

# FEDERAL REGISTER



VOLUME 8

NUMBER 192

Washington, Tuesday, September 28, 1943

## The President

### EXECUTIVE ORDER 9379

EXECUTIVE ORDER ESTABLISHING A SPECIAL EMERGENCY BOARD TO REPORT ON THE ADJUSTMENT OF WAGES FOR EMPLOYEES OF THE PACIFIC ELECTRIC RAILWAY COMPANY OF LOS ANGELES, CALIFORNIA

WHEREAS a continuing labor dispute following final action on a report by an emergency board now threatens a disruption of transportation services rendered by the Pacific Electric Railway Company of Los Angeles, California,

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes and particularly by the First War Powers Act, 1941, as President of the United States and Commander-in-Chief of the Army and Navy, it is hereby ordered as follows:

1. There is hereby established a Special Emergency Board of three members to be selected by me from the National Railway Labor panel who shall report to me what, if any, wage adjustments for employees of the Pacific Electric Railway Company of Los Angeles, California, should be made, within the limitations of the Act of October 2, 1942 and the Executive Orders and Directives issued thereunder. The Board's report shall be based upon the proceedings before the Emergency Board that reported to me May 21, 1943 on this dispute, the relevant, factual material in the Madris Report filed with the National Railway Labor panel September 10, 1943 and such further relevant evidence as the Special Emergency Board shall determine to receive.

2. The Special Emergency Board shall report to the President on or before October 15, 1943. Copies of the report shall be filed at the same time with the Economic Stabilization Director, the National War Labor Board, and the Commissioner of Internal Revenue.

3. The Economic Stabilization Director shall on behalf of himself or other Departments and Agencies concerned report to the President the effect of the recommendations on the general stabilization program. The report of the Economic Stabilization Director shall be made within ten days after the date on which the Special Emergency Board's

report has been filed. At the time of the Director's report the recommendations of the Special Emergency Board in regard to proposed changes affecting wages and salary payments shall become effective, unless and except to the extent the Economic Stabilization Director otherwise directs.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
September 23, 1943.

[F. R. Doc. 43-15630; Filed, September 25, 1943; 10:58 a. m.]

### EXECUTIVE ORDER 9380

#### FOREIGN ECONOMIC ADMINISTRATION

By virtue of the authority vested in me by the Constitution and the statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to unify and consolidate governmental activities relating to foreign economic affairs, it is hereby ordered as follows:

1. There is established in the Office for Emergency Management of the Executive Office of the President the Foreign Economic Administration (hereinafter referred to as the Administration), at the head of which shall be an Administrator.

2. The Office of Lend-Lease Administration, the Office of Foreign Relief and Rehabilitation Operations, the Office of Economic Warfare (together with the corporations, agencies, and functions transferred thereto by Executive Order No. 9361 of July 15, 1943), the Office of Foreign Economic Coordination (except such functions and personnel thereof as the Director of the Budget shall determine are not concerned with foreign economic operations) and their respective functions, powers, and duties are transferred to and consolidated in the Administration.

3. The Administrator may establish such offices, bureaus, or divisions in the Administration as may be necessary to carry out the provisions of this order, and may assign to them such of the functions and duties of the offices, agencies and corporations consolidated by

(Continued on p. 13083)

## CONTENTS

### THE PRESIDENT

EXECUTIVE ORDERS:	Page
Customs Field Organization, certain changes made.....	13083
Foreign Economic Administration, establishment.....	13081
Pacific Electric Railway Co., Los Angeles, Calif., establishment of special Emergency Board to report on wage adjustments .....	13081
Stabilization of the national economy, amendment.....	13083

### REGULATIONS AND NOTICES

#### ALIEN PROPERTY CUSTODIAN:

Vesting orders:	
Heunsch, F. B.....	13205
Kawaji, K.....	13204
Radamsky, Otto, et al.....	13203
Weber, Elizabeth, nee Oelmann, et al.....	13204

#### CIVIL AERONAUTICS BOARD:

Continental Airlines, Inc., et al., hearing.....	13200
--	-------

#### COAL MINES ADMINISTRATION:

Termination of Government control:	
Continental Coal Co., et al....	13198
Day and Night Coal Co., et al....	13199

#### INTERNAL REVENUE BUREAU:

Tax on transfers of silver bullion; reports and inventory replacements .....	13092
--	-------

#### INTERSTATE COMMERCE COMMISSION:

Chicago, Attica, and Southern Railroad, locomotive and car movements restricted...	13193
--	-------

Control or consolidation of motor carriers or their properties; applications for authority:

Acquisition through ownership of stock.....	13193
Merger of properties or franchises.....	13193

#### Icing or reicing permits:

Atchison, Topeka, and Santa Fe Railway Co., et al. (2 documents).....	13201
Southern Pacific Co.....	13201
Southern Pacific Co., et al. (6 documents).....	13201, 13202
Wabash Railroad Co.....	13201

(Continued on p. 13082)





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

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

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

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

#### CONTENTS—Continued

INTERSTATE COMMERCE COMMISSION—Continued.	Page
Laramie, Wyo., Union Pacific Railroad icing restrictions	13193
Wine and juice grapes, peddling from refrigerator cars at terminal markets (2 documents)	13192
NAVY DEPARTMENT:	
Naval Reserve Officers' Training Corps, regulations revised	13183
OFFICE OF DEFENSE TRANSPORTATION:	
Motor and local transport divisions, establishment of regions and districts (ODT 6)	13194
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Orders filed, list	13206
South Jersey Port Commission	13104
Alaska; sugar, fats and oils (MPR 288, Am. 9)	13166
Anthracite coal (RO 19, Am. 2)	13175
Beef and veal carcasses and cuts (RMPR 169, Am. 29, 30) (2 documents)	13181
Bituminous coal (MPR 120, Am. 65)	13175
Cherries, brined (GMPR, Order 5)	13206
Construction, oil field, mining and related machinery (MPR 134, Am. 12)	13127
Construction equipment, dump trucks (MPR 134, Order 15)	13207
Cracker meal (Rev. SR 14, Am. 32)	13171
Farm equipment (MPR 133)	13176
Fish and seafood, fresh (MPR 418, Am. 10)	13182

#### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Fuel oil rationing (RO 11, Am. 74)	13125
Gypsum wall board, lath and sheathing (MPR 188, Am. 13, Order A-1)	13207
Jams, jellies and fruit preserves (MPR 473)	13104
Kraft wrapping papers, bag papers and bags (MPR 182)	13109
Lamb and mutton cuts (RMPR 239, Am. 10)	13117
Linseed replacement oil (Rev. SR 14, Am. 34)	13180
Lumber, west coast logs (MPR 161, Order 31)	13206
Machine tools, second hand (MPR 1, Am. 1)	13104
Machines and parts, machinery services (MPR 136, Am. 99)	13124
Meat, fats, fish and cheeses: (RO 16, revised)	13128
(RO 16, Am. 17 to Supp. 1)	13164
(RO 16, Am. 18 to Supp. 1)	13165
Methyl salicylate (MPR 353, Am. 2)	13125
Miami defense-rental area (2 documents)	13118, 13124
Mileage and gasoline rationing: Hawaiian regulations (RO 5F, Am. 2)	13125
Special purchase permits (RO 5C, Am. 73)	13124
Transport ration renewals (RO 5C, Am. 76)	13180
Peppermint and spearmint oils: (Rev. SR 1, Am. 30)	13171
(Rev. SR 14, Am. 33)	13171
(MPR 472)	13126
Pork cuts and processed meats (MPR 336, Am. 8) (Corr.)	13181
Puerto Rico; edible commodities MPR 183, Am. 7)	13165
Rationed foods, replacement in products acquired by designated agencies (Gen. RO 11, Am. 6)	13171
Regional and district office orders:	
Carrots, New England (Corr.)	13211
Community ceiling prices, lists (2 documents)	13207, 13210
Firewood:	
Idaho and Lewis Counties, Idaho	13210
Northern California	13208
Snohomish County, Wash.	13210
Whitman County, Wash.	13210
Food and drink for immediate consumption, New Orleans district, La.	13167
Fruits and vegetables, Calif.	13209
Lettuce:	
Charlotte, N. C.	13207
Raleigh, N. C.	13208
Solid fuels:	
Denver, Colo. (Corr.)	13211
Rocky Ford trade area, Colo.	13208
Rubber drug sundries: (MPR 300, Am. 11)	13173
(MPR 301, Am. 9)	13175
Rubber goods, mechanical (MPR 149, Am. 14)	13172
Shingles, red cedar (MPR 164, Order 1)	13206

#### CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.	Page
Shoe rationing (RO 17, Am. 40)	13128
Steel flanges (MPR 188, Am. 12 to Order A-1)	13206
Tires, tubes, recapping and camelback (RO 1A, Am. 52)	13172
Tissue paper, certain products (MPR 266, Am. 5)	13117
Wheat flour, semolina, and farina (MPR 296, Am. 8)	13174
Wooden agriculture containers (RMPR 186)	13180
PETROLEUM ADMINISTRATION FOR WAR:	
Petroleum products, movement to East Coast region (PAO 5)	13182
SECURITIES AND EXCHANGE COMMISSION:	
Hearings, etc.:	
Arkansas Louisiana Gas Co.	13216
Atlanta and Charlotte Air Line Railway Co.	13212
Central Arkansas Public Service Corp., et al.	13214
Central Ohio Light & Power Co.	13211
Crescent Public Service Co. and Oklahoma Utilities Co.	13211
Litchfield Electric Light and Power Co. and NY PA NJ Utilities Co.	13215
Midland Utilities Co.	13212
Philadelphia Stock Exchange	13211
Southern Union Gas Co.	13214
United Public Utilities Corp. and Cap. F. Bourland Ice Co.	13215
Utilities Power & Light Corp. et al.	13214
SELECTIVE SERVICE SYSTEM:	
Class IV-E registrants, final-type physical examination	13092
STATE DEPARTMENT:	
Blocked nationals, proclaimed list	13092
WAGE AND HOUR DIVISION:	
Committee appointments: Construction industry	13199
Finance, insurance, real estate, etc., industry	13199
Learner employment certificates, various industries	13200
WAR DEPARTMENT:	
War procurement contracts, miscellaneous amendments	13803
WAR PRODUCTION BOARD:	
Anti-freeze (L-51)	13102
Gages and precision measuring hand tools (E-5-a)	13095
Hard-facing materials (L-223)	13102
Oil country tubular goods (L-211, Sch. 9)	13095
Phthalic anhydride, maleic anhydride, and maleic acid (M-214)	13092
Plumbing and heating: Emergency repairs (P-84)	13094
Equipment (L-79, Int. 1)	13101
Sewer pipe, vitrified clay (L-316)	13097

(Continued on next page)



## CONTENTS—Continued

WAR PRODUCTION BOARD—Con.	Page
Stop construction orders;	
Columbia, S. C., project.....	13216
Humble Oil & Refining Co.	
and Federal Works	
Agency.....	13216
WAR SHIPPING ADMINISTRATION:	
Vessels under WSA control, em-	
ployment order of men in	
entry ratings.....	13192

this order as he may deem desirable in the interest of efficient administration.

4. The powers and functions of the Administration shall be exercised in conformity with the foreign policy of the United States as defined by the Secretary of State. As soon as military operations permit, the Administration shall assume responsibility for and control of all activities of the United States Government in liberated areas with respect to supplying the requirements of and procuring materials in such areas.

5. All the personnel, property, records, funds (including all unexpended balances of appropriations, allocations, or other funds now available), contracts, assets, liabilities, and capital stock (including shares of stock) of the offices, agencies and corporations consolidated by paragraph 2 of this order are transferred to the Administration for use in connection with the exercise and performance of its functions, powers, and duties. In the case of capital stock (including shares of stock), the transfer shall be to such agency, corporation, office, officer or person as the Administrator shall designate. The Administrator is authorized to employ such personnel as may be necessary in the performance of the functions of the Administration and in order to carry out the purposes of this order.

6. No part of any funds appropriated or made available under Public Law 139, approved July 12, 1943, shall hereafter be used directly or indirectly by the Administrator for the procurement of services, supplies, or equipment outside the United States except for the purpose of executing general economic programs or policies formally approved by a majority of the War Mobilization Committee in writing filed with the Secretary of State prior to any such expenditure.

7. All prior Executive Orders in so far as they are in conflict herewith are amended accordingly. This order shall take effect upon the taking of office by the Administrator, except that the agencies and offices consolidated by paragraph 2 hereof shall continue to exercise their respective functions pending any contrary determination by the Administrator.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
September 25, 1943.

[F. R. Doc. 43-15700; Filed, September 27, 1943; 10:55 a. m.]

## EXECUTIVE ORDER 9381

AMENDMENT OF EXECUTIVE ORDER NO. 9250,<sup>1</sup> ENTITLED "PROVIDING FOR THE STABILIZING OF THE NATIONAL ECONOMY"

By virtue of the authority vested in me by the Constitution and the statutes, and particularly by the act of October 2, 1942, amending the Emergency Price Control Act of 1942 (56 Stat. 765), as amended by the Public Debt Act of 1943 (Public Law 34—78th Congress), as President of the United States and Commander in Chief of the Army and Navy, it is ordered that Executive Order No. 9250 of October 3, 1942, entitled "Providing for the Stabilizing of the National Economy", be, and it is hereby, amended as follows:

1. The preamble is amended by inserting after the words "the Act of October 2, 1942, entitled 'An Act to Amend the Emergency Price Control Act of 1942, to Aid in Preventing Inflation, and for Other Purposes'", the words "as amended by the Public Debt Act of 1943 (Public Law 34—78th Congress)".

2. Paragraph 4 of Title I is amended by inserting after the words "the Act of October 2, 1942" the words "as amended by the Public Debt Act of 1943".

3. Paragraph 4 of Title II is amended to read as follows:

"The National War Labor Board shall, by general regulation, make such exemptions from the provisions of this title in the case of small total wage increases as it deems necessary for the effective administration of this Order."

4. Paragraph 6 of Title II is amended to read as follows:

"Except as provided in regulations issued by the Director, no decrease shall be made by any employer in the salary for any particular work below the highest salary paid therefor between January 1, 1942, and September 15, 1942, if the effect of the decrease is to reduce the salary below \$5,000 per annum."

5. Paragraph 7 of Title II is deleted.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
September 25, 1943.

[F. R. Doc. 43-15701; Filed, September 27, 1943; 10:55 a. m.]

## EXECUTIVE ORDER 9382

## MAKING CERTAIN CHANGES IN THE CUSTOMS FIELD ORGANIZATION

By virtue of the authority vested in me by section 1 of the Act of August 1, 1914, 38 Stat. 609, 623 (U.S.C. title 19, sec. 2), it is ordered that the following changes be, and they are hereby, made in the customs field organization:

1. The designation of the town of Westby, Montana, as a customs port of entry in Customs Collection District Number 33 (Montana and Idaho), is revoked.

2. The limits of the customs port of entry of Nogales, Arizona, in Customs Collection District Number 26 (Arizona), are extended to include the following

<sup>1</sup> 7 F.R. 7871.

territory: Beginning at the northeast corner of the intersection of First Street and Bayze Avenue, City of Nogales, thence northerly in a line parallel with the east side of Bayze Avenue a distance of 1500 feet; thence at right angles in an easterly direction a distance of 1300 feet; thence at right angles in a southerly direction a distance of 1500 feet to the city limits of Nogales; thence westerly along the city limits a distance of 1300 feet to the place of beginning.

3. The limits of the customs port of entry of Douglas, Arizona, in Customs Collection District Number 26 (Arizona), are extended to include the following territory: Beginning at the southwest corner of the city limits of Douglas, Arizona, thence westerly in a line parallel with the international boundary a distance of 4000 feet; thence at right angles in a northerly direction a distance of 7000 feet to a point on the west side of the road leading to the Phelps-Dodge Copper Smelter where said road intersects U. S. Highway Number 80; thence easterly along the south side of U. S. Highway Number 80 to the city limits of Douglas; thence along the city limits to the place of beginning.

This order shall become effective October 1, 1943.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
September 25, 1943.

[F. R. Doc. 43-15702; Filed, September 27, 1943; 10:55 a. m.]

## Regulations

TITLE 10—ARMY: WAR DEPARTMENT  
Chapter VIII—Procurement and Disposal  
of Equipment and SuppliesPART 81—PROCUREMENT OF MILITARY  
SUPPLIES AND ANIMALS

## MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 81 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (7 F.R. 8082), as amended by Change 24, 3 September 1943.<sup>1</sup>

In section numbers the figures to the right of the decimal point correspond with respective paragraph numbers in the procurement regulations.

## GENERAL PURCHASE POLICIES

In section 81.223 paragraphs (f), (g) and (h) are redesignated (g), (h) and (i) and a new paragraph (f) is added as follows:

§ 81.223 *Factors governing placement of contracts.* \* \* \*

(f) *Subcontracting in labor shortage areas.* (1) Prime contractors holding the bulk of War Department contracts

<sup>1</sup> For previous changes see 7 F.R. 9268, 9660, 10184, 10247, 10640, 10906; 8 F.R. 401, 411, 2531, 3339, 3486, 3752, 5133, 5210, 6576, 7526, 8629, 8918, 9908, 11609, and 12043.



have received a request from the Under Secretary of War to apply principles similar to those described in paragraphs (c) to (e) of this section in placing their subcontracts for the fabrication of products required by their prime contracts. When new prime contracts which may involve subcontracting are made, the prime contractors will be advised of these principles by contracting officers and will be strongly urged to apply them in placing subcontracts.

(2) The restrictions relating to Group I, II and III areas are not intended to apply to existing subcontract relationships (particularly for the production of difficult or complicated items) where their application might tend to delay or interfere with production. Moreover, prime contractors will not be expected, in placing recurring subcontracts under a particular prime contract, to give effect to changes in the classification of labor supply areas occurring after the execution of the prime contract, where to do so would decrease the efficiency of subcontracting.

(3) Many prime contractors are regularly receiving the monthly classification of labor market areas issued by the War Manpower Commission. Arrangements may be made to have additional prime contractors supplied with them by communicating directly with the Division of Procurement Policy, War Production Board, Washington, D. C.

