus, the loss on the books of Laclede Gas resulting from the said sale of the electric properties to Union Electric and any other adjustments required to be made on the books of Laclede Gas by any regulatory body having jurisdiction;

11. The dissolution of Lacelde Electric after the discharge of its liabilities as provided in paragraph 2 (a) preceding;

12. The offer by Ogden Corporation to residents of the State of Missouri of the new common stock of Laclede Gas, which it is entitled to receive hereunder, at a price to be subject to the approval at the time by the Securities and Exchange Commission as fair. Said offer shall be made within one year after completion of the reorganization unless such time shall be extended by this Commission;

The plan further provides that at any time after its approval, as provided above, the Board of Directors of Laclede Gas may, if it be deemed necessary or desirable, request the Securities and Exchange Commission, pursuant to section 11 (e), to apply to a court of competent jurisdiction to carry out the terms and provisions of the plan.

This Commission having heretofore ordered (Holding Company Act Release No. 4253) that the plan filed by Laclede Gas, Laclede Electric, Phoenix, and Ogden Corporation (File No. 54–39) and proceedings in respect of the plan filed by Ogden Corporation and subsidiary companies pursuant to section 11 (e) of the Act (File No. 54–69) and the proceedings instituted by the Commission directed to Ogden Corporation and subsidiary companies, respondents, pursuant to sections 11 (b) (1), 11 (b) (2), 15 (f), and 20 (a) of the Act (File No. 59–65) be consolidated, and having ordered that a hearing on such matters be held on May 18, 1943; and

A hearing having been held on said date, and said hearing having been thereafter adjourned subject to call;

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing be reconvened with respect to the said consolidated matters;

It is therefore ordered, That the hearing in these proceedings shall be reconvened on August 19, 1943, at 10 a. m., e. w. t., at the offices of this Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On that date the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, to preside at such hearings shall exercise all powers granted to the Commission under section 18 (e) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented in these consolidated proceedings, particular attention will be directed at the reconvened hearing to the following matters and questions:

(a) Whether the proposed issuance by Laclede Gas of $22,000,000 principal amount of debt is reasonably adapted to its assets, earning power, and security structure;

(b) Whether Laclede Gas should be required to carry its fixed assets on its books at the estimated original cost thereof as determined by the accountants for the Public Service Commission of the State of Missouri, as of August 31, 1942, plus subsequent net additions at actual cost;

(c) Whether the depreciation reserve of Laclede Gas is adequate and whether any remaining balance in capital surplus, after giving effect to all other charges for property adjustments and similar matters, should be required to be transferred to the depreciation reserve;

(d) Whether the proposed allocation of the proceeds of the sale of the electric properties operated by Laclede Electric between Laclede Gas and Laclede Electric is fair and equitable;

(e) Whether the proposed issuance by Laclede Gas of eleven shares of new $4 par value common stock for each share of $100 par value preferred stock to the present holders thereof and the proposed issuance of one share of new $4 par value common stock for each share of $100 par value common stock to the present holders thereof are fair and equitable to the persons affected thereby;

(f) Whether the securities and cash proposed to be received and retained by Ogden as a result of the reorganization of Laclede Gas, the sale of the electric properties operated by Laclede Electric, and the liquidation and dissolution of Laclede Electric, constitute fair and equitable consideration for Ogden's interests in Laclede Gas and Laclede Electric;

(g) To what extent, if any, the proposed plan should be modified or amended to render it feasible and fair and equitable to the persons affected and what terms and conditions should be imposed in the public interest and for the protection of investors and consumers.

Notice is hereby given of said hearing to the above-named applicants and respondents, and to all interested persons; said notice to be given to said applicants and respondents by registered mail, and to all other persons by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard in this proceeding shall file with the Secretary of this Commission, on or before August 17, 1943, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's Rules of Practice.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions, or matters hereinbefore set forth or which may arise in this proceeding, or to consolidate with these proceedings other filings or matters pertaining to said Plan or to take such other action as may appear conducive to an orderly, prompt, and economical disposition of the matters involved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43–12875; Filed August 9, 1943; 9:28 a. m.]

[File Nos. 70–7; 70–25; 70–26]

COLUMBIA GAS AND ELECTRIC CORPORATION, ET AL.

NOTICE OF FILING OF AMENDMENT, ORDER RECONVENING HEARING AND DESIGNATING NEW TRIAL EXAMINER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of August, A. D., 1943.

In the matter of Columbia Gas & Electric Corporation, The Manufacturers Light and Heat Company, Gettysburg Gas Corporation, Manufacturers Gas Company, Pennsylvania Fuel Supply Company, Greensboro Gas Company, Cumberland and Allegheny Gas Company, Natural Gas Company of West Virginia, and Fayette County Gas Company.