(g) *Spreading contracts.* \* \* \*

(h) *Price.* \* \* \*

(i) *Exceptions.* \* \* \*

#### CONTRACTS

In § 81.302 paragraph (c) is amended as follows:

§ 81.302 *Definitions.* \* \* \*

(c) *Contracting officer.* (1) A contracting officer is an officer or civilian official of the War Department who has been appointed by any one of the following persons, or by their direction, or in accordance with such orders and regulations as they may prescribe for their respective commands, to execute contracts on behalf of the United States:

- (i) The Secretary of War;
- (ii) The Under Secretary of War;
- (iii) The Commanding General in a Theatre of Operations;
- (iv) The Commanding General, Army Air Forces;
- (v) The Director, Purchases Division, Army Service Forces;
- (vi) The Chief of any Technical Service.

(2) Unless otherwise specifically provided, the words "the contracting officer," when used in these Procurement Regulations or in any existing or future contract, supplemental agreement or change order, are construed to include:

- (i) His duly appointed successor or authorized representative;
- (ii) Any and all contracting officers, acting within the scope of the orders respectively appointing them contracting officers.

(3) Representatives may be designated as follows:

- (i) The Chief of a Technical Service may designate any officer or civilian official to act as representative of the

contracting officer or his duly appointed successor;

(ii) A commanding officer may designate any contracting officer assigned to his command or station to act as representative of any other contracting officer assigned to the same command or station, or of a contracting officer's duly appointed successor so assigned;

(iii) A contracting officer, his duly appointed successor, and any representative designated pursuant to subdivision (i) or (ii) of this subparagraph (3), may respectively designate any officers or civilian officials to act as their representatives.

(4) A designation authorized by subparagraph (3) of this paragraph may be made by instructions referring to particular contractual instruments or classes of instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. In no event, however, shall a representative, by virtue only of his designation as such, be empowered to execute any contract or supplemental agreement (as distinguished from change order). Of course, if the representative is a contracting officer, he may, pursuant to the order appointing him a contracting officer, execute contracts or supplemental agreements.

(5) All action heretofore taken which would have been valid if this paragraph (c) had then been in effect, is hereby ratified and confirmed.

In § 81.351 paragraph (a) is amended and paragraphs (d), (e) and (f) are added as follows:

§ 81.351 *Price adjustment clauses.* The price adjustment articles set forth in paragraphs (a) through (f) of this section may be used when it is desired to provide for Price Adjustment under certain circumstances.

(a) *Article — Price adjustment for costs of natural and synthetic rubber.*

*Article — Price adjustment for costs of natural and synthetic rubber.* (a) The contractor represents that the prices under this contract have been fixed on the assumption that natural and synthetic rubber to be used by it and its subcontractors in the performance of this contract will be obtained at the following prices specified in the agreement between Rubber Reserve Company and the War Department:

Type of rubber	Estimated quantities	Price per pound
		Cents
Natural rubber	.....	22½
GRS synthetic (Buna S)	.....	18½
GRI synthetic (Butyl)	.....	15½
GRM synthetic (Neoprene, type GN)	.....	27½

(b) If that agreement between Rubber Reserve Company and the War Department is hereafter revised or terminated, and the prices payable by War Department contractors and subcontractors for natural or such synthetic rubber are increased above or reduced below the prices per pound specified in (a), the parties hereto will equitably adjust the contract price hereunder to reflect any increase or decrease in the

costs of the Contractor in performing this contract to the extent caused by such change in the price of natural or such synthetic rubber. If the parties fail to agree upon the adjustment to be made the dispute shall be determined in accordance with the "Disputes" article hereof. Any adjustment hereunder shall be evidenced by a supplemental agreement to this contract.

(d) *Article for use in contracts for the purchase of lumber.*

*Article — Escalation in relation to OPA ceiling prices.* The contractor represents and warrants that the prices shown herein are not in excess of the maximum prices established by the Office of Price Administration, or other authorized government agency, and in effect upon the date hereof for the supplies to be furnished hereunder. In the event such maximum price applicable to any item is increased or decreased the price payable for any subsequent delivery of such item made in accordance with the provisions of the contract, shall be increased, or decreased, by the same number of cents, or fraction thereof, per unit, that such maximum price may be increased, or decreased, up to and including the date of delivery.

(e) *Article for use only in long term contracts (six months or more) for the purchase of coal.*

*Article — Escalation in relation to OPA ceiling prices.* The contractor represents and warrants that the prices shown herein are not in excess of the maximum prices established by the Office of Price Administration, or other authorized government agency, and in effect upon the date hereof for the supplies to be furnished hereunder. In the event such maximum price applicable to any item is increased, the price payable for any subsequent delivery of such item, made in accordance with the provisions of the contract, shall be increased by the same number of cents or fractions thereof, per unit, that such maximum price may be increased up to and including the date of delivery unless such price is redetermined as hereinafter provided. In the event such maximum price is decreased, the price payable for any deliveries made subsequent to the reduction shall not be changed (except that if such maximum price shall be below the contract price, the contract price shall be reduced to the maximum price) unless such price is redetermined as hereinafter provided. Within sixty days after the date of any change in such maximum price, the contractor, if required by the contracting officer so to do, shall furnish the contracting officer with such pertinent data as he may reasonably require showing the extent to which the factors causing such change are applicable to the supplies to be furnished. Any accounting data shall be that resulting from customary accounting practice in the industry. Upon the basis of such information the parties, by negotiation, shall redetermine the price applicable to such items, which redetermined price shall be effective from the date of the change in such maximum price until another change occurs in said maximum price. In the event of the failure of the parties to agree upon a redetermined price the contracting officer may terminate at the end of said sixty-day period (and within fifteen days thereafter) the right of the contractor to proceed with further deliveries of such item without liability upon either party except liability incurred with respect to shipments made prior to the date of termination. Failure on the part of the contracting officer to terminate the contract under the provisions of this paragraph shall not affect the right of the government to terminate under any other provisions of this contract.



(f) Article for use only in long term contracts (six months or more) for the purchase of gasoline and fuel oil (other than aviation gasoline).

**Article — Escalation in relation to OPA ceiling prices.** The contractor represents and warrants that the prices shown herein are not in excess of the maximum prices established by the Office of Price Administration, or other authorized government agency, and in effect upon the date hereof for the supplies to be furnished hereunder. In the event such maximum price applicable to any item is increased the price payable for any subsequent delivery of such item, made in accordance with the provisions of the contract, shall be increased by the same number of cents or fractions thereof, per unit, that such maximum price may be increased up to and including the date of delivery unless such price is redetermined as hereinafter provided. In the event such maximum price is decreased, the price payable for any deliveries made subsequent to the reduction shall not be changed (except that if such maximum price shall be below the contract price, the contract price shall be reduced to the maximum price) unless such price is redetermined as hereinafter provided. Within sixty days after the date of any change in such maximum price, the contractor, if required by the contracting officer so to do, shall furnish the contracting officer with such pertinent data, as he may reasonably require showing the extent to which the factors causing such change are applicable to the supplies to be furnished. Any accounting data shall be that resulting from customary accounting practice in the industry. Upon the basis of such information the parties, by negotiation, shall redetermine the price applicable to such items, which redetermined price shall be effective from the date of the change in such maximum price until another change occurs in said maximum price. In the event of the failure of the parties to agree upon a redetermined price the contracting officer may terminate at the end of said sixty-day period (and within fifteen days thereafter) the right of the contractor to proceed with further deliveries of such item without liability upon either party except liability incurred with respect to deliveries made or orders placed prior to the date of termination. Failure on the part of the contracting officer to terminate the contract under the provisions of this paragraph shall not affect the right of the government to terminate under any other provisions of this contract.

Section 81.363 is amended as follows:

**§ 81.363 Disposition of Government-owned property by contractors.** The following clause may be inserted in cost-plus-a-fixed-fee contracts when authorized by the provisions of § 83.727.

It is recognized that property (including without limitation machine tool and processing equipment, manufacturing aids, raw, manufactured, scrap and waste materials), title to which is or may hereafter become vested in the Government, will be used by or will be in the care, custody or possession of the Contractor in connection with the performance of this contract. With the approval in writing of the Contracting Officer (whether such approval is given prior to or after the giving of a notice of the termination of this contract for the convenience of the Government), the Contractor may transfer or otherwise dispose of such Government-owned property to such parties and upon such terms and conditions as the Contracting Officer may approve or ratify, or, with like approval by the Contracting Officer, the Contractor may itself acquire title to such property or any of it at a price mutually agreeable. The proceeds of any such transfer or disposi-

tion or the agreed price of any property, title to which is so acquired by the Contractor, shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be paid in such manner as the Contracting Officer may direct.

#### BONDS AND INSURANCE

Paragraph (e) is added to § 81.436 as follows:

**§ 81.436 Casualty insurance.** \* \* \*  
(e) **Insurance requirements for lump sum contractors.** (1) Lump-sum subcontractors will provide the contractor and the contracting officer with a certificate of insurance evidencing the fact that workmen's compensation, public liability and automobile liability and property damage insurance are carried with an acceptable insurance carrier covering operations in connection with the project, and that termination or alteration of the coverages enumerated on the certificate of insurance will not be made without ten days' prior notice of such termination or alteration to the chief of the technical service concerned. Limits of insurance should be at least equal to those required of the prime contractor. Where authenticated evidence of authority to self-insure workmen's compensation and ability to respond in damages can be shown to the satisfaction of the chiefs of the technical services, the above requirements may be waived.

(2) For the purposes of subparagraph (1) of this paragraph the term "subcontractor" is defined as any individual, partnership, association, corporation, estate, trust or other business enterprise or legal entity which has undertaken, pursuant to a purchase order or by agreement with the prime contractor, to perform on the prime contractor's premises all or any part of the work or to make or furnish on such premises any article (other than raw materials or standard or commercial articles) required for the performance of the prime contract. By the term "prime contractor's premises" is meant the premises, under the control of the prime contractor, at which the work under the prime contract is to be performed.

#### INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

In paragraph (g) of § 81.606 the following items are amended or added in their proper sequence:

**§ 81.606 Purchases under contracts of Procurement Division, Treasury Department.** \* \* \*

(g) **Mandatory schedules.** The following is a list of the classes of the General Schedule of Supplies which are mandatory on the field services of the War Department:

Description of item	Schedule of supplies	Period
Telephones and parts.....	17, Supp. No. 6.....	September 1, 1941 to August 31, 1942 (extended to February 29, 1944).
Electric lamps.....	17, Supp. No. 3A.....	September 1, 1942, to August 31, 1943 (extended to August 31, 1944).
Wood furniture.....	26, Part I.....	January 1 to December 31, 1942 (portion extended to December 31, 1943).
Twisted pile velvet carpets.....	27, Supp. No. 8.....	April 14, 1943 to September 30, 1944.
Books.....	35.....	December 1, 1942, to November 30, 1943.
Machine tools (only the following items: 40-M-9-100, and 40-P-22 to 40-P-37, incl.)	40.....	September 1, 1943 to February 29, 1944.
Recording and transcription service.....	103, Supp. No. 2.....	September 15, 1942, to August 31, 1943 (extended to August 31, 1944).

#### LABOR

In § 81.905 paragraph (c) is added as follows:

**§ 81.905 Applicability of eight-hour law.** \* \* \*

(c) **Exceptions; States or political subdivisions.** The law does not apply to contracts between the War Department and any one of the several States of the Union or the political subdivisions thereof. The law, however, is applicable to any subcontract covering any part of the work covered by such prime contract with a State (or political subdivision thereof) where it is sublet to a private contractor.

In § 81.907 paragraph (e) is added as follows:

**§ 81.907 Applicability of Copeland ("Anti-Kickback") Act.** \* \* \*

(e) **Exceptions.** The form of provision required in § 81.344 is not required in War Department contracts with a State, or a political subdivision thereof, nor are other regulations with regard to the filing of affidavits, payroll summaries

and securing authorized payroll deductions applicable to such contracts. However, the provision must be included and the regulations must be followed in subcontracts of any part of the work involved sublet by any state (or political subdivision thereof) to a private contractor.

In § 81.911 paragraphs (c), (d), (e) and (f) are redesignated (d), (e), (f) and (g) and a new paragraph (c) is added as follows:

**§ 81.911 Applicability of Davis-Bacon Act; character of contracts covered.** \* \* \*

(c) **Exceptions; States and political subdivisions.** The law does not apply to contracts between the War Department and any one of the several States of the Union or the political subdivisions thereof. The law, however, is applicable to any subcontract covering any part of the work covered by such prime contract with a State (or political subdivision thereof) where it is sublet to a private contractor.



- (d) *Cost-plus-a-fixed-fee contracts.*
- (e) *Exceptions.* \* \* \*
- (f) *"Servicing and maintenance work" defined.* \* \* \*
- (g) *Determination by chief of supply service.* \* \* \*

In § 81.917 paragraph (c) is added as follows:

§ 81.917 *Applicability of Walsh-Healey public contracts law.* \* \* \*

(c) *Contracts entered into between the War Department and other Government agencies.* By Circular Letter No. 10-43, the Deputy Administrator of the Wage and Hour and Public Contracts Divisions, issued the following interpretation:

The Public Contracts Act is not applicable to contracts awarded by an Executive Department, Independent Establishment, or other Agency or Instrumentality of the United States, to another such Department, Establishment or Instrumentality; thus, contracts awarded by such an agency to the Defense Supplies Corporation, the Rubber Reserve Corporation, or the Reconstruction Finance Corporation, need not include the stipulations of the Act and, of course, need not be reported to this office.

In § 81.979 paragraphs (b) (1) to (4) and (k) (2) are amended as follows:

§ 81.979 *Jurisdiction and procedure of Regional War Labor Boards.* \* \* \*

(b) *Procedure in dispute cases not involving wages or salaries.* (1) Immediately upon the certification of a labor dispute to the National War Labor Board under the provisions of the War Labor Disputes Act and Executive Order No. 9017, or upon the National War Labor Board's assumption of jurisdiction of any labor dispute upon its own motion under the provisions of the said Act and Executive Order, the regional war labor board for the region in which the dispute has arisen will be notified and a formal certification, together with all other available data and reports, will be transmitted to it (except in those cases in which the National War Labor Board may elect to retain original jurisdiction or refer the case to an authorized agency or commission, or back to the Conciliation Service.)

(2) Upon receipt of the certification, the case will be considered by a New Case Committee of the regional war labor board, composed of the chairman or vice-chairman, one industry, and one labor member, and the disputes director. If the committee does not consider the case ready for a hearing, it may refer the case back to the parties for further negotiation or to the regional representative of the Conciliation Service for further information or further investigation or conciliation. If the case is deemed ready for a hearing, the committee will designate a tripartite panel to hear the case, unless the parties agree to have the case heard by a single person, in which event the regional war labor board will designate one of the public panel members or some other suitable person to hear the case. Wherever the term "panel" is hereafter used, it will be deemed to include a single hearing officer in the cases just mentioned.

(3) The New Case Committee, in determining what action to take, will consult with the regional representative of the Conciliation Service. If it is determined to set the case down for hearing, the parties shall be notified at least 10 days in advance of the date and place of the hearing. They shall be requested to submit to the disputes director a written and signed statement of such of the facts as they can agree upon, together with such supplementary statements, briefs, and exhibits as they believe necessary to explain and support their respective contentions. There should be included a statement by the employer as to whether price relief will be requested if a wage or salary increase is directed. These documents will be transmitted to the panel prior to the hearing. (In cases where, prior to certification, the commissioner of conciliation has obtained from the parties an agreed statement of facts and the other documents above mentioned, this procedure may be modified accordingly.)

(4) The hearing before the panel, as required by the War Labor Dispute Act, will be a public hearing on the merits of the dispute, of which both parties shall be given full notice and an opportunity to be heard, but the failure of either party to appear shall not deprive the Board of jurisdiction to proceed to a hearing and order. Save in exceptional cases and upon the instructions of the regional war labor board, no stenographic record of the hearing will be required, but any party may, at his own expense, provide for the making of a stenographic record, in which case a copy shall be made available to the regional war labor board without cost, and to each of the other parties to the proceeding at the regular rates for copies. At such hearing the parties may be represented by counsel and may attend with such witnesses or other persons as they desire, subject to the right of the chairman of the panel to make whatever reasonable regulation may be required for the conduct of an orderly public hearing. Upon the conclusion of the hearing, if a settlement is not effected, the panel will submit its report and recommendations as speedily as possible to the regional war labor board, together with the written statements, briefs, and exhibits of the parties and any stenographic record that may have been taken. Copies of the report and recommendations will be furnished to the authorized representatives of each of the parties to the dispute, and the parties will be afforded one week after receipt of the report within which to submit comments to the regional war labor board. (In unusual cases, and for good cause shown, this time may be extended by the regional chairman.)

(k) *Authority of Regional War Labor Boards.* \* \* \*

(2) *Directive orders in dispute cases.* (i) Regional war labor boards are authorized to issue directive orders in dispute cases in conformity with the policies of the National War Labor Board. Each such directive order shall bear the date of its actual issue and shall not be-

come effective until the time within which a petition for review may be filed has elapsed provided that the National War Labor Board may, at any time, make such directive order immediately effective pending any further proceeding. If such a petition is filed, the whole order shall be suspended unless and until the National War Labor Board otherwise directs, or the parties otherwise agree. If no timely petition for review is filed and if the National War Labor Board does not review on its motion, the order of the regional war labor board shall, on the day following the last day for filing of a petition, stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms.

(ii) Copies of all directive orders and of any accompanying opinions (together with such other material as the wage stabilization division may require) shall, when issued, be filed with the National War Labor Board.

(iii) Within fourteen days of the date of issuance of any directive order, any party may file with the Board at Washington, D. C., an original and four copies of a petition (including a legal brief if he desires) setting forth objections to the directive order and seeking review thereof by the National War Labor Board. In such cases the burden will be on the petitioner to persuade the Board that (a) a novel question is involved of sufficient importance to warrant national action, or (b) that the procedure resulting in the order was unfair to the petitioner and has caused substantial hardship, or (c) that the order exceeds the National War Labor Board's jurisdiction or contravenes established policies of the National War Labor Board.

(i) The party filing the petition shall at the same time serve a copy thereof upon each other party and shall file a copy with the regional war labor board. The regional war labor board and the parties may within seven days after receipt of the copy of the petition file an original and four copies of a reply or comment with the National War Labor Board and serve the same upon each other party. If the original petition relates only to a part of the order, the reply or comment may include a request to review other parts thereof. Upon proper cause shown, the National War Labor Board may extend the period within which parties may file petitions and replies or comments.

(v) The National War Labor Board may on its own motion assume jurisdiction over any dispute case at any stage of the proceedings either before or after the final order of a regional war labor board.

(vi) The National War Labor Board will render its decision upon the record, including the comments and replies of the parties, and such further oral or written arguments or proof as it may require or permit.

Section 81.980g is amended as follows:

§ 81.980g *General Order No. 7.* Since Title VI, section 1 of Executive Order No. 9250, dated October 3, 1942, states that



"nothing in this order shall be construed as affecting the present operation of the Fair Labor Standards Act," and since statutes and orders of the duly constituted authorities of the several states fixing minimum rates for certain types of workers carry out the true purposes and intent of the Fair Labor Standards Act, and are designed and intended to eliminate substandards of living within the meaning of section 2 of Title II of Executive Order No. 9250, the National War Labor Board hereby approves increases in wage and salary rates made in compliance with such statutes and orders: *Provided, however, That, if any changes in such statutes or orders are made or promulgated after April 8, 1943, increases directed thereby which would result in a wage or salary rate in excess of 50 cents per hour may not be made without the approval of the Board.*

In § 81.980n paragraph (b) is amended by adding the following project in its proper sequence.

§ 81.980n General Order No. 14. \* \* \*

(b) *Government-owned privately-operated facilities.* \* \* \*

Non-manual employees employed on the following fixed-fee Engineers projects are embraced within the delegation to the War Department Agency.

*Engineers projects Nearest city State*

St. Paul Propeller Plant. St. Paul Minnesota

In § 81.980s paragraphs (a) and (e) are amended as follows:

§ 81.980s General Order No. 19.

General Order No. 19. (a) The Board of Governors of the Federal Reserve System and any of the twelve Federal Reserve Banks, which proposes to make adjustments in the salaries or wages of their employees not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments or gross inequities, as permitted by the national wage and salary stabilization policy.

(e) The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the minimum non-inflationary going rates for similar occupational groups in the labor market area.

In § 81.980t paragraphs (a) and (d) are amended as follows:

§ 81.980t General Order No. 20.

General Order No. 20. (a) The United States Employment Service or any of its state administrative offices which proposes to make adjustments in the salaries or wages of its employees not fixed by statute, which would otherwise require the prior approval of the National War Labor Board, may make such adjustment on certification to the Board that the adjustment is necessary to correct maladjustments or gross inequities, as permitted by the national wage and salary stabilization policy.

(d) The certification procedure shall not apply to any adjustment which would raise salaries or wages beyond the minimum non-inflationary going rates for similar occupational groups in the labor market area.

Section 81.980w is amended as follows:

§ 81.980w General Order No. 23. General Order No. 23, adopted by the

National War Labor Board on December 18, 1942, was revoked on May 14, 1943. In its place the following order was adopted.

(a) The Territory of Alaska is hereby made a part of Region XII of the National War Labor Board. Approval of Voluntary applications for wage and salary adjustments and dispute cases arising within the Territory of Alaska shall be processed as hereinafter provided.

(b) The Territorial Representative of the Wage and Hour and Public Contracts Division of the United States Department of Labor shall receive all requests for rulings and applications for approval of voluntary wage and salary adjustments insofar as such matters are within the jurisdiction of the National War Labor Board.

(c) There is hereby created within the Territory of Alaska a Branch Office of the Regional War Labor Board for Region XII.

(d) There shall be appointed a Wage Stabilization Director within the Territory of Alaska, who shall exercise the same authority within the territory as that exercised by the Wage Stabilization Director in Region XII.

(e) There shall be appointed a Regional Attorney and Disputes Director within the Territory of Alaska, who shall exercise the same authority within the territory as that exercised by the Regional Attorney and Disputes Director in Region XII. As Disputes Director, he shall have authority to set up tripartite panels for hearings on dispute cases the recommendations of the panels to be sent to the Twelfth Regional Board for approval or disapproval.

(f) Any ruling of the Regional War Labor Board, Region XII, shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative. No action of the National War Labor Board with respect to rulings of said Regional War Labor Board shall be retroactive.

(g) Disputes arising in the Territory of Alaska shall, unless otherwise directed by the National War Labor Board, be referred to the Regional War Labor Board for Region XII.

(h) Jurisdiction and Procedure for Regional War Labor Boards shall be applicable to the Branch Office of the Regional War Labor Board for Region XII, except that owing to difficulties of communication and transportation, time limitations may be relaxed in case of necessity.

Section 81.981d is amended as follows:

§ 81.981d *Trucking commission.* By virtue of and pursuant to the powers vested in it by Executive Order No. 9017 of Jan. 12, 1942, the Executive Orders and regulations issued under the Act of Congress of Oct. 2, 1942, and the War Labor Disputes Act of June 25, 1943, the National War Labor Board, on Aug. 6, 1943, amended its directive order of Dec. 2, 1942, establishing the Trucking Commission, to resolution of Feb. 4, 1943, defining the jurisdiction of the Commission, to read as follows:

1. The Trucking Commission, hereinafter called the Commission, shall consist of three (3) members appointed by the National War Labor Board. Of the persons so appointed, one shall represent labor, one shall represent industry, and one shall represent the public and act as chairman. The Board may at any time appoint alternates for the members of the Commission.

2. The Commission shall have jurisdiction over labor disputes and voluntary wage or salary adjustments involving persons employed in the following types of trucking operations: over-the-road (common, contract, or private carrier), local pick-up, and delivery; transfer and storage. The Commis-

sion shall have power (1) to hear and determine and to issue directive orders in labor dispute cases, and (2) to make final rulings on voluntary wage or salary adjustments submitted for approval of the National War Labor Board in accordance with the National Wage Stabilization policy.

3. Labor disputes and voluntary wage or salary adjustments involving trucking employees (drivers, checkers, warehousemen or dockmen, stowers, lumpers or helpers) of businesses other than those specified in paragraph 2 above shall be subject to the jurisdiction of the regional boards, under the following conditions: A standing tripartite regional trucking panel for cases involving trucking employees within the jurisdiction of the regional board shall be established in each region, the members of which shall be designated by the Trucking Commission, after consultation with the regional board concerned. This panel shall (a) hear dispute cases and make recommendations to the regional board, which shall issue its directive order as in other dispute cases; (b) pass on voluntary wage adjustments, under such procedure as the regional board may prescribe; and (c) gather the necessary data and recommend to the regional board wage brackets or revision of existing brackets for trucking employees within its jurisdiction. Wage brackets established by a regional board for trucking employees within its jurisdiction shall not be published or become effective until approved by the Trucking Commission. The regional boards shall furnish the necessary assistants and facilities to the regional trucking panels. Petitions for review of directive orders or rulings of regional boards in cases involving trucking employees, filed with the National Board, shall be referred to the Trucking Commission for appropriate recommendation to the National War Labor Board, with a view to stabilization of the trucking industry.

4. The ruling of the Commission on voluntary wage or salary adjustments as well as its directive orders on wage issues in dispute cases shall conform to the policies of the National War Labor Board, based on Executive Orders 9250 and 9328, and the policy directive of May 12, 1943 (see § 81.978 (a)) issued by the Director of Economic Stabilization. Accordingly, any wage or salary adjustment approved or ordered by the Commission "which may furnish the basis either to increase price ceilings or to resist otherwise justifiable reductions in price ceilings, or if no price ceilings are involved which may increase the production costs above the level prevailing in comparable plants or establishments," shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings and orders issued by the Commission in wage cases.

5. Applications for approval of voluntary wage adjustments within the jurisdiction of the Commission shall be filed with the nearest office of the Wage and Hour Division of the Department of Labor, which shall transmit the same to the Commission. The application shall state whether or not the adjustment if granted (1) may furnish the basis to increase price ceilings, or (2) may increase the production costs above the level prevailing in comparable plants or establishments. If the answer is in the affirmative as to (1) the Commission shall send to the Office of Price Administration a copy of the application and a copy of its ruling at the time of issuance thereof. In wage dispute cases the Commission shall send to the Office of Price Administration a copy of the recommendations of its panel or hearing officer, and of the Commission's order, in any case where it appears that the wage adjustment ordered may furnish the basis to increase price ceilings. In all voluntary or dispute cases involving wage or salary adjustments which may furnish the basis for price relief, the



Commission shall notify the employer to apply promptly to the Office of Price Administration for such price relief. The Trucking Commission shall notify the parties of the action taken by the Office of Price Administration or by the Director of Economic Stabilization.

6. The Commission shall, so far as practicable, utilize the information data and staff services of the National War Labor Board or the regional boards, and of other federal departments and agencies. The employment by the Commission of additional personnel, facilities, or services shall be subject to the approval of the National War Labor Board.

7. The rulings of the Commission on voluntary wage or salary adjustments, and the directive orders of the Commission in dispute cases, shall have the same effect, and shall be subject to the same provisions for stay and review by the National War Labor Board, as rulings and orders of the Regional War Labor Boards, as set forth in § 81.979 (k).

(a) On December 16, 1942, the National War Labor Board appointed the following persons as paid members of the Trucking Commission:

For the public, Professor Howard Meyerhoff, Chairman.

For industry, Landis O'Brien.

For labor, Frank Tobin.

Section 81.981e is amended as follows:

§ 81.981e *Shipbuilding Commission*. By virtue of and pursuant to the powers vested in it by Executive Order No. 9017 of January 12, 1942, the Executive Orders and regulations issued under the Act of Congress of October 2, 1942, and the War Labor Disputes Act of June 25, 1943, the National War Labor Board, on August 9, 1943, vacated its directive order of January 7, 1943, relative to shipbuilding, and directed as follows:

1. A Shipbuilding Commission (hereinafter called the Commission) is hereby established which shall consist of six members who shall be appointed as paid officials of the National War Labor Board; two shall represent the public and shall serve as chairman and co-chairman; two shall represent labor; and two shall represent industry. The Board shall appoint such alternates from time to time as may be deemed necessary.

2. The Commission shall have jurisdiction over labor disputes and voluntary wage or salary adjustments involving persons employed in the shipbuilding industry. The Commission shall have power (1) to hear and determine and to issue directive orders in labor dispute cases, and (2) to make final rulings on voluntary wage or salary adjustments submitted for approval of the National War Labor Board in accordance with the national wage stabilization policy.

3. For the purpose of this order, shipbuilding, whether or not carried on subject to shipbuilding stabilization zone standards, is the construction, conversion, outfitting, and repair of floating marine structures, including floating drydocks, within the continental limits of the United States and Alaska, exclusive of establishments owned and directly operated by the United States, provided the activity is carried on in the water, in drydocks, in basins, on ways for launching, or on the premises of a shipyard or boatyard.

4. Representatives of the Secretary of Navy, the Secretary of War, the chairman of the Maritime Commission, and the chairman of the War Production Board may consult with the Commission for the purpose of presenting to it any information necessary to facilitate the conduct of the business of the Commission.

5. Applications for approval of voluntary wage adjustments, within the jurisdiction of the Commission, shall be filed with the nearest office of the Wage and Hour Division, U. S. Department of Labor, which shall transmit the same to the Commission. The application shall state (a) whether or not the adjustment, if granted, may furnish the basis for an increase in production cost above the level prevailing in comparable yards or establishments, or (b) whether or not the applicant will apply for reimbursement from any agency of the government in the event the application is approved. If the answer is in the affirmative, any ruling made by the Commission, or by the National War Labor Board upon the recommendation of the Commission, shall not take effect unless and until the action is approved by the Director of Economic Stabilization.

6. The rulings and orders of the Commission shall conform to the policies of the National War Labor Board, based on Executive Orders Nos. 9250 and 9328, and the policy directive of May 12, 1943, issued by the Director of Economic Stabilization, and shall so state.

7. The rulings and orders of the Commission shall have the same effect, and shall be subject to the same provisions for stay and review by the National War Labor Board as rulings and orders of the Regional War Labor Boards as set forth in § 81.979 (k).

8. The Shipbuilding Commission in conjunction with the Wage Stabilization Division of the National War Labor Board shall proceed forthwith to gather and analyze wage data pursuant to the Board's order of July 30, 1943, and to establish appropriate wage brackets in the industry. These brackets shall be submitted to the Regional Board for comment before they are approved by the Commission.

9. The Commission shall, so far as is practicable, utilize the information, data, staff, and services of the National War Labor Board or the several Regional War Labor Boards and of other federal departments and agencies. The Regional War Labor Boards shall furnish such necessary assistance and facilities to panels, referees, and arbitrators of the Shipbuilding Commission as may be required. The employment by the Commission of additional personnel, facilities, or services shall be subject to the approval of the National War Labor Board.

#### PART I: SHIPBUILDING STABILIZATION COMMITTEE

A. Title III, Section 3 of Executive Order No. 9250 of October 3, 1942, provides: "The National War Labor Board shall permit . . . the Shipbuilding Stabilization Committee . . . to continue to perform its functions . . . except insofar as any of them is inconsistent with the terms of this order." Pursuant thereto, the Shipbuilding Stabilization Committee shall continue to perform the functions ascribed to it by general Administrative Order No. 2-57 of the chairman of the War Production Board and by the Shipbuilding Stabilization Zone Standards Agreements as amended May 16, 1942.

B. No new wage rate fixed by Zone Standards Agreement shall become effective until approved by the National War Labor Board.

#### PART II: SHIPBUILDING COMMISSION

A. The National War Labor Board hereby creates the Shipbuilding Commission.

B. The Commission shall consist of seven members; a chairman, two members representing management and two members representing labor (and such alternates as may be appropriate) appointed and paid by the Board; one member (and such alternates as may be appropriate) appointed by the Secretary of the Navy; and one member (and

such alternates as may be appropriate) appointed by the Maritime Commission.

C. The chairman of the Commission and the members appointed by the Secretary of the Navy and the Maritime Commission shall be deemed to represent the public.

D. The Commission shall rule on all applications for approval of voluntary adjustments of wages, salaries, and other reimbursable costs and on all disputes of whatever nature, using procedures similar to those of the National War Labor Board.

E. The Commission shall apply zone standards to yards that have agreed to them and in applying them shall be bound by the Shipbuilding Stabilization Committee's interpretations.

F. The Commission shall be governed by Executive Order Nos. 9017 and 9250 and all regulations heretofore or hereafter issued thereunder, and by the National War Labor Board's statement of wage policy of November 6, 1942. Subject to the approval of the National War Labor Board, it may make its own regulations and rules of procedure.

G. Every ruling of the Commission shall be final, subject only to review by the National War Labor Board on its own motion. Every ruling of the Commission shall be deemed the act of the National War Labor Board unless and until reversed or modified; and any such reversal or modification shall take effect only from the date of its issuance: *Provided, however*, That if a ruling on wage or salary rates and other reimbursable costs is modified or overruled, the final ruling may be retroactive.

Section 81.983d is amended as follows:

§ 81.983d *Procedure under Executive Order 9250*. (a) Agencies of the War Department are not required to conduct audits, investigations, or payroll reviews merely for the purpose of ascertaining whether or not contractors have complied with Executive Order 9250 or the regulations promulgated thereunder. The technical services are neither required nor authorized to determine that the prime contractor has violated the Executive Order or the regulations thereunder.

(b) When, however, probable non-compliance by a prime contractor with Executive Order 9250 or the regulations thereunder is discovered by or brought to the attention of a technical service such agency should:

(1) Advise each such contractor of the particulars in which probable non-compliance appears and request that he consult the Regional War Labor Board or Salary Stabilization Regional Office which has jurisdiction over approval of wage rates in the case. (See §§ 81.977c (a) to 81.979(a) for list of Regional Offices).

(2) Report such apparent violation to the Regional War Labor Board or Salary Stabilization Regional Office which has jurisdiction over approval of wage rates in the case. Any such reports should include the following information:

- (i) Name and address of contractor.
- (ii) Date, number and place of performance of contracts.
- (iii) Résumé of facts constituting apparent violation including approved wage rate, by whom approved, wages actually paid, names or classifications of persons paid, dates of apparent improper payments, and name of party making payments if other than contractor.



(c) The technical services have the responsibility of establishing within their services appropriate procedures for the reporting of apparent violations to the proper Government agency. Such procedures should be devised to restrict contracts with such agency solely to the transmittal of a report containing the information listed in paragraph (b) of this section.

(d) No report should be supplemented by appearances or participation in hearings or other proceedings of the agency having jurisdiction in the matter except for the purpose of furnishing, upon request, pertinent information within the possession of the War Department.

(e) Determinations of violations will be made in all cases by the National War Labor Board or the Commissioner of Internal Revenue. If the appropriate Government agency finds that a violation of Executive Order 9250 or the Regulations thereunder has occurred, the Industrial Personnel Division, Headquarters, Army Service Forces, will be advised, and will issue specific instructions to the interested technical service.

(f) All responsibilities which the technical services had prior to issuance of Executive Order 9250 on this regulation with respect to reimbursement of contractors in accordance with other laws and regulations are in no way affected by this regulation.

#### MISCELLANEOUS PURCHASE INSTRUCTIONS

Section 81.1188 is added as follows:

§ 81.1188 *Advertising*—(a) *Basic statutes*. (1) No advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising, or publication, shall be paid, unless there be presented, with such bill, a copy of such written authority. (R.S. 3828; 44 U.S.C. 324; M.L., 1929, sec. 1829).

(2) Hereafter all advertisements, notices, proposals for contracts, and all forms of advertising required by law for the several departments of the Government may be paid for at a price not to exceed the commercial rates charged to private individuals, with the usual discounts; such rates to be ascertained from sworn statements to be furnished by the proprietors or publishers of the newspapers proposing so to advertise: *Provided*, That all advertising in newspapers since the tenth day of April, eighteen hundred and seventy-seven, shall be audited and paid at like rates; but the heads of the several departments may secure lower terms at special rates whenever the public interest requires it. Act June 20, 1878 (20 Stat. 216; 44 U.S.C. 322; M.L., 1929, sec. 1827).