Columbia Gas & Electric Corporation, a registered holding company, and eight of its subsidiaries, viz: The Manufacturers Light and Heat Company, Gettysburg Gas Corporation, Manufacturers Gas Company, Pennsylvania Fuel Supply Company, Greensboro Gas Company, Cumberland and Allegheny Gas Company, Natural Gas Company of West Virginia and Fayette County Gas Company, having heretofore filed applications and declarations (or both) pursuant to various sections of the Public Utility Holding Company Act of 1935 regarding a series of transactions involving (a) the consolidation of four of the subsidiary companies; (b) the acquisition by the consolidated corporation of the assets of four other subsidiary companies; and (c) the issuance and exchange of securities in connection therewith, all of said transactions being more fully described in this Commission's file numbers 70–7, 70–25 and 70–26;

Public hearings having been held in respect of said applications and declarations (or both) and having been adjourned subject to the call of the Trial Examiner; and

Said applicants and declarants having filed an amendment on July 29, 1943 deleting from the pending applications and declarations all reference to the acquisition of the assets of four of the subsidiary companies and requesting the withdrawal of the application with respect to the issuance of certain securities so that the amended applications and declarations now propose the following transactions:

(a) The Manufacturers Light and Heat Company, Manufacturers Gas Company, Pennsylvania Fuel Supply Company and Greensboro Gas Company will consolidate and merge to form The Manufacturers Light and Heat Company, a new corporation. The

new corporation will have an authorized capital stock of $37,550,000 (consisting of 751,000 shares of $50 par value common stock), which amount represents the aggregate capital stock of the four consolidating corporations. In the consolidation, the new Manufacturers Light and Heat Company will acquire all of the assets of the four companies just mentioned and assume all of their liabilities, consisting of demand notes and loans on open accounts, all of which is owing to Columbia Gas & Electric Corporation, and current liabilities. The new Manufacturers Light and Heat Company will issue and deliver 581,660 shares of its $50 par value common stock to the stockholders of the four consolidating corporations, of which 581,534 shares will be received by Columbia Gas & Electric Corporation; and

(b) The new Manufacturers Light and Heat Company will assume all the liabilities and acquire all of the assets of Fayette County Gas Company issuing in exchange therefor, 19,556 shares of common stock $50 par value. Thereupon Fayette County Gas Company will dissolve, distributing the shares of the new corporation to its stockholders (all but 14 shares being owned by Columbia Gas & Electric Corporation) as a liquidating dividend.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that the hearings heretofore held upon the original applications and declarations (referred to above) and adjourned subject to the call of the examiner, be reconvened for the purpose of completing the evidence in respect of the transactions which are presently proposed; and it further appearing that the trial examiner heretofore designated to preside is now engaged in other matters and accordingly is unable to preside in this proceeding;

It is therefore ordered, That the hearings in the above-entitled matter be reconvened on the 8th day of September 1943 at ten o'clock in the forenoon of that date in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as the Hearing Room Clerk in Room 318 will at that time advise.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all power granted to the Commission under section 18 (c) of said Act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That without limiting the scope of the issues presented by these proceedings in addition to the matters specified in our notice and order of April 12, 1940, particular attention will be directed at the reconvened hearings to the following matter and questions:

(1) Whether the proposed acquisitions will serve the public interest by tending toward the economic and efficient development of integrated public utility system and whether such acquisition will be detrimental to carrying out of the provisions of section 11 of the Act;

(2) Whether the fees and expenses or other remuneration to be paid in connection with the various transactions are fair and reasonable;

(3) The propriety of the proposed accounting treatment of the transactions involved;

(4) Whether and to what extent it is appropriate in the public interest and for the protection of investors and consumers to impose terms and conditions in respect of the proposed transaction; and

(5) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, and are not detrimental to the public interest and interest of investors and consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-12873; Filed, August 9, 1943; 9:27 a. m.]

[File No. 70-761]

CENTRAL POWER AND LIGHT CO. AND AMERICAN POWER AND LIGHT CO.

NOTICE OF FILING, ORDER OF CONSOLIDATION, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 5th day of August, A. D. 1943.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by Central Power and Light Company ("Central"), a subsidiary of Central and South West Utilities Company, a registered holding company which in turn is a subsidary of The Middle West Corporation, also a registered holding company, and that a declaration has been filed by American Power & Light Company ("American"), a subsidiary of Electric Bond and Share, both registered holding companies.

All interested persons are referred to said documents which are on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Texas Electric Service Company ("Electric Service"), a subsidiary of American, proposes to sell and Central proposes to acquire the electric utility properties and assets owned by Electric Service located at and in the vicinity of Eagle Pass, Texas, and Texas Public Utilities Corporation ("Public Utilities"), also a subsidary of American, proposes to sell and Central proposes to acquire the ice and water properties and assets of Public Utilities also located at and in the vicinity of Eagle Pass, Texas for an aggregate consideration of $680,000 subject to certain adjustments with respect to current assets at date of closing. The declaration of American related to the disposition of Electric Service of said electric utility assets and the application of Central relates to the acquisition of said electric utility and said non-utility assets.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters and that the application of Central shall not be granted nor the declaration of American be permitted to become effective except pursuant to further order of this Commission; and

It further appearing that said application and said declaration necessarily involve common questions of law and fact and that they may properly be consolidated for hearing and consideration;

It is ordered, That said application and said declaration be, and hereby are, consolidated for hearing and consideration under the applicable provisions of said Act and Rules of the Commission thereunder.