(3) *First War Powers Act*. The Judge Advocate General, in an opinion dated 4 August 1943 (SPJGC 1943/10580) has expressed the view "that compliance with the provisions of section 3828 of the Revised Statutes would limit and restrict the freedom of action granted by the First War Powers Act, 1941, to facili-

tate the prosecution of the war, and that the operation of such statute to the extent that it limits the broad authority granted by the First War Powers Act, 1941, is suspended thereby.

(b) *Delegation of authority*. (1) The responsibility for authorizing advertising has been assigned by the Secretary of War to the Under Secretary of War (see § 81.107 (c)). Pursuant to Circular 181, War Department, 10 June 1942, this responsibility was further delegated "subject to the direction of the Under Secretary of War, to the Commanding General, Army Air Forces, so far as [it relates] to supplies or equipment peculiar to the Army Air Forces; and subject to the same direction, so far as [it relates] to all other supplies and equipment, to the Commanding General, Services of Supply, or to such person or persons as they may designate." The Authority so delegated is hereby further delegated to the chiefs of the technical services.

(2) The responsibility for authorizing advertising through the medium of newspapers or otherwise, which is delegated to the chiefs of the technical services by subparagraph (1) of this paragraph, is not to be confused with the responsibility for authorizing the placing of contracts by formal advertising rather than by negotiation. This latter responsibility is vested in the Director, Purchases Division, Headquarters, Army Service Forces (see § 81.240 (b)).

(c) *Ratification*. Prior to the promulgation of paragraph (b) of this section, the chiefs of the technical services had not expressly been delegated authority to authorize advertising. The Judge Advocate General, however, in the opinion referred to in paragraph (a) of this section expressed the view that the delegations set forth in § 81.107 (f) gave the Director, Purchases Division, Headquarters, Army Service Forces authority to approve advertising; and that the action of the chiefs of the technical service in authorizing advertising may "be ratified by the Director of the Purchases Division, if it is determined that such action facilitated the prosecution of the war". Accordingly, if any advertising was done subsequent to June 29, 1942, without approval of the Director, Purchases Division, Headquarters, Army Service Forces (or some higher authority) a request may be made to said Director that such advertising be ratified. The request should be accompanied by a full statement of the facts and a determination by the chief of the technical service that such advertising facilitated the prosecution of the war.

#### RENEGOTIATION AND PRICE ADJUSTMENT

Section 81.1201 is redesignated § 81.1201a and amended and a new § 81.1201 is added as follows:

§ 81.1201 *Definitions*. As used in this Procurement Regulation No. 12, the following terms have the meanings set forth below:

(a) *Section 403, as amended; the Act*. These terms will be used inter-

changeably to refer to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public 528, 77th Congress, approved April 28, 1942), as amended by section 801 of the Revenue Act of 1942 (Public 753, 77th Cong., approved October 21, 1942), by section 1 of the Military Appropriation Act, 1944 (Public 108, 78th Congress, approved July 1, 1943), and by Public 149, 78th Congress, approved July 14, 1943.

(b) *Statutory renegotiation*. This term refers to renegotiation pursuant to the provisions of section 403, as amended.

(c) *Departments*. This term refers to the War, Navy, and Treasury Departments, and the Maritime Commission, the Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company.

(d) *Secretary*. This term refers to the Secretary of the War, Navy and Treasury Departments, the Chairman of the Maritime Commission, and the Boards of Directors of the Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company.

§ 81.1201a *Scope*. §§ 81.1201-81.1214 discuss the various aspects of statutory renegotiation, in three parts. Sections 81.1202-81.1205 deal with the provisions of section 403, as amended, and the exemptions and exclusions therefrom. Sections 81.1207-81.1210 discuss the contract articles for statutory renegotiation and their use. Sections 81.1213-81.1214 deal generally with the policies and procedure governing statutory renegotiation.

Paragraphs (a), (b) and (d) of § 81.1203 are amended as follows:

§ 81.1203 *Effect of Act*—(a) *Coverage*.

(1) The Act applies to all contracts made by the Departments and subcontracts thereunder, with the exceptions stated under paragraph (d) of this section and § 81.1204. With those exceptions, the Act directs the Secretary of each Department to require any contractor with his Department or subcontractor thereunder to renegotiate the contract price with him whenever in his opinion the profits realized or likely to be realized from the contract or subcontract may be excessive, whether or not the contract or subcontract contains a renegotiation clause.

(2) Subcontracts include purchase orders or agreements to perform all or any part of the work, or to make or furnish any article, material, part, assembly, machinery, equipment or other personal property, required for the performance of another war contract or subcontract, and any agreements to procure such contracts or subcontracts. Such subcontracts are not limited to those made by the prime contractor but include those made by subcontractors and subcontractors down through the various tiers unless specifically exempt. (§ 81.1290(a) and (c)).

(b) *Contract articles*. With certain exceptions discussed under § 81.1204, the Act requires that each prime contract over \$100,000 contain a contract article (1) providing for renegotiation of



the price and (2) requiring the contractor to insert a similar article in each subcontract for procuring war contracts and in each other subcontract over \$100,000, made by him under the contract. As stated in paragraph (a) of this section, contracts or subcontracts which do not include a renegotiation article are nevertheless subject to the Act unless they are expressly excluded.

(d) *Exclusions.* (1) The Act does not apply to any contract or subcontract on which final payment was made before April 28, 1942 (§ 81.1290(c)).

(2) A contract or subcontract is not subject to statutory renegotiation where the aggregate receipts of the contractor or subcontractor and its affiliates (including all persons controlling, controlled by, or under common control with it) during its fiscal year, do not, or in the opinion of the Secretary, will not exceed \$25,000 from subcontracts for procuring war contracts and \$100,000 from all other contracts with the Departments and subcontracts thereunder.

(3) Certain contracts or subcontracts are exempt or may be exempted from the statute under subsections (b) and (i) of the Act (§ 81.1290 (b) and (i)). These exemptions are discussed under § 81.1204.

In § 81.1204 paragraphs (c) and (f) are amended as follows:

**§ 81.1204 Exemptions from statutory renegotiation.** \* \* \*

(c) *Contracts with governmental agencies.* (1) In this regulation the term "Department" means the Departments and RFC subsidiaries specified in the Act; and the term "other Government agency" includes (i) any department, bureau, agency or governmental corporation of the United States, except one of the Departments, (ii) any territory, possession or state or any agency thereof, and (iii) any foreign government or any agency thereof.

(2) Section 403 as amended does not apply to (i) any contract between a Department and any other Government agency; (ii) any contract between a contractor with a Department or a subcontractor thereunder, and any other Government agency; (iii) any contract made by the other Government agency in connection with a contract with one of the Departments, or one of their contractors, or subcontractors, unless the other Government agency is acting merely as an agent for the Department concerned (Subsections (i) (1) (i)).

(3) Accordingly, no article for statutory renegotiation under section 403, as amended, will be included in any such contract or subcontract.

(4) With respect to contracts with War Supplies Limited see § 81.509 (h).

(f) *Patent licenses.* The chief of a technical service may exempt from some or all of the provisions of section 403, as amended, any contract granting to the Government a license under a patent or a patent application or transferring a patent or patent application to the Government, or to a contractor or subcontractor, if the aggregate royalty payable under the contract or subcontract for its

duration or for any stated period is either (1) a fixed amount determinable at the time of the execution of the contract, or (2) limited by contract to a maximum amount determinable at the time of the execution of the contract, and if, in his opinion, the fixed amount or maximum amount will not yield excessive profits to the contractor or subcontractor. In all other cases, the renegotiation article will be included in the contract. In such cases subsections (a), (b), (c) and (f) (1), (3) and (4) of Form I (see § 81.342 (a)) will be used. (See also § 81.1112.)

In § 81.1208 paragraph (c) (2) is amended as follows:

**§ 81.1208 Use of articles.** \* \* \*

(c) *Supplemental agreements.* \* \* \*

(2) If the original contract being supplemented was executed before April 28, 1942, and if the chief of the technical service determines that it will be practicable to renegotiate the contract price of the supplemental agreement separately, the renegotiation article may be limited in its application to the supplemental agreement; otherwise, the renegotiation article included in the supplemental agreement will be made to apply to the original contract as well as the supplemental agreement.

In § 81.1232 paragraph (b) is amended and paragraph (d) is added as follows:

**§ 81.1232 Escalation.** \* \* \*

(b) *For Government-fixed prices.* In cases where the Government directly fixes the price of a component material required for the performance of a contract, the contract may include a provision for equitable adjustment of the contract price to compensate for changes made by the Government in the price of the component material (see § 81.351 (a)). This article will not be used where the Government merely fixes a maximum price for the component material, as by the Office of Price Administration, except in contracts for the purchase of coal, lumber and certain gasoline and fuel oils (see paragraph (d) of this section). It will be used only where the Government fixes the actual sale price as in the case of rubber sold by the Rubber Reserve Company. Likewise, a provision may be included for adjustment based on increased freight rates fixed by the Interstate Commerce Commission (§ 81.339) when such a provision does not violate any maximum price regulation of the Office of Price Administration. Finally § 81.357 contains a provision for price adjustment based on changes in certain taxes paid by the contractor.

(d) *Escalation in relation to OPA ceiling prices—coal, gasoline and lumber.* Escalation clauses in contracts for the purchase of certain basic commodities are approved to the extent and in the form prescribed in § 81.351 paragraphs (d) (lumber), (e) (coal), and (f) (gasoline and fuel oils).

**AUDITS AND INSPECTIONS UNDER TITLE XIII OF THE SECOND WAR POWERS ACT**

Sections 81.1260, 81.1261 and 81.1262 are added as follows:

**§ 81.1260 Basic statute.** Title XIII of the Second War Powers Act (Public 507, 77th Congress) provides as follows:

*Sec. 1301.* The provisions of section 10 (1) of an Act approved July 2, 1926 (44 Stat. 787; 10 U. S. C. 310 (1)) (giving the Government the right to inspect the plant and audit the books of certain Contractors), shall apply to the plant, books, and records of any contractor with whom a defense contract has been placed at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war: *Provided,* That, for the purpose of this title, the term "defense contract" shall mean any contract, subcontract, or order placed in furtherance of the defense or war effort: *And provided further,* That the inspection and audit authorized herein, and the determination whether a given contract is a "defense contract" as defined above, shall be made by a governmental agency or officer designated by the President, or by the Chairman of the War Production Board.

*Sec. 1302.* For the purpose of obtaining any information or making any inspection or audit pursuant to section 1301, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may administer oaths and affirmations and may require by subpoena or otherwise the attendance and testimony of witnesses and the production of any books or records or any other documentary or physical evidence which may be deemed relevant to the inquiry. Such attendance and testimony of witnesses and the production of such books, records, or other documentary or physical evidence may be required at any designated place from any State, Territory, or other place subject to the jurisdiction of the United States: *Provided,* That the production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person resides or transacts business, if, prior to the return date specified in the subpoena issued with respect thereto, such person furnishes such agency or the Chairman of the War Production Board, as the case may be, with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with such agency or the Chairman of the War Production Board, as the case may be, as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. No person shall be excused from attending and testifying or from producing any books, records, or other documentary evidence or certified copies thereof or physical evidence in obedience to any such subpoena, or in any action or proceeding which may be instituted under this section, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be subject to prosecution and punishment or to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination, except that any such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Such agency or the Chairman of the War Production Board shall not publish or disclose any information obtained under this title which such agency or the Chairman of the War Production Board deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information,



unless such agency or the Chairman of the War Production Board determines that the withholding thereof is contrary to the interest of the national defense and security; and anyone violating this provision shall be guilty of a felony and upon conviction thereof shall be fined not exceeding \$1,000, or be imprisoned not exceeding two years, or both.

Sec. 1303. In case of contempt by, or refusal to obey a subpoena issued to, any person, any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, may invoke the aid of any court of the United States within the jurisdiction of which any investigation or proceeding under this title is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, records, or other documentary or physical evidence. And such court may issue an order requiring such person to give testimony or produce any books, records, or other documentary or physical evidence touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, records, or other documentary or physical evidence, if in his power to do so, in obedience to the subpoena of any agency acting hereunder, or the Chairman of the War Production Board, as the case may be, shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than \$5,000, or to imprisonment for a term of not more than one year, or both.

Sec. 1304. For purposes of this title the term "person" shall include any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

§ 81.1261 *Executive Order*. Under date of April 10, 1942, Executive Order 9127 was issued under the basic statute. This Executive Order reads as follows:

#### EXECUTIVE ORDER 9127

Designating the departments and agencies to inspect the plants and audit the books and records of defense contractors under Title XIII of the Second War Powers Act, 1942.

By virtue of the authority vested in me by the Constitution and laws of the United States, and particularly by Title I of the First War Powers Act, 1941, and Title XIII of the Second War Powers Act, 1942, as President of the United States and Commander in Chief of the Army and Navy of the United States, and in order to prevent the accumulation of unreasonable profits, to avoid waste of Government funds, and to implement other measures which have been undertaken to forestall price rises and inflation, it is hereby ordered as follows:

1. I hereby designate the War Production Board, the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation as the governmental agencies authorized to inspect the plant and to audit the books and records, as provided by Title XIII of the said Second War Powers Act, 1942. Such inspection and audit and the determination whether a given contract is a defense contract, as defined in Title XIII of the Second War Powers Act, 1942, may be made in the case of (a) any contractor with whom a defense contract has been placed by such agency, or, in the case of the Reconstruction Finance

Corporation by any corporation created or organized by it, at any time after the declaration of emergency on September 8, 1939, and before the termination of the present war, and in the case of (b) any subcontractor performing work required by any such defense contract. The Chairman of the War Production Board is authorized to issue rules and regulations and to establish policies to coordinate and govern the War Department, the Navy Department, the Treasury Department, the United States Maritime Commission, and the Reconstruction Finance Corporation in exercising the functions vested in them by this order.

2. The authority herein conferred may be exercised by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, and the Board of Directors of the Reconstruction Finance Corporation, respectively, or in their discretion and by their direction, respectively, may be exercised also by and through any officer or officers or civilian officials of their respective departments and agencies designated by them for those purposes. The Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, the United States Maritime Commission, or the Board of Directors of the Reconstruction Finance Corporation may authorize such officer or officers or civilian officials of their respective departments or agencies to make further delegations of such powers and authority within their respective departments and agencies.

3. In inspecting any plant engaged in producing, manufacturing, processing, constructing, altering, or repairing any defense article of a secret, confidential, or restricted nature, or which is produced, manufactured, processed, constructed, altered or repaired in accordance with or under any secret process, formula, patent, or invention, and in auditing the books and records in connection with any such defense contract, such inspection shall be regarded as secret, confidential, or restricted, as the case may be, and all reports, records, papers, documents, and writings relating to such inspection or audit shall be marked or stamped as secret, confidential, or restricted, as the case may be, and shall be handled in accordance with regulations prescribed and in force in the department or agency concerned relating to the handling of secret, confidential, or restricted matters, reports, records, papers, documents, and writings.

4. The power to administer oaths or affirmations and to issue subpoenas for the attendance of witnesses or the production of books, records, or other documentary or physical evidence deemed relevant to the inquiry, conferred by section 1302, and, through the Department of Justice, the power to invoke the aid of any court of the United States, conferred by section 1303, Title XIII, of said Second War Powers Act, may be exercised, performed, or carried out by the Chairman of the War Production Board, the Secretary of War, the Secretary of the Navy, the Secretary of the Treasury, any member of the United States Maritime Commission, or the Chairman of the Board of Directors of the Reconstruction Finance Corporation, as the case may be, or by such other officer or officers or civilian officials as may be authorized, empowered or directed by any of them so to do for his respective department or agency.

5. Nothing herein shall affect or limit the authority and power conferred upon or granted to the Chairman of the War Production Board by Title XIII of said Second War Powers Act, 1942.

FRANKLIN D. ROOSEVELT

APRIL 10, 1942.

§ 81.1262 *Delegations*. The following delegations of authority to make audits

and inspections under the basic statute have been issued:

12 AUGUST 1943

Memorandum for: The Under Secretary of War

Subject: Delegation of Authority Under Title XIII of the Second War Powers Act.

By virtue of the authority vested in me by Title XIII of the Second War Powers Act, 1942 (Public Law No. 507, Seventy-Seventh Congress, approved March 27, 1942) and by Executive Order No. 9127 issued April 10, 1942, I hereby delegate to the Under Secretary of War the authority conferred upon me by Title XIII of said Act and by said Executive Order and either of them.

The authority hereby delegated to the Under Secretary of War may be delegated in whole or in part, by him to such officers or civilian officials as he may designate within the War Department and he may authorize such officers or civilian officials of the War Department to make successive delegations of such authority.

HENRY L. STIMSON,  
Secretary of War.

13 AUGUST 1943.

Memorandum for:

Commanding General, Army Air Forces.  
Commanding General, Army Service Forces.

Subject: Delegation of Authority Under Title XIII of the Second War Powers Act.

By virtue of the authority vested in the Secretary of War by Title XIII of the Second War Powers Act, 1942 (Public Law No. 507, Seventy-Seventh Congress, approved March 27, 1942), and by Executive Order No. 9127 issued April 10, 1942, and delegated to me by a memorandum from the Secretary of War dated 12 August 1943 I hereby delegate such authority as follows:

1. I hereby delegate to each of the Commanding Generals, Army Air Forces, and the Commanding General, Army Service Forces, the authority conferred upon the Secretary of War by Title XIII of said Act and by said Executive Order and either of them.

2. The authority hereby delegated to each of the foregoing Commanding Generals may be delegated in whole or in part by him to such officers or civilian officials as he may designate within his organization, and he may authorize such officers or civilian officials to make successive delegations of such authority.

ROBERT P. PATTERSON,  
Under Secretary of War.

18 AUGUST 1943.

Memorandum for:

Chiefs of Technical Services, Army Service Forces, Director, Purchases Division, Army Service Forces, and Chairman, War Department Price Adjustment Board.

Subject: Delegation of Authority under Title XIII of the Second War Powers Act.

By virtue of the authority vested in the Secretary of War by Title XIII of the Second War Powers Act 1942 (Public Law No. 507, Seventy-seventh Congress, approved March 27, 1942), and by Executive Order No. 9127 issued April 10, 1942, and delegated to the Under Secretary of War by a memorandum dated 12 August 1943 and further delegated to me by a memorandum dated 13 August 1943 from the Under Secretary of War, I hereby delegate such authority as follows:

1. I hereby delegate to each of the following the authority conferred upon the Secretary of War by Title XIII of said Act and by said Executive Order and either of them:

- a. the Chief of each Technical Service, Army Service Forces,
- b. the Director, Purchases Division, Army Service Forces,
- c. the Chairman, War Department Price Adjustment Board.



2. The authority hereby delegated to each of the foregoing may be delegated in whole or in part by him to such officers or civilian officials as he may designate within his organization, and he may authorize such officers or civilian officials to make successive delegations of such authority."

W. D. STYER,  
Major General, U. S. A.,  
Commanding.

The amendment to § 81.1301 as published in the FEDERAL REGISTER 2 September 1943 (8 F.R. 12067) is corrected to read as follows:

In § 81.1301 contract Articles 22 and 23 are redesignated 23 and 24 and a new Article 22 is added as follows:

§ 81.1301 War Department Contract Form No. 1. \* \* \*

ART. 22. Subcontracting. Insert (§ 81.367).  
ART. 23. Definitions. \* \* \*  
ART. 24. Alterations. \* \* \*

(Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601-622.)

[SEAL] H. B. LEWIS,  
Brigadier General,  
Acting The Adjutant General.

[F. R. Doc. 43-15620; Filed, September 25, 1943; 10:11 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter III—Proclaimed List of Certain Blocked Nationals

[Cumulative Supp. 6, Sept. 24, 1943 to Rev. V. of Apr. 23, 1943]

#### ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Office of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 6 containing certain additions to, amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision V of April 23, 1943 (8 F.R. 5435), is hereby promulgated.<sup>1</sup>

By direction of the President:

CORDELL HULL,  
Secretary of State.

RANDOLPH PAUL,  
Acting Secretary of the Treasury.

FRANCIS BIDDLE,  
Attorney General.

JESSE H. JONES,  
Secretary of Commerce.

LEO T. CROWLEY,  
Director, Office of Economic Warfare.

NELSON A. ROCKEFELLER,  
Coordinator of Inter-American Affairs.

SEPTEMBER 24, 1943.

[F. R. Doc. 43-15642; Filed, September 25, 1943; 11:35 a. m.]

<sup>1</sup> Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

## TITLE 26—INTERNAL REVENUE

### Chapter I—Bureau of Internal Revenue

#### Subchapter C—Miscellaneous Excise Taxes

[T. D. 5298]

### PART 112—TAX ON TRANSFERS OF INTERESTS IN SILVER BULLION

#### REPORTS AND INVENTORY REPLACEMENTS

Regulations 85 (Part 112, Title 26, Code of Federal Regulations) relating to the tax on transfers of interests in silver bullion, but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4887, approved February 11, 1939 (Part 112 (note) of such Title 26) are amended as follows:

PARAGRAPH 1. Article 66 (§ 112.66 of such Title 26) is amended by changing the period at the end of the second sentence to a comma and adding thereafter the following:

except that upon application and proper showing to the Commissioner he may generally, or in individual cases, as he deems appropriate, waive such of the information as he determines to be unnecessary.

PAR. 2. Article 85 (c) (§ 112.85 (c) of such Title 26) as amended by Treasury Decision 4465, approved August 27, 1934, is amended by adding to the end thereof a sentence reading as follows:

Effective as of December 1, 1942, and until the date on which the President proclaims that hostilities in the present war have terminated, the replacement may take place within 45 days before or after such transfer.

(Sec. 1805 of the Internal Revenue Code (53 Stat. 198, 199; 26 U.S.C., 1940 ed., and Sup. II, 1805))

[SEAL] H. MORGENTHAU, Jr.,  
Secretary of the Treasury.

Approved: September 22, 1943,

FRANKLIN D. ROOSEVELT,  
The White House.

[F. R. Doc. 43-15660; Filed, September 25, 1943; 3:02 p. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

[Amendment 175, 2d Ed.]

### PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

#### FINAL TYPE PHYSICAL EXAMINATIONS FOR CLASS IV-E REGISTRANTS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U. S. C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E. O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, Selective Service Regulations, Second Edition, are hereby amended in the following respect:

1. Amend paragraph (a) of § 651.2<sup>1</sup> to read as follows:

<sup>1</sup> 8 F.R. 78, 1347.

§ 651.2 Ordering Class IV-E registrants to report for final-type physical examination. (a) When the order number of a registrant placed in Class IV-E has been reached under the circumstances set out in § 651.1, the local board shall prepare for each such man an Order to Report for Final-type Physical Examination (Form 48A) in duplicate. The local board shall mail the original to the registrant and file the remaining copy in the registrant's Cover Sheet (Form 53).

2. The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

SEPTEMBER 16, 1943.

[F. R. Doc. 43-15661; Filed, September 25, 1943; 3:08 p. m.]

## Chapter IX—War Production Board

### Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

### PART 3293—CHEMICALS<sup>1</sup>

[Allocation Order M-214, as amended September 24, 1943]

#### PHTHALIC ANHYDRIDE MALEIC ANHYDRIDE AND MALEIC ACID

The order title is amended to read "Allocation Order M-214".

Section 3293.291<sup>2</sup> is amended to read as follows:

§ 3293.291<sup>1</sup> Allocation Order M-214—(a) Definitions. For the purpose of this order:

(1) "Phthalic anhydride" means the anhydride of phthalic acid in any form and from any source.

(2) "Maleic anhydride" means the anhydride of maleic acid in any form and from any source.

(3) "Maleic acid" means maleic acid in any form and from any source.

(4) "Supplier" means any person who produces phthalic anhydride, maleic anhydride or maleic acid, or who purchases it for resale as such.

(b) Restrictions on delivery. (1) No supplier shall deliver phthalic anhydride to any person, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) On and after November 1, 1943, no supplier shall deliver maleic anhydride or maleic acid to any person, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A. Until November 1, previous special directions shall remain in effect.

(c) Restrictions on acceptance of delivery. (1) No person shall accept delivery of phthalic anhydride, maleic anhy-

<sup>2</sup> Formerly Part 3059, § 3059.1.



dride, or maleic acid, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B.

(2) However, any person may accept delivery of 700 pounds or less of phthalic anhydride, or 500 pounds or less of maleic anhydride, or 200 pounds or less of maleic acid from all suppliers in the aggregate during any calendar month, without application or specific authorization, if this amount is not in addition to amounts of the same material accepted during the same month pursuant to specific authorization; and any person accepting any quantity of the material during the month pursuant to specific authorization may accept an additional 50 pounds of that material during that month without restriction.

(3) Any quantity of maleic anhydride and maleic acid may be freely accepted by any person if he accepts it, or if it is in transit consigned to him, prior to November 1, 1943.

(d) *Restrictions on use.* (1) No person shall use phthalic anhydride, maleic anhydride or maleic acid except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix B.

(2) However, any person may use 700 pounds or less of phthalic anhydride, and 500 pounds or less of maleic anhydride, and 200 pounds or less of maleic acid, in any calendar month without application or specific authorization, if this amount is not in addition to amounts of the same material used during the same month pursuant to specific authorization; and any person using any quantity of the material during the month pursuant to specific authorization may use an additional 50 pounds of that material during that month without restriction.

(3) Prior to November 1, 1943, any quantity of maleic anhydride and maleic acid may be used without specific authorization, unless otherwise specifically directed in writing by the War Production Board.

(e) *Effect of order on stocks.* (1) All stocks of phthalic anhydride, maleic anhydride and maleic acid are subject to the use restrictions in this order.

(2) Pending receipt of phthalic anhydride, maleic anhydride or maleic acid allocated for a particular purpose, stocks on hand may be used for that purpose. The quantities withdrawn from inventory must be replaced upon receipt of the allocated material.

(f) *Instructions to suppliers for filling small orders.* A supplier may fill small orders for 700 pounds or less of phthalic anhydride, 500 pounds or less of maleic anhydride, or 200 pounds or less of maleic acid, if he delivers not more than these quantities to any customer in any calendar month, and if the total amount delivered on all small orders does not exceed the following:

(1) The amount which he has been specifically authorized, upon application pursuant to Appendix A, to deliver on small orders; or

(2) The amount which he has been specifically authorized, upon application pursuant to Appendix B, to accept de-

livery of, or to use, to fill small orders; or

(3) The amount which he himself acquired on small orders and has not used for other purposes.

(g) *Duration of authorization for delivery.* If it is not practicable for a supplier to make all deliveries in the month for which authorized, he may complete them as early as practicable in the next month, but the purchaser may not require postponement of shipment beyond 10 days after the authorized month.

(h) *Duration of authorization for use.* Authorization to use material under this order shall be valid for 45 days after receipt of the authorization or receipt of the material allocated for the use, whichever is later: *Provided, however,* That if delivery has been postponed at the request of the user, the 45 days will run solely from the receipt of the authorization. What is not used in this period shall revert to inventory subject to further allocation.

(i) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions to any person with respect to:

(1) Use, delivery or acceptance of delivery of phthalic anhydride, maleic anhydride and maleic acid; or

(2) Production of phthalic anhydride, maleic anhydride and maleic acid; or

(3) Preparation and filing of forms and certificates pursuant to Appendices A, B and C.

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

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

(3) *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-214.

Issued this 24th day of September 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

#### APPENDIX A

INSTRUCTIONS TO SUPPLIERS FOR FILING APPLICATION FOR AUTHORIZATION TO DELIVER PHTHALIC ANHYDRIDE, MALEIC ANHYDRIDE OR MALEIC ACID

Each supplier seeking authorization to deliver phthalic anhydride, maleic anhydride or maleic acid, shall file application on Form WPB-2946 (formerly PD-601) in the manner

<sup>1</sup> Approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2946 (formerly PD-601). Copies of forms may be obtained at local field offices of the War Production Board.

*Time of filing.* Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 22d day of the month preceding the month for which authorization to make delivery is requested.

*Number of copies.* Four copies shall be prepared, of which one may be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-214.

*Number of sets.* A separate set of forms should be filed for each plant of the applicant, and for phthalic anhydride, maleic anhydride and maleic acid, respectively.

*Heading.* Under name of chemical, specify phthalic anhydride, maleic anhydride or maleic acid, as the case may be; under War Production Board order number, specify M-214; specify pounds as unit of measure; and otherwise fill in as indicated.

*Table I.* Fill in as indicated. If the applicant-supplier is also filing application on Form WPB-2945 (formerly PD-600) for authorization for his own use, he should list his own name as customer.

An aggregate quantity may be requested for delivery on small orders of 700 pounds or less of phthalic anhydride, 500 pounds or less of maleic anhydride, or 200 pounds or less of maleic acid without listing individual customers.

*Rolling stock.* Fill in as indicated.

*Table II.* Fill in as indicated. In Columns 10 and 13 enter only those stocks not authorized for use or delivery on the dates specified.

#### APPENDIX B

INSTRUCTIONS FOR FILING APPLICATION FOR AUTHORIZATION TO USE OR ACCEPT DELIVERY OF MORE THAN 700 POUNDS OF PHTHALIC ANHYDRIDE, 500 POUNDS OF MALEIC ANHYDRIDE, OR 200 POUNDS OF MALEIC ACID

Each person seeking authorization to use or accept delivery of more than 700 pounds of phthalic anhydride, 500 pounds of maleic anhydride, or 200 pounds of maleic acid during any calendar month, shall file application on Form WPB-2945 (formerly PD-600) in the manner prescribed therein, subject to the following instructions for the purpose of this order:

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

*Time of filing.* Applications shall be made in time to ensure that copies will have reached the supplier and the War Production Board on or before the 15th day of the month preceding the month for which authorization for use or delivery is sought.

*Number of copies.* Five copies shall be prepared, of which one copy may be retained by the applicant, one copy (Tables II, III, IV and V blank) shall be forwarded to the supplier, and three copies (one certified) shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-214.

*Number of sets.* A separate set of application forms shall be submitted for each supplier and for phthalic anhydride, maleic anhydride and maleic acid, respectively. A single set may be filed for all plants of the applicant for maleic anhydride or maleic acid, but separate sets shall be filed for each plant for phthalic anhydride.

*Heading.* Under name of chemical, specify phthalic anhydride, maleic anhydride or maleic acid, as the case may be; under War Production Board order number, specify M-214; under unit of measure, specify pounds; and otherwise fill in as indicated.

*Table I.* Specify in the heading the month and year for which authorization for use or delivery is sought.



**Column 1.** Specify grade in terms of particular quality of physical form ordered, such as pure, technical, U. S. P., off-color, flake, powdered, etc.

**Column 2.** Specify separately the quantities (in pounds) required for each primary product and product use specified in Columns 3 and 4 of the application.

**Column 3.** Fill in as follows:

For orders on hand:

- Primary product
- Export (in original form)
- Resale (in original form)

For anticipated orders:

- Primary product
- Export (in original form)
- Resale (in original form)

For inventory (in original form)

Primary products may be specified as follows:

- (For phthalic anhydride)
- Esters (identify)
- Resins (identify)
- Dyes and intermediates (identify)
- Cellophane
- Rubber
- Phthalyl chloride
- Pharmaceuticals and food
- Miscellaneous
- Others (specify)
- (For maleic anhydride and maleic acid)
- Resins (identify)
- Substituted oils (identify)
- Fumaric acid
- Wetting agents
- (For maleic anhydride and maleic acid)—
- Cont.
- Rubber
- Leather processing
- Miscellaneous
- Other (specify)

For the purpose of the above instructions, *resins* means an oil modified with more than 10% of an organic acid (other than drying oil acids) or anhydride and a polyhydric alcohol complex, whereas *substituted oils* means oil modified with 10% or less of an organic acid (other than drying oil acids) or anhydride and a polyhydric alcohol complex.

**Column 4.** Opposite any primary product in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, in the case of phthalic alkyd resins, Order M-139).

Opposite any primary product in Column 3 which is not under allocation, specify in Column 4 the end use in as detailed and complete a manner as possible, giving Army, Navy or Lend-Lease specification or contract numbers when available.

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

Opposite "Resale" in Column 3, suppliers shall write into Column 4 "upon further authorization" or "for small orders of 700 pounds or less" for phthalic anhydride, or "for small orders of 500 pounds or less" for maleic anhydride, or "for small orders of 200 pounds or less" for maleic acid. Suppliers who customarily resell solely on small orders should specify "for small orders, etc." in Column 4. Suppliers who resell in larger quantities as well as on small orders should apply pursuant to Appendix A (see Table I instructions) for authorization to deliver on small orders.

Opposite "Inventory" in Column 3, write into Column 4 "subject to further authorization".

**Columns 9 and 10.** Leave blank, except for remarks, if any, in Column 10.

**Table II.** Fill in as indicated for each grade referred to in Column 1 of the application.

**Table III.** Fill in as indicated.

**Table IV.** Fill in as indicated for each primary product listed in Column 3 of the application, except products under direct allocation, such as phthalic alkyd resins.

**Table V.** Write into Column 23 "Disposed of during last month", and fill in accordingly for each primary product listed in Column 20 of Table IV. Leave Columns 24 and 25 blank.

Applicants are requested to file WPB-2945 (formerly PD-600) applications each month, without skipping any month, so that accurate reports of total consumption will be available.

[F. R. Doc. 43-15584; Filed, September 24, 1943; 3:38 p. m.]

#### PART 1022—PLUMBING AND HEATING EMERGENCY REPAIRS

[Interpretation 1 of Preference Rating Order No. P-84, as Amended]

The following official interpretation in question and answer form is hereby issued with respect to § 1022.1 (Preference Rating Order No. P-84, as Amended):

1. The order provides that a preference rating of AA-5 may be applied to deliveries to a seller of repair items and conversion parts. Does this mean that the seller is given an automatic rating of AA-5 to obtain repair parts for stock to be used as the need for them arises?

A. No. Before a seller may apply the AA-5 preference rating, he must have first obtained from a consumer a certification as provided in paragraph (d) (1).

2. Who must sign the certification provided in paragraph (d) (1)?

A. The consumer, in other words, the end-user or the person who requires the repair or replacement, either the landlord or the tenant, whoever buys the material.

3. In obtaining a certification from the consumer, must the seller submit to the consumer an itemized list showing all the items used in the repair or replacement?

A. No. This is not necessary, but the consumer should not certify unless he knows what items were installed. However, to apply the preference rating, the seller must prepare an itemized list of the materials. A copy of this list should then be attached to the certificate received from the consumer and retained in the seller's files.

4. Must a person who buys equipment for several buildings sign a separate certificate for each building?

A. No. One certificate may be made to apply to several buildings, by designating them on the dotted line after "Address of installation."

5. What does the seller do with the certificate received from the consumer?

A. The seller retains the certificate and keeps it on file as evidence of his authority to apply an AA-5 rating to obtain material or to replenish his inventory.

6. May the rating assigned by this order be used to repair electric water heaters?

A. Although the entire unit is not included in the definition of plumbing equipment, the rating may be used to replace those parts which are interchangeable components of either electric or non-electric heaters.

7. How is the rating applied by the seller?

A. After receiving the certificate from the consumer, the seller applies the rating in the same way as he would apply the rating assigned under any other order. The procedure

and standard form of certification are described in Priorities Regulation No. 3.

8. Paragraph (b), regarding restrictions on the use of preference ratings, mentions only repair and replacement of plumbing equipment and heating equipment or conversion parts. Does this mean that a rating may not be used to obtain material for the repair of domestic cooking appliances, commercial cooking equipment and commercial dishwashers?

A. No. The amendment of August 21 added domestic cooking appliances, commercial cooking and food and plate warming equipment and commercial dishwashers to the definition of articles for which the delivery of repair items is given a preference rating. In making this amendment, a corresponding change in language was inadvertently omitted from paragraph (b) (1). The paragraph is, however, interpreted, in the light of the entire amendment, to apply to the use of preference ratings for repair items of all kinds covered by the order.