It is further ordered, That said consolidated hearing be held on August 25, 1943 at 10:30 a. m., e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such application shall be granted and such declaration be permitted to become effective. Notice is hereby given of said hearing to the above named applicant and declarant and to all interested parties, said notice to be given to said applicant and declarant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission on or before August 16, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission;

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 hearing 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;

It is further ordered, That without limiting the scope of issues presented by said application and said declaration otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration proposed to be paid by Central for the assets to be acquired from Electric Service and Public Utilities is reasonable and bears a fair relation to the sums invested in or the earning capacity of the assets proposed to be acquired.

2. Whether the proposed acquisitions will not be detrimental to the public interest or the interest of investors or consumers.

3. Whether the proposed acquisitions will serve the public interest by tending toward the economical and efficient development of an integrated public utility system and will not be detrimental to the carrying out of the provisions of Section 11 of the Act.

4. Whether the proposed sale of the assets of Electric Service meets the applicable requirements of section 12 (d) of the Act and Rule U-44 promulgated thereunder.

5. What, if any, terms and conditions with respect to such acquisition and disposition should be prescribed in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-12874; Filed, August 9, 1943; 9:27 a. m.]

WAR PRODUCTION BOARD.

[Certificate 107]

COMMON CARRIERS OF PROPERTY BY MOTOR VEHICLE

APPROVAL OF COORDINATED OPERATIONS BETWEEN ST. LOUIS, MO. AND POINTS IN ILLINOIS

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 3, Revised-48, issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of certain common carriers of property by motor vehicle between St. Louis, Missouri, and points in Illinois.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised-48, is requisite to the prosecution of the war.

Dated: August 2, 1943.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 43-12793; Filed, August 6, 1943; 11:29 a. m.]

ASHBACH AND RUBLOFF, ETC.

CONSENT ORDER AMENDED

M. L. Gersh Furniture Company, 152 West Huron Street, Chicago, Illinois, appealed from the provisions of the Consent Order issued July 15, 1943, directed against Leonard Ashbach and Harry L. Rubloff, doing business as Ashbach and Rubloff, Domestic Distributing Company, M. L. Gersh Furniture Company or otherwise. The Chief Compliance Commissioner has determined that M. L. Gersh Furniture Company did not join in the consent to the order and in fact had no connection whatever with the violations upon which the Consent Order was based. He has directed that the Consent Order be amended to delete all mention therein to M. L. Gersh Furniture Company.

In view of the foregoing, the Consent Order is hereby amended to read as follows:

Leonard Ashbach and Harry L. Rubloff, a partnership, doing business as Ashbach and Rubloff, or Domestic Distributing Company, 152 West Huron Street, Chicago, Illinois, were charged in a letter from the Regional Compliance Chief of the Chicago Regional Office of the War Production Board with having violated Limitation Order L-183 in that between January 1, 1943, and April 24, 1943, they manufactured, produced, fabricated or assembled electronic equipment, namely, approximately 2,380 radio sets by converting the use or mode of operation of said radio sets from automobile radios to radios for home use pursuant to orders bearing no preference ratings, and transferred approximately 3,880 radio sets on orders which did not bear a preference rating of A-3 or higher. Ashbach and Rubloff, and Domestic Distributing Company, by Leonard Ashbach and Harry L. Rubloff, admit the aforementioned violations as charged, and have consented to the issuance of the within order.

Wherefore, upon agreement and consent of the respondents, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner.

It is hereby ordered, That:

(a) Leonard Ashbach and Harry L. Rubloff, doing business as Ashbach and Rubloff, Domestic Distributing Company or otherwise, their successors and assigns, are hereby prohibited from selling, leasing, trading, lending, shipping, transferring, or negotiating for the sale of any electronic equipment as defined in Limitation Order L-265, except to fill preferred orders, as defined in Limitation Order L-265, or unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Leonard Ashbach and Harry L. Rubloff, doing business as Ashbach and Rubloff, Domestic Distributing Company or otherwise, their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 15, 1943, and shall expire on September 15, 1943.

Issued this 6th day of August 1943.

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

[F. R. Doc. 43-12823; Filed, August 6, 1943; 5:03 p. m.]

[Certificate 108]

TRANSPORTATION AND DELIVERY OF FLOWERS IN SIOUX FALLS, S. DAK.

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of flowers and related articles by motor vehicle in Sioux Falls, South Dakota.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 6, 1943.

[F. R. Doc. 43-12897; Filed, August 9, 1943; 11:40 a. m.]

[Certificate 109]

LOCAL CARRIERS OF PROPERTY IN CINCINNATI, OHIO, AREA

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 6A-1, issued by the Director of the Office of Defense Transportation with respect to coordinating the operations of certain local carriers of property by motor vehicle within the Cincinnati, Ohio, area.[1]

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 6A-1 is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

AUGUST 6, 1943.

[F. R. Doc. 43-12898; Filed, August 9, 1943; 11:40 a. m.]

[1] *Supra.*