9. The order states that the ratings may not be used to replace usable equipment or to make a substitution which would provide more extensive facilities than are necessary to replace the equipment, part, or parts worn out, damaged, or destroyed. What does this mean?

A. This does not mean that the equipment being installed must be exactly equal to the replaced equipment, but simply that no additional services are to be provided by the new installation. Several examples will help make this clear:

Q. May a worn out 20 gallon water heater be replaced by a 30 gallon water heater?

A. No. Such a replacement would constitute more extensive facilities and, therefore, would not be permissible under paragraph (b) (1). It is not necessary to replace a water heater with one of exactly the same type as the one used previously, provided the capacities of the two heaters are the same.

Q. Does P-84 permit the replacement of a 24" furnace worn out or damaged beyond repair with a 26" furnace?

A. Not necessarily. Such a replacement is permissible only if the original installation was too small to heat the area involved, resulting in over-firing and thus accelerating the need for replacement. In this case, replacement may be made with the size necessary to provide adequate heat for the same area. However, the order does not permit the replacement of a furnace with a larger furnace in order to heat additional space.

Q. May a worn out apron or roll rim sink be replaced by a cabinet sink under the terms of this order?

A. Yes. This would not result in added service. However, the order does not permit the replacement of a single compartment sink with a double compartment sink as then additional services would result.

10. How is the re-rating provided for in paragraph (f) effected?

A. The re-rating procedure is set forth in Supplementary Order P-84-a. This order states that: "Any person, with whom an order for plumbing and heating equipment was placed prior to August 21, 1943 and rated A-10 in accordance with order P-84 as amended December 16, 1942, which order may now be re-rated AA-5, is authorized to treat such order as re-rated without requiring any notice or certificate to be furnished to him by his customer, provided that if any orders are re-rated pursuant to this supplementary order all orders on the books of the manufacturer or distributor which may be re-rated under P-84 must be so re-rated."

11. Should List A be depended on as a complete list of the items rationed by the Office of Price Administration?



A. No, it is believed complete but is not authoritative, but added to the order simply for the convenience of the industry. For authoritative information, consult the OPA Ration Regulation 9A, or your local War Ration Board.

Issued this 25th day of September 1943.

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

[F. R. Doc. 43-15653; Filed, September 25, 1943; 12:02 p. m.]

#### PART 3102—NATIONAL EMERGENCY SPECIFICATIONS FOR STEEL PRODUCTS

[Schedule 9, as Amended September 25, 1943, to Limitation Order L-211]

##### OIL COUNTRY TUBULAR GOODS

§ 3102.10 *Schedule 9 to Limitation Order L-211—(a) Purpose and scope.* This schedule prescribes certain standards for the manufacture of oil country tubular goods, as herein defined. The schedule does not relate to use; oil country tubular goods made in accordance with this schedule may be used for any purpose, and other types of tubular material may be used in oil and gas wells, in each case subject to any restrictions contained in other orders of the War Production Board or the Petroleum Administration for War.

(b) *Definition.* "Oil country tubular goods" means oil well casing, tubing and drill pipe.

(c) *Restrictions on sizes and specifications.* No person shall produce, fabricate or deliver oil country tubular goods except as set forth in American Petroleum Institute Specification for Casing, Drill Pipe and Tubing, API Standard No. 5-A, dated May 1942, and Supplement No. 1 thereto, dated December 1942, or in List 1 attached hereto. However the use of Bessemer or open-hearth steel in the manufacture of casing and tubing shall be optional with the manufacturer and no purchaser may specify the type of steel to be used on his order.

(d) *Acceptance of delivery.* No person shall accept delivery of any oil country tubular goods which he knows or has reason to believe were produced, fabricated or delivered in violation of the provisions of paragraph (c).

(e) *Exceptions.* (1) The provisions of paragraphs (c) and (d) shall not apply to any oil country tubular goods:

(i) The production, fabrication, delivery or acceptance of which is specifically authorized in writing by the War Production Board, or

(ii) For which an order was entered prior to April 30, 1943, provided shipment of the entire order is made on or before June 30, 1943, or

(iii) Oil well casing produced by electric fusion welding.

(2) The provisions of paragraph (c) shall not prohibit:

(i) Waiver by the purchaser of any of the inspection or test requirements of the specifications prescribed in paragraph (c), or

(ii) Delivery or acceptance of any oil country tubular goods which because of errors in manufacture do not conform to the requirements of paragraph (c), providing such requirements are waived by the purchaser or procuring agency, or

(iii) The production, fabrication, delivery, or acceptance of lap-weld tubing or lap-weld casing with V type thread, or

(iv) The production, fabrication, delivery, or acceptance of any oil country tubular goods having thread dimensions or types of joints other than those prescribed in paragraph (c), provided the purchaser endorses on the purchase order a statement signed by an authorized official, either manually or as provided in Priorities Regulation No. 7, substantially as follows:

The special threads or special types of joints specified in this order are necessary to the successful installation and operation of the pipe covered by said order, and none of the standard thread dimensions or types of joints specified in Schedule 9 to Limitation Order L-211 issued by the War Production Board, will meet the service requirements to which said pipe is to be applied.

Name of Purchaser	Signature of Authorized Official	Title
-------------------	----------------------------------	-------

Such statement shall constitute a representation to the seller and to the War Production Board, and may be relied on by the seller unless he knows or has reason to believe it to be false.

(f) *Records.* Each person owning or possessing oil country tubular goods excepted by the provisions of paragraph (e) shall retain records of such material available for inspection by duly authorized representatives of the War Production Board.

Issued this 25th day of September 1943.

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

##### LIST 1

NOTE: Heading "Casing, Grade J-55" amended Sept. 25, 1943.

##### ADDITIONAL PERMITTED SIZES OF CASING AND TUBING

###### Casing, Grade J-55

Size, outside diameter, inches	Wall thickness, inches	Nominal weight per foot, pounds
8 3/4	.264	24.00

###### Lap-Weld Casing

Size outside diameter, inches	Wall thickness, inches	Nominal weight per foot, pounds
5 1/2	.204	17.00
6 3/4	.185	13.00
7	.272	20.00
8 3/4	.304	28.00
10 3/4	.307	35.75

##### Standard Lap-Weld Tubing (Non-Upset)

Size nominal	Outside diameter, inches	Wall thickness, inches	Nominal weight per foot, pounds
2	2.375	.167	4.00
3	3.500	.216	7.70
4	4.500	.237	11.00

The above sizes apply only to short thread casing and to standard non-upset tubing. In all respects other than outside diameter, wall thickness, weight per foot, and threading practice, such casing and tubing shall conform to the requirements of American Petroleum Institute Specification for Casing, Drill Pipe and Tubing, API Standard No. 5-A, dated May 1942, and Supplement No. 1 thereto, dated December 1942.

[F. R. Doc. 43-15654; Filed, September 25, 1943; 12:02 p. m.]

#### PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[General Preference Order E-5-a as Amended September 25, 1943]

##### GAGES AND PRECISION MEASURING HAND TOOLS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of gages and precision measuring hand tools, 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:

§ 3274.41 *General Preference Order E-5-a—(a) Definitions.* For the purpose of this order:

(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) "Producer" means any person who is engaged in the manufacture of gages or precision measuring hand tools.

(3) "Approved user" means any of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Selective Service System, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company.

(ii) Any person producing any product or conducting any business listed on Schedule I or II of CMP Regulation No. 5, as amended from time to time.

(iii) Any person conducting any activity or rendering any service listed on Schedule I or II of CMP Regulation No. 5A, as amended from time to time.

(iv) The government of any country designated, under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), as eligible to receive lend-lease aid.



(v) Any person to whom the Office of Economic Warfare has approved the granting of an export license for gages or for precision measuring hand tools.

(vi) Any other persons specifically designated by the War Production Board.

(4) "Approved employee" means any person who is employed or is about to be employed by any approved user. A student of any vocational or other training school is not an approved employee as such, and sales to such students, whether by producers, distributors, or the vocational or training school itself are not permitted under the provisions of this order.

(5) "Distributor" means any person other than an approved user who purchases or accepts delivery of any gages or precision measuring hand tools exclusively for resale and not for use.

(6) "Gages and precision measuring hand tools" mean those types of tools which are listed on the attached Exhibit A, excluding tools made of wood.

(7) "Continental United States" means the territory comprising the several States and the District of Columbia.

(b) *Restrictions on sales by producers and distributors.* On and after May 1, 1943, no producer or distributor shall sell or deliver any gages or precision measuring hand tools except in fulfillment of the following purchase orders:

(1) Purchase orders placed by approved users, and by distributors, bearing a preference rating of A-9 or higher, accompanied by a statement substantially as follows which shall be in addition to any other certification required in applying or extending such preference rating:

Purchased pursuant to General Preference Order E-5-a. Delivery of this order will not increase the undersigned's inventory beyond a supply required by the undersigned's current practices for use or for resale during a thirty-day period, except as permitted by paragraph (e) of General Preference Order E-5-a.

*Provided, however,* No such statement is required to accompany purchase orders for those tools listed on Exhibit B attached hereto.

(2) (i) Purchases made by approved employees prior to August 15, 1943 bearing a preference rating of AA-2X or higher, accompanied by a certification by the approved employee and an authorized official of his employer (which employer must be an approved user) signed either manually or as provided in Priorities Regulation 7, substantially as follows:

Preference Rating ----- (specify rating)  
EHT. The following gage or precision measuring hand tool -----

(only one tool may be placed on each certification; specify type and size of tool)  
is required by the undersigned approved employee as a condition to retaining or obtaining employment with the undersigned approved user as defined in General Preference Order E-5-a. The undersigned approved em-

ployee further certifies that he does not own or possess any similar gage or tool capable of use in his employment.

Name of Approved Employee -----

Position: -----

Name and Address of Approved User -----

Authorized Signature -----

(ii) Deliveries to an approved employee prior to August 15, 1943, of gages and precision measuring hand tools which are required by him as a condition to retaining or obtaining employment with an approved user are hereby assigned the same preference rating as is assigned to such approved user's purchase of maintenance, repair and operating supplies by CMP Regulation 5 or CMP Regulation 5A. (For example: Deliveries to an approved employee of gages and precision measuring hand tools required in his employment in a plant manufacturing ammunition are assigned a preference rating of AA-1, this being the same rating assigned to his employer (an approved user) by Schedule I of CMP Regulation 5.) After August 15, 1943, employees requiring gages and precision measuring hand tools will be expected to obtain them in accordance with the procedure contained in Direction 9 to CMP Regulation 5.

(iii) A preference rating assigned under paragraph (b) (2) (ii) of this order shall be applied by placing the rating at the commencement of the joint certification required from the approved employee and his employer by paragraph (b) (2) (i) of this order.

(iv) A person who receives a purchase order rated and endorsed in accordance with paragraph (b) (2) of this order may extend the rating to the extent permitted by Priorities Regulation No. 3 (using the endorsement therein specified) and accompanying such endorsement with the symbol EHT and a statement substantially in the same form as set forth in paragraph (b) (1) of this order.

(v) The symbol EHT shall constitute an "allotment symbol" for the purposes of CMP Regulation No. 3, and a purchase order bearing the symbol EHT shall have the status of a delivery order bearing a preference rating with an allotment symbol as provided in CMP Regulation No. 3.

(3) Purchases by any employee of gages or precision measuring hand tools rated pursuant to Direction 9 to CMP Regulation 5 and accompanied by the joint employer-employee certification therein provided for.

(c) *Restrictions on sales by approved users.* On and after May 1, 1943, no approved user shall sell or deliver any gages or precision measuring hand tools except to persons employed or about to be employed by such approved user, or except pursuant to § 944.11 of Priorities Regulation No. 1.

(d) *Effect of certification.* Any certification made pursuant to this order shall constitute a representation to the seller and to the War Production Board of the truth of the facts therein set forth, upon which the seller shall be entitled to rely unless he knows or has reason to believe the same to be false.

(e) *Restrictions on inventory.* On and after May 1, 1943, no distributor or approved user shall buy or accept delivery of any gage or precision measuring hand tool the delivery of which will at the time effect an increase in his inventory beyond a supply required by his current practices for use or for resale during a thirty-day period: *Provided, however,* That the deliveries of gages or precision measuring hand tools pursuant to the following designated types of purchase orders shall be permitted to effect such an increase:

(1) Purchase orders placed by any procurement agency of the United States pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(2) Purchase orders placed by the Army, Navy, Maritime Commission, or War Shipping Administration for gages or precision measuring hand tools required for bases or supply depots outside the continental United States, or for bases or supply depots within the continental United States which are maintained for emergency purposes or to supply such bases or supply depots outside the continental United States.

(3) Purchase orders for those tools listed on Exhibit B attached hereto.

(f) *Changes in schedules.* Notwithstanding any other provision of this order, the War Production Board may direct or change any schedule of production or delivery of gages or precision measuring hand tools, allocate any order for gages or precision measuring hand tools to any other producer, divert or otherwise direct the delivery of any gage or precision measuring hand tool to any other person.

(g) *Records.* Each producer and distributor shall keep and preserve for not less than two years complete records of his inventories and sales of gages and precision measuring hand tools.

(h) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *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.



(j) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall, from time to time, request.

(k) *General Preference Order E-5 superseded.* This order supersedes as of May 1, 1943, General Preference Order E-5, issued on June 15, 1942.

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

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Tools Division, Washington, D. C., Ref.: E-5-a.

(n) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 25th day of September 1943.

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

#### EXHIBIT A

The following types of tools are included in the term "gages and precision measuring hand tools" as defined in paragraph (a) (6):

Angle blocks and irons.  
Bench blocks, duplex only.  
Bevels, all types.  
Buttons, tool maker's.  
Calipers, all types, including attachments.  
Center testers and wigglers.  
Clamps, key seat, parallel, rule, tool makers.  
Comparators, under \$75 retail sales price.  
Dividers, all types, including attachments, excluding draftsmen's and carpenters'.  
Drill or V blocks and clamps for the same; all types.  
Flats, all types, including optical.  
Gage blocks and attachments.  
Gaging or measuring machines, under \$75 retail sales price.  
Hold Downs, tool maker's.  
Indicators, dial and test, all types.  
Inspection and production gages as follows:

Angle, all types.  
Ball or radius.  
Button.  
Center, including attachments.  
Circumference.  
Cutter clearance.  
Cylinder.  
Depth, all types.  
Dial equipped, all types, under \$75 retail sales price.  
Drill, drill point.  
Fillet or radius.  
Grinding.  
Hole, all types.  
Height, all types, including attachments.

No. 192—3

#### Inspection and production gages as follows—

Continued.  
Planer and shaper.  
Plug.  
Ring.  
Screw thread or pitch, all types.  
Screw and wire.  
Snap, all types.  
Spline.  
Surface.  
Taper, all types.  
Telescope.  
Thickness or feeler, including stock and holders.  
Thread, external and internal, all types.  
Wire or rolling mill, and attachments.  
Lapping plates.  
Levels, machinist or precision.  
Light wave measuring instruments, all types, under \$75 retail sales price.  
Master setting discs.  
Micrometers, all types, including attachments and heads.  
Parallels, all types, including optical.  
Protractors, all types, excluding draftsmen's.  
Rods, end measuring.  
Sets, combination.  
Sine bars, blocks, fixtures.  
Squares, all types, including attachments, excluding draftsmen's and carpenters'.  
Steel rules, excluding draftsmen's and steel tape.  
Straight edges, excluding draftsmen's and carpenters'.  
Surface plates.  
Thread measuring wires.  
Tool maker's knees, all types.  
Trammels, all types, including attachments, excluding draftsmen's.  
Vernier tools, all types.

#### EXHIBIT B

The following types of tools are exempt from the certification requirement of paragraph (b) (1) and from the inventory restriction of paragraph (e):

Angle blocks and irons.  
Bench blocks, duplex only.  
Comparators, under \$75 retail sales price.  
Drill or V. blocks and clamps for the same over \$15 retail sales price per pair.  
V. blocks, magnetic type.  
Flats, all types, including optical.  
Gage blocks and attachments.  
Gaging or measuring machines, under \$75 retail sales price.  
Indicators, dial and test:

All dials greater than 2" in diameter across the face; All test indicator sets with dials greater than 2" in diameter across the face and/or having base dimensions greater than 3" in length and 3" in width or having a magnetic base.

Inspection and production gages as follows:

Cylinder.  
Grinding.  
Hole, equipped with indicating devices.  
Plug.  
Ring.  
Screw thread or pitch over \$5 retail sales price.

#### Inspection and production gages as follows—

Continued.  
Snap, all types.  
Spline.  
Taper, over \$7.50 retail sales price.  
Thread, external and internal, all types.\*  
Lapping plates.  
Levels, precision type only.  
Light wave measuring instruments, all types under \$75 retail sales price.  
Master setting discs.  
Parallels, all types including optical over \$3.50 retail sales price.  
Sine bars, blocks, fixtures.  
Squares, cylindrical only.  
Straight edges, cast iron or scraped surfaces.  
Surface plates.  
Thread measuring wires.  
Tool maker's knees, all types.

[F. R. Doc. 43-15655; Filed, September 25, 1943; 12:20 p. m.]

#### PART 3284—BUILDING MATERIALS

##### [Limitation Order L-316]

##### VITRIFIED CLAY SEWER PIPE

The fulfillment of requirements for the defense of the United States has created or will create a shortage of facilities used in the production of vitrified clay pipe 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:

§ 3284.101 *Limitation Order L-316—*  
(a) *Definitions.* (1) "Vitrified clay sewer pipe" means a pipe manufactured from surface clay, fire clay, shale, or a mixture of these materials burned to a glass-like substance and used primarily to convey sewage.

(2) "Producer" means any person who manufactures vitrified clay sewer pipe.

(3) "Zone 1" means all territory within the continental United States (comprising the several States and the District of Columbia) not included in Zone 2 and Zone 3.

(4) "Zone 2" means all territory in the State of California south of the 36th parallel.

(5) "Zone 3" means the State of Washington and all territory in the State of California north of the 36th parallel.

(b) *Simplified practices.* On and after October 25, 1943, no producer shall manufacture vitrified clay sewer pipe except:

(1) In accordance with the strength, dimensions, sizes, variations, diameters, depths, and thicknesses set up in

(i) Tables I and II of Schedule A, when such pipe is manufactured within Zone 1,

(ii) Tables I and II of Schedule B, when such pipe is manufactured within Zone 2,



(iii) Table I of Schedule B, and Table II of Schedule A, when such pipe is manufactured within Zone 3; or

(2) in the strength, dimensions, sizes, variations, diameters, depths and thicknesses of any vitrified clay sewer pipe in his possession on September 25, 1943, in such quantities as are necessary to enable the producer to dispose of the pipe in his inventory. Each such producer shall report to the War Production Board by letter in duplicate, within 30 days after the day on which such manufacture has begun, the total footage so manufactured. The reporting provisions of this paragraph have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

§ 3284.101 *Schedule A to Limitation Order L-316.*

(c) *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.

(d) *Applicability of regulations.* This order and all transactions affected by it are subject to all applicable regulations

of the War Production Board as amended from time to time.

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

(f) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Building Materials Division, Washington 25, D. C., Reference L-316.

Issued this 25th day of September 1943.

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

SCHEDULE A

TABLE I

Strength and dimensions of standard strength clay sewer pipe

Size (inch)	Minimum average strength (pounds per linear foot)	Laying length		Maximum difference in length of 2 opposite sides (inch)	Outside diameter of barrel (inches)		Inside diameter of socket at 1/2 inch above base (inches)		Depth of socket (inches)		Thickness of barrel (inches)		Thickness of socket at 1/2 inch from outer end (inches)	
		Nominal (feet)	Limit of minus variation (inch per ft. of length)		Minimum	Maximum	Minimum	Maximum	Nominal	Minimum	Nominal	Minimum	Nominal	Minimum
4	1,000	2, 2 1/2, 3	1/4	1/4	4 1/2	5 1/2	5 1/2	6 1/2	1 3/4	1 1/2	1 1/2	1 1/2	1 1/2	1 1/2
6	1,000	2, 2 1/2, 3	1/4	1/4	6 1/2	7 1/2	6 1/2	8 1/2	2 1/4	2	2 1/4	2 1/4	2 1/4	2 1/4
8	1,000	2 1/2, 3	1/4	1/4	8 1/2	9 1/2	8 1/2	10 1/2	2 1/2	2 1/4	2 1/2	2 1/2	2 1/2	2 1/2
10	1,100	2 1/2, 3	1/4	1/4	10 1/2	12	10 1/2	12 1/2	2 3/4	2 1/2	2 3/4	2 3/4	2 3/4	2 3/4
12	1,200	2 1/2, 3	1/4	1/4	12 1/2	14 1/2	12 1/2	14 1/2	2 3/4	2 1/2	2 3/4	2 3/4	2 3/4	2 3/4
15	1,400	3, 4	1/4	1/4	15 1/2	17 1/2	15 1/2	19 1/2	2 3/4	2 1/2	2 3/4	2 3/4	2 3/4	2 3/4
18	1,700	3, 4	1/4	1/4	18 1/2	20 1/2	18 1/2	22 1/2	3	2 3/4	3	3	3	3
21	2,000	3, 4	1/4	1/4	21 1/2	24 1/2	21 1/2	26 1/2	3 1/4	3	3 1/4	3 1/4	3 1/4	3 1/4
24	2,400	3, 4	1/4	1/4	24 1/2	27 1/2	24 1/2	29 1/2	3 3/4	3 1/2	3 3/4	3 3/4	3 3/4	3 3/4
27	2,750	3, 4	1/4	1/4	27 1/2	31	27 1/2	33 1/2	3 3/4	3 1/2	3 3/4	3 3/4	3 3/4	3 3/4
30	3,200	3, 4	1/4	1/4	30 1/2	34 1/2	30 1/2	37 1/2	3 3/4	3 1/2	3 3/4	3 3/4	3 3/4	3 3/4
33	3,500	3, 4	1/4	1/4	33 1/2	37 1/2	33 1/2	40 1/2	3 3/4	3 1/2	3 3/4	3 3/4	3 3/4	3 3/4
36	3,900	3, 4	1/4	1/4	36 1/2	40 1/2	36 1/2	43 1/2	4	3 3/4	4	4	4	4

\*There is no limit for plus variation.

FITTINGS

SINGLE WYES AND TEES

Diameter			Diameter		
Length		Length*	Length		Length*
Barrel	Spur		Barrel	Spur	
Inch	Inch	Feet	Inch	Inch	Feet
4	4	1	21	15	3
6	4	1 1/2	21	21	3
6	6	1 1/2	24	6	3
8	4	3	24	8	3
8	6	3	24	12	3
8	8	3	24	15	3
10	6	3	24	18	3
10	8	3	24	24	4
12	6	3	27	6	3
12	8	3	27	12	3
12	10	3	27	18	3
12	12	3	30	6	3
15	6	3	30	12	3
15	8	3	30	18	3
15	12	3	30	24	4
15	15	3	33	6	3
18	6	3	33	12	3
18	8	3	33	18	3
18	12	3	33	24	4
18	15	3	36	6	3
18	18	3	36	12	3
21	6	3	36	18	3
21	8	3	36	24	4
21	12	3			

\*Branches with 24 inch inlets may be manufactured in whatever length is required by the manufacturing process.

DOUBLE WYES AND TEES

Diameter			Diameter		
Length		Length	Length		Length
Barrel	Spur		Barrel	Spur	
Inches	Inches	Feet	Inches	Inches	Feet
4	4	1	8	8	3
6	4	1 1/2	10	6	3
6	6	1 1/2	10	8	3
8	4	3	12	6	3
8	6	3	12	8	3

All Wye branches, both single and double, shall be made with branch at 60° angle to the barrel of the pipe.

SLANTS

Slants shall have their spigot ends cut at an angle of 60° with the longitudinal axis of the pipe. Slants may be furnished in 4", 6", 8", and 10" and 12" diameters only.

CURVES

Short molded or pressed curves may be made in 4", 6", 8", 10", 12" diameters only, in 30° angles only.

Medium molded or pressed curves may be made in 4", 6", 8", 10", 12" diameters only, in 30° angles only. Long curves may be made in 4" or 6" diameters only, in 30° angles only. Cut or mitered curves may be made in 8", 10", 12", 15", 18", 21", 24", 27", 30", 33", 36" diameters only, with either 30° or 45° angles.

ELBOWS

Short molded or pressed elbows may be manufactured in sizes 4", 6", 8", 10" and 12" only, with 90° angles only. Medium elbows, molded or pressed, may be manufactured in sizes, 4", 6", and 8" only, with 90° angles only. Long ells, molded or pressed, may be made in sizes 4" or 6" only, with 90° angles only. Cut ells may be manufactured in sizes 8", 10", 12" and 15" only, with 90° angles only.

CHANNEL PIPE

Channel pipe and fittings may be manufactured only in the same sizes and lengths permitted by this order for whole pipe and fittings.

TRAPS

P. traps and running traps may be furnished in sizes 4", 6", and 8" only. HH. traps may be manufactured in the following sizes only:

4 x 4 inch  
6 x 4 inch  
6 x 6 inch  
8 x 8 inch

INCREASERS

3 x 4 inch  
4 x 6 inch  
5 x 6 inch  
4 x 8 inch  
6 x 8 inch  
6 x 10 inch  
6 x 12 inch  
8 x 10 inch  
8 x 12 inch  
10 x 12 inch  
10 x 15 inch  
12 x 15 inch  
12 x 18 inch  
15 x 18 inch  
15 x 21 inch  
18 x 21 inch  
18 x 24 inch  
21 x 24 inch



REDUCERS  
6 x 4 inch  
5 x 4 inch  
SADDLES  
4 inch  
6 inch  
8 inch

## STOPPERS AND STRAINERS

4 to 12 inch inclusive

## GREASE TRAPS (WITH OR WITHOUT COVERS)

10 x 4 inch  
12 x 4 inch  
15 x 6 inch  
18 x 6 inch

## SLOP BOWLS AND HOPPERS (WITH OR WITHOUT STRAINERS)

12 x 4 inch 15 x 6 inch

Tolerances on the dimensions of fittings shall be the same as for straight pipe.

TABLE II  
Strength and Dimensions of Extra Strength Clay Sewer Pipe

Size (inches)	Minimum average strength (pounds per linear foot)	Laying length		Maximum difference in length of 2 opposite sides (inch)	Outside diameter of barrel (inches)		Inside diameter of socket at 1/2 inch above base (inches)		Depth of socket (inches)		Thickness of barrel (inches)		Thickness of socket at 1/2 inch from outer end (inches)	
		Nominal (feet)	Limit of minus variation <sup>2</sup> (inch per foot of length)		Minimum	Maximum	Minimum	Maximum	Nominal	Minimum	Nominal	Minimum	Nominal	Minimum
4	2,000	2, 2 1/2, 3	1/4	1/4	4 7/8	5 1/8	5 3/4	6 1/8	1 3/4	1 1/2	3/4	3/4	7/8	3/4
6	2,000	2, 2 1/2, 3	1/4	3/8	7 1/8	7 7/8	8 1/4	8 5/8	2 1/4	2	1 1/2	1 1/2	1 1/2	1 1/2
8	2,000	3	1/4	7/8	9 1/4	9 3/4	10 1/4	11	2 1/4	2 1/4	3/4	3/4	9/8	3/4
10	2,000	3	1/4	7/8	11 1/2	12	12 3/4	13 1/4	2 5/8	2 5/8	1	7/8	5/8	9/8
12	2,250	3	1/4	7/8	13 3/4	14 1/4	15 1/4	15 3/4	2 5/8	2 5/8	1 1/4	1 1/4	3/4	1 1/4
15	2,750	3, 4	1/4	3/2	17 1/4	17 3/4	18 3/4	19 1/4	2 5/8	2 5/8	1 1/2	1 1/2	1 1/4	7/8
18	3,300	3, 4	1/4	3/2	20 3/4	21 1/4	22 1/4	23	3	2 3/4	1 3/4	1 3/4	1 1/4	1 1/4
21	3,850	3, 4	1/4	3/2	24 1/4	25	25 3/4	26 3/4	3 1/4	3	2 1/4	2	1 3/4	1 3/4
24	4,400	3, 4	1/4	3/2	27 3/4	28 1/4	29 3/4	30 3/4	3 3/4	3 3/4	2 1/4	2 1/4	1 3/4	1 3/4
27	4,700	3, 4	1/4	3/2	31	32 3/4	33	34 1/4	3 3/4	3 3/4	2 1/4	2 1/4	1 3/4	1 3/4
30	5,000	3, 4	1/4	3/2	34 3/4	35 3/4	36 3/4	37 3/4	3 3/4	3 3/4	3	2 3/4	1 3/4	1 3/4
36	6,000	3, 4	1/4	3/2	40 3/4	42 1/4	43 3/4	44 3/4	4	3 3/4	3 1/4	3 1/4	2 3/4	1 3/4

<sup>2</sup> There is no limit for plus variation.

## FITTINGS

## SINGLE WYE &amp; TEE BRANCHES

Diameter		Length	Diameter		Length
Barrel	Spur		Barrel	Spur	
Inches	Inches	Feet	Inches	Inches	Feet
4	4	1	21	12	3
6	4	1 1/2	21	21	3
6	6	1 1/2	24	12	3
8	8	3	24	24	4
10	10	3	27	12	3
12	6	3	27	24	4
12	12	3	30	12	3
15	12	3	30	24	4
15	15	3	36	12	3
18	12	3	36	24	4
18	18	3			

## DOUBLE WYES AND TEES

Diameter		Length
Barrel	Spur	
Inches	Inches	Feet
4	4	1
6	4	1 1/2
6	6	1 1/2
8	8	3
12	6	3

## CURVES

Extra strength curves may be made in 4" and 6" sizes, in medium length—pressed or molded. They may be made in sizes 8" to 36" mitered or cut. No other sizes may be made. All curves shall be made with a 90° angle.

## ELBOWS

Elbows may be furnished in sizes 4" and 6", molded or pressed, medium length, and sizes 8" to 15" cut or mitered. No other sizes may

be made. All elbows shall be made with a 90° angle.

## TRAPS

P. traps and running traps may be furnished in sizes 4", 6" and 8" only. HH. traps may be manufactured in the following sizes only:

4 x 4 inch  
6 x 4 inch  
6 x 6 inch  
8 x 8 inch

## INCREASERS

4 x 6 inch 10 x 15 inch  
4 x 8 inch 12 x 15 inch  
6 x 8 inch 12 x 18 inch  
6 x 10 inch 15 x 18 inch  
6 x 12 inch 15 x 21 inch  
8 x 10 inch 18 x 21 inch  
8 x 12 inch 18 x 24 inch  
10 x 12 inch 21 x 24 inch

## REDUCERS

6 x 4 inch

Tolerances on the dimensions of fittings shall be the same as for straight pipe.

## SCHEDULE B

TABLE I

## Strength and Dimensions of Standard Strength Pipe

Size Nominal (inches)	Minimum average crushing strength—3-edge (lbs. per ft.)	Laying length		Maximum difference in length of 2 opposite sides (inches)	Inside diameter of barrel (inches)		Annular space at 1/2" above base of socket (inches)	Depth of socket (inches)		Thickness of barrel (inches)		Thickness of socket 1/2" from end (inches)	
		Nominal (feet)	Limit of minus variation (inches per foot)		Minimum	Maximum		Nominal	Minimum	Nominal	Minimum	Nominal	Minimum
4	1,000	2, 3	1/4	5/8	3 3/8	4 1/8	5/8	1 3/4	1 1/2	3/4	3/4	7/8	3/4
6	1,000	2, 3	1/4	3/4	5 1/8	6 1/8	3/4	2 1/4	2	5/8	5/8	1 1/2	1 1/2
8	1,000	2 1/2, 3	1/4	7/8	7 3/4	8 1/4	3/4	2 1/4	2 1/4	3/4	3/4	9/8	3/4
10	1,100	2 1/2, 3, 4	1/4	7/8	9 3/4	10 1/4	3/4	2 5/8	2 5/8	3/4	3/4	9/8	3/4
12	1,200	2 1/2, 3, 4	1/4	7/8	11 1/4	12 1/4	3/4	2 5/8	2 5/8	1	7/8	3/4	1 1/4
15	1,400	3, 4	1/4	3/2	14 1/4	15 1/4	3/4	2 5/8	2 5/8	1 1/4	1 1/4	1 1/4	7/8
18	1,700	3, 4	1/4	3/2	17 3/4	18 3/4	3/4	2 5/8	2 5/8	1 1/2	1 1/2	1 1/4	1 1/4
21	2,000	3, 4	1/4	3/2	20 3/4	21 1/4	3/4	3 1/4	3 1/4	1 3/4	1 3/4	1 3/4	1 3/4
24	2,400	3, 4	1/4	3/2	23 3/4	24 1/4	3/4	3 3/4	3 3/4	2	1 3/4	1 3/4	1 3/4
27	2,750	3, 4	1/4	3/2	26 3/4	27 3/4	3/4	3 3/4	3 3/4	2 1/4	2 1/4	1 3/4	1 3/4
30	3,200	3, 4	1/4	3/2	29 3/4	30 3/4	3/4	3 3/4	3 3/4	2 1/4	2 1/4	1 3/4	1 3/4
33	3,500	3, 4	1/4	3/2	32 3/4	33 3/4	1 1/2	3 3/4	3 3/4	2 3/4	2 3/4	2	1 3/4
36	3,900	3, 4	1/4	3/2	35 3/4	36 3/4	1 1/2	4	3 3/4	2 3/4	2 3/4	2 1/4	1 3/4



## FITTINGS

## WYE AND TEE BRANCHES

## SINGLE WYES AND TEES

Diameter			Diameter		
Length		Length	Length		Length
Barrel	Spur		Barrel	Spur	
Inches	Inches	Feet	Inches	Inches	Feet
4	4	1	21	15	8
6	4	1½	21	21	3
6	6	1½	24	6	3
8	4	2¼ and 3	24	8	3
8	6	2¼ and 3	24	12	3
8	8	2¼ and 3	24	15	3
10	6	2¼ and 3	24	18	3
10	8	2¼ and 3	24	24	4
10	10	2¼ and 3	27	6	3
12	6	2¼ and 3	27	12	3
12	8	2¼ and 3	27	18	3
12	10	2¼ and 3	27	24	4
12	12	2¼ and 3	30	6	3
15	6	3	30	12	3
15	8	3	30	18	3
15	12	3	30	24	4
15	15	3	33	6	3
18	6	3	33	12	3
18	8	3	33	18	3
18	12	3	33	24	4
18	15	3	36	6	3
18	18	3	36	12	3
21	6	3	36	18	3
21	8	3	36	24	4
21	12	3			

## DOUBLE WYES AND TEES

Diameter			Diameter		
Length		Length	Length		Length
Barrel	Spur		Barrel	Spur	
Inches	Inches	Feet	Inches	Inches	Feet
4	4	1	8	8	3
6	4	1½	10	6	3
6	6	1½	10	8	3
8	4	3	12	6	3
8	6	3	12	8	3

All Wye branches, shall be made with branch at 45° angle to the barrel of the pipe.

## SLANTS

Slants shall have their spigot ends cut at an angle of 45° with the longitudinal axis of the pipe. Slants may be furnished in 4", 6", 8", and 10" and 12" diameters only.

## CURVES

Short molded or pressed curves may be made in 4", 6", 8", 10", 12" diameters only, in 45° angles only.

Long curves may be made in 4", 6" or 8" diameters only, in 45° angles only. Cut or mitered curves may be made in 8", 10", 12", 15", 18", 21", 24", 27", 30", 33", 36" diameters only, with either 30° or 45° angles.

## ELBOWS

Short molded or pressed elbows may be manufactured in sizes 4", 6", 8", 10" and 12" only, with 90° angles only. Long Ells, molded or pressed, may be made in 4", 6" or 8" sizes only, with 90° angles only. Cut Ells may be manufactured in sizes 8", 10", 12" and 15" only, with 90° angles only.

## CHANNEL PIPE

Channel pipe and fittings may be manufactured only in the same sizes and lengths permitted by this order for whole pipe and fittings.

## TRAPS

P. Traps and running traps may be furnished in sizes 4", 6", and 8" only.

HH. Traps may be manufactured in the following sizes only:

4 x 4 inch	6 x 6 "
6 x 4 "	8 x 8 "

## INCREASERS

3 x 4 inch	10 x 12 inch
4 x 6 "	10 x 15 "
5 x 6 "	12 x 15 "
4 x 8 "	12 x 18 "
6 x 8 "	15 x 18 "
6 x 10 "	15 x 21 "
6 x 12 "	18 x 21 "
8 x 10 "	18 x 24 "
8 x 12 "	21 x 24 "

## REDUCERS

6 x 4 inch

## SADDLES

4 inch 6 inch 8 inch

## STOPPERS AND STRAINERS

4 to 12 inch inclusive

GREASE TRAPS (WITH OR WITHOUT COVERS)

10 x 4 inch	15 x 6 inch
12 x 4 "	18 x 6 "

SLOP BOWLS AND HOPPERS (WITH OR WITHOUT STRAINERS)

12 x 4 inch 15 x 6 inch

STUBS (1 FT. LENGTHS OF PIPE)

4" to 24" inclusive.

Tolerances on the dimensions of fittings shall be the same as for straight pipe.

TABLE II

Strength and Dimensions of Extra Strength Sewer Pipe

Size Nominal (inches)	Minimum average crushing strength—3-edge (lbs. per ft.)	Laying length		Maximum difference in length of 2 opposite sides (inches)	Inside diameter of barrel (inches)		Annular space at ½" above base of socket (inches) Minimum	Depth of socket (inches)		Thickness of barrel (inches)		Thickness of socket ½" from end (inches)	
		Nominal (feet)	Limit of minus variation (inches per foot)		Minimum	Maximum		Nominal	Minimum	Nominal	Minimum	Nominal	Minimum
4	1,000	5		14	5½	37½	4½	5½	13½	1½	9½	½	7½
6	2,000	3		14	5½	51½	6½	5½	23½	2	15½	7⁄8	11½
8	2,000	3		14	7½	79½	8½	5½	23½	2	15½	1½	11½
10	2,050	3		14	9½	94½	10½	5½	23½	2	15½	1½	11½
12	2,340	3		14	11½	111½	12½	5½	23½	2	15½	1½	11½
15	2,790	4		14	14½	141½	15½	5½	23½	2	15½	1½	11½
18	3,300	4		14	17½	181½	18½	5½	23½	2	15½	1½	11½
21	3,850	4		14	20½	201½	21½	5½	23½	2	15½	1½	11½
24	4,400	4		14	23½	241½	24½	5½	23½	2	15½	1½	11½
27	4,570	4		14	26½	271½	27½	5½	23½	2	15½	1½	11½
30	5,000	4		14	29½	301½	30½	5½	23½	2	15½	1½	11½
33	5,440	4		14	32½	331½	33½	5½	23½	2	15½	1½	11½
36	6,000	4		14	35½	361½	36½	5½	23½	2	15½	1½	11½
39	6,600	6, 8		14	38½	391½	39½	5½	23½	2	15½	1½	11½
42	5,250	6, 8		14	41½	421½	42½	5½	23½	2	15½	1½	11½

1 Reinforced concrete or clay collars.



## FITTINGS

## SINGLES WYES AND TEES

Diameter			Diameter		
Length		Feet	Length		Feet
Barrel	Spur		Barrel	Spur	
Inches	Inches		Inches	Inches	
4	4	1	21	15	3
6	4	1 1/2	21	21	3
6	6	1 1/2	24	6	3
8	4	2 1/2 and 3	24	8	3
8	6	2 1/2 and 3	24	12	3
8	8	2 1/2 and 3	24	15	3
10	6	2 1/2 and 3	24	18	3
10	8	2 1/2 and 3	24	24	4
10	10	2 1/2 and 3	27	6	3
12	6	2 1/2 and 3	27	12	3
12	8	2 1/2 and 3	27	18	3
12	10	2 1/2 and 3	27	24	4
12	12	2 1/2 and 3	30	6	3
15	6	3	30	12	3
15	8	3	30	18	3
15	12	3	30	24	4
15	15	3	33	6	3
18	6	3	33	12	3
18	8	3	33	18	3
18	12	3	33	24	4
18	15	3	36	6	3
18	18	3	36	12	3
21	6	3	36	18	3
21	8	3	36	24	4
21	12	3			

## DOUBLE WYES AND TEES

Diameter			Diameter		
Length		Feet	Length		Feet
Barrel	Spur		Barrel	Spur	
Inches	Inches		Inches	Inches	
4	4	1	8	8	3
6	4	1 1/2	10	6	3
6	6	1 1/2	10	8	3
8	4	3	12	6	3
8	6	3	12	8	3

All wye branches, both single and double, shall be made with branch at 45° angle to the barrel of the pipe.

## SLANTS

Slants shall have their spigot ends cut at an angle of 45° with the longitudinal axis of the pipe. Slants may be furnished in 4", 6", 8", 10" and 12" diameters only.

## CURVES

Short molded or pressed curves may be made in 4", 6", 8", 10", 12" diameters only, in 45° angles only.

Long curves may be made in 4", 6" or 8" diameters only, in 45° angles only. Cut or mitered curves may be made in 8", 10", 12", 15", 18", 21", 24", 27", 30", 33", 36" only, with either 30° or 45° angles.

## ELBOWS

Short molded or pressed elbows may be manufactured in sizes 4", 6", 8", 10" and 12" only, with 90° angles only. Long Ells, Molded or Pressed, may be made in 4", 6", or 8" sizes only, with 90° angles only. Cut Ells may be manufactured in sizes 8", 10", 12" and 15" only with 90° angles only.

## INCREASERS

4 x 6 inch	10 x 15 inch
4 x 8 "	12 x 15 "
6 x 8 "	12 x 18 "
6 x 10 "	15 x 18 "
6 x 12 "	15 x 21 "
8 x 10 "	18 x 21 "
8 x 12 "	18 x 24 "
10 x 12 "	21 x 24 "

## REDUCERS

6 x 4 inch

## SADDLES

4 inch

6 inch

8 inch

## STUBS (1 FT. LENGTHS OF PIPE)

4" to 24" inclusive

Tolerances on the dimensions of fittings shall be in the same as for straight pipe.

[F. R. Doc. 43-15656; Filed, September 25, 1943; 12:03 p. m.]

## PART 3288—PLUMBING AND HEATING EQUIPMENT

[Interpretation 1 of General Limitation Order L-79, as Amended]

The following official interpretation in question and answer form is hereby issued with respect to § 3288.31 (General Limitation Order L-79, as Amended):

1. Are the following items included in the definitions of plumbing and heating equipment:

Q. Water softeners and filters, water systems, pumps for water systems?

A. Yes. They are part of a system designed for the supply of water. However, other War Production Board orders also affect the sale of this equipment and to the extent to which any other order is more restrictive, the more restrictive order governs.

Q. Sump pumps and cellar drainers?

A. Yes. They are fixtures used as a unit, designed for the removal of waste water. However, this equipment is also affected by other orders of the War Production Board.

Q. Stokers under 60 lbs. per hour?

A. Yes. They are part of a system designed for producing heat.

Q. Bathroom accessories, such as soap dishes, towel racks, tooth brush holders, etc.?

A. No.

Q. Fireplace grates and irons?

A. No. These are not used as unit nor included in a system.

Q. Electric water heaters?

A. No. Equipment using electricity as fuel is specifically exempt from the definition of plumbing equipment. It is subject to Order L-65. However, there are some items used interchangeably as components of electric and non-electric heaters, and these items, when sold separately, are subject to the order.

2. May the following items be sold without preference ratings due to the fact that they are composed of non-metallic materials:

Q. Victory shower stalls complete with trim?

A. No. The trim is not needed to install and hold the fixture in place. However, a non-metallic shower stall less trim may be sold without a rating in accordance with paragraph (c) (1).

Q. China sinks with wooden under-cabinets, less trim?

A. Yes. Since the fixture is completely non-metallic, it may be sold without a rating. However, if the trim is included, a rating is required.

Q. China closet bowl with spud?

A. Yes. The spud, although made of metal is a metallic component of the type defined in paragraph (c) (1) and therefore, no preference rating is required in the sale of this fixture.

Q. A china closet tank complete with fittings?

A. No. The closet tank fittings, such as ball cocks, flush valves, float rods, etc., when incorporated into the fixture by the producer, make the fixture a restricted item which may not be sold without a rating.

3. Paragraph (c) (2) permits the sale without a rating of metal items or parts needed to install units of non-metallic plumbing or heating equipment as described in paragraph (c) (1). Does this mean that plumbing fixture fittings and trim are excepted from the restrictions of the order?

A. No. This exception relates only to items of joining hardware. The fittings and trim are component parts of plumbing equipment and are restricted under paragraph (b).

4. If the manufacturer sells a faucet to a wholesaler for \$4, the wholesaler sells it to the dealer for \$5.05 and the dealer sells it to the consumer for \$6, when is a preference rating required?

A. Delivery of the faucet from the manufacturer to the wholesaler without a rating is permissible under paragraph (c) (3) which permits the sale of an item costing the purchaser not more than \$5. However, since the item costs the dealer and the consumer in excess of \$5, a preference rating is necessary before sale to them can be made.

5. Is it permissible under L-79 to sell without a preference rating a closet combination the total cost of which is \$14, of which the metallic items involved cost less than \$5 each?

A. If the fittings are sold as a complete unit, whether or not the fittings are listed separately on the purchase order, its sale is restricted to an order rated A-10 or better.

6. Is it permissible for one person to sell to another person 12 lavatory faucets, 12 P. O. plugs and 12 laundry tray faucets without a rating provided that each of the items listed costs the purchaser no more than \$5?

A. Yes. Since each of these items costs the purchaser less than \$5, there is no requirement that a preference rating be obtained before making the sale.

7. Is it permissible under paragraph (b) to return merchandise to the factory without restrictions?

A. Yes, if the transaction is in effect a cancellation of the original purchase order.

8. Are plumbing and heating materials for export restricted by the order?

A. Yes. The order restricts all sales and deliveries of plumbing and heating equipment except on an order rated A-10 or higher unless the materials are listed in one of the exceptions in paragraph (c).

9. Paragraph (c) (7) exempts from the preference rating requirement equipment rationed by the Office of Price Administration. What items included in the definitions of L-79 are being rationed by OPA?

A. The equipment listed below is now being rationed by OPA:

Coal and wood heating stoves.

Oil heating stoves (including those using kerosene or gasoline as a fuel).

Gas heating stoves and heaters.

Coal and wood cooking stoves and ranges.

Oil cooking stoves and ranges (including those using kerosene or gasoline as a fuel).

Gas cooking stoves and ranges.

Combination ranges (except those using electricity as one of the fuels).



Bungalow ranges (except those using electricity as one of the fuels).

Coal or wood laundry stoves (except those having a built-in water jacket or coils).

Conversion burners (to convert coal or wood ranges to use of kerosene or oil).

Kitchen heater ranges.

Oil table stoves.

This list is subject to change. In the future, authoritative information should be obtained by consulting OPA Ration Regulation 9A or a local War Ration Board.

Issued this 25th day of September 1943.

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

[F. R. Doc. 43-15657; Filed, September 25, 1943; 12:02 p. m.]

#### PART 3293—CHEMICALS<sup>1</sup>

[Limitation Order L-51 as Amended September 25, 1943]

##### ANTI-FREEZE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of alcohols as hereinafter defined 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:

§ 3293.11<sup>1</sup> *General Limitation Order L-51—(a) Definitions.* For the purposes of this order:

(1) "Anti-freeze" means any mixture that is designed and intended for use, without further processing, to depress the freezing point of coolant water in internal combustion engines.

(2) "Alcohols" means ethyl alcohol, methyl alcohol, isopropyl alcohol, diacetone alcohol, and/or ethylene glycol.

(3) "Producer" means any person engaged in the manufacture of anti-freeze from alcohols.

(4) [Revoked as of October 1, 1943]

(5) [Revoked as of October 1, 1943]

(6) [Revoked as of October 1, 1943]

(b) *Restrictions on manufacture of anti-freeze.* (1) No producer shall manufacture anti-freeze from alcohols in greater quantities than specifically authorized from time to time hereafter by the War Production Board.

(2) The restrictions on the manufacture of anti-freeze from alcohols set forth in paragraph (b) (1) of this section shall not apply to the manufacture of anti-freeze to be delivered to fill a specific contract or subcontract for:

(i) The Army or Navy of the United States the United States Maritime Com-

mission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development,

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia, and

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

Quantities of anti-freeze permitted to be manufactured under this subparagraph shall be in addition to quantities permitted under quotas authorized pursuant to paragraph (b) (1) of this section.

(3) Producers may apply to the War Production Board for an authorized anti-freeze quota on Form PD-476.

(c) (1) [Revoked as of October 1, 1943]

(2) [Revoked as of October 1, 1943]

(d) *Exemption from general inventory restrictions.* The restrictions on inventories provided by Priorities Regulation No. 1 (§ 944.14) shall not be applicable to anti-freeze manufactured from alcohol; *Provided, however,* That no person shall knowingly make, and no person shall accept, delivery of such anti-freeze if the inventory of the person accepting delivery is or will by virtue of such acceptance become, in excess of the quantity required, whether for own use or resale, for the season April 1, 1943, to March 31, 1944.

(e) *Effect on other orders.* The terms and provisions of this order or of any specific authorization issued hereunder by the War Production Board, establishing an anti-freeze quota, shall control and supersede the terms and provisions of any other order heretofore issued by the War Production Board affecting the manufacture of anti-freeze from any of the alcohols.

(f) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production and sales.

(g) *Audit and inspection.* All records required to be kept by this order shall upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* All persons affected by this order shall execute and file with the Chemicals Division, War Production Board, such reports and questionnaires as said Division shall from time to time prescribe.

(i) *Violations.* Any person who willfully 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.

(j) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of anti-freeze conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Reference: L-51. Attention Chemicals Division, setting forth the pertinent facts and the reason he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

Issued this 25th day of September 1943.

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

[F. R. Doc. 43-15658; Filed, September 25, 1943; 12:02 p. m.]

#### PART 3294—IRON AND STEEL PRODUCTION<sup>1</sup>

[General Limitation Order L-223 as Amended September 25, 1943]

##### HARD FACING MATERIALS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain alloying elements 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.

§ 3294.151<sup>1</sup> *General Limitation Order L-223—(a) Definitions.* For the purpose of this order:

(1) "Alloying element" means manganese, silicon, chromium, nickel, molybdenum, tungsten, vanadium, cobalt, tantalum, columbium, titanium, aluminum, tellurium, zirconium, magnesium, sodium, calcium, boron, and copper in any metallic form or combination with carbon, boron, or another metal.

<sup>1</sup> Formerly Part 3124, § 3124.1.

<sup>1</sup> Formerly Part 1100, § 1100.1.



(2) "Hard-facing material" means any material in any form containing 4 percent or more of any alloying element or combination of alloying elements or requiring more than 4 percent of any alloying element or combination of alloying elements for its manufacture, applied (normally by a fusion welding process, such as the oxy-acetylene, metallic-arc, atomic hydrogen, or carbon-arc process) as a coating, edge, or point to a metal for the purpose of providing a surface resistant to abrasion, corrosion, erosion, cavitation, heat, impact, or any combination of these. The term shall not be construed to include welding rods and electrodes used as a filler in joining two or more pieces of metal, or copper base materials.

(3) "Welding rods and electrodes" means either bare or flux-coated filler metal in the form of cut lengths, coils, or as cast, applied by a fusion welding process for the purpose of joining together two or more pieces of metal.

(4) "Implements of war" means combat end-products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament and weapons, merchant and naval ships, tanks and vehicles), and any parts, assemblies and materials to be physically incorporated in any of the foregoing items.

(5) "Producer" means any person making hard-facing material, or having hard-facing material made for sale by him under his own trade name, either after alteration, application of a coating or in the condition received. The term shall not be deemed to include steel mills producing rods for sale only to a hard-facing material producer.

(b) *Restrictions on delivery of hard-facing material.* Except pursuant to specific authorization in writing by the War Production Board no person shall deliver any hard-facing material, and no person shall accept delivery of any hard-facing material, except as follows:

(1) To fill any contract or purchase order for hard-facing material to be delivered on a preference rating of AA-5 or higher for the maintenance and repair of any of the following:

(i) Any machine or equipment used exclusively in the manufacture of any of the following: implements of war; wire and radio communication equipment; rubber; aviation gasoline; explosives; dry batteries; machine tools; cement; brick; chemicals; plastics; food processing equipment; industrial electric equipment; lumber; paper; abrasive grinding wheels; and tools to be used in mechanical fixtures for cutting, shaping, forming and blanketing of material, either hot or cold; and precision gauges.

(ii) Any machine or equipment used exclusively for any of the following:

mining; excavating; dredging; quarrying; drilling, producing and refining of petroleum; harbors; highways; utility plants, including but not limited to electric light and power, gas, street railway, telephone, telegraph and cable communication, and water; railroads (including track repair); and primary metal processing (i. e. steel mills, foundries, brass mills, ferro-alloy plants, magnesium plants, and other metal plants).

(2) To fill any contract or purchase order for hard-facing material to be delivered on a preference rating of AA-5 or higher and to be physically incorporated into any of the following, or any part thereof: implements of war; valves; lathe centers; pumps; dredges; industrial electrical control equipment; equipment for production of welding electrodes; pneumatic hammers; wire and radio communication equipment; automotive replacement parts, as defined in Limitation Order L-158, as amended; chemical equipment; road machinery; Diesel engines; food processing equipment; oil well drilling equipment; tools to be used in mechanical fixtures for cutting, shaping, forming and blanking of material, either hot or cold; precision gauges; and any agricultural machinery and equipment, including but not limited to plow shares, cultivator shovels, harrow teeth and discs.

(3) [Deleted Sept. 25, 1943.]

(4) To fill any contract or purchase order for hard-facing material for research work or field tests in connection with any of the applications listed above, except that the total to be delivered for these purposes by any producer or to be received by any person shall not exceed 100 pounds of hard-facing material per month.

(5) For resale in accordance with the provisions of this paragraph (b).

(c) *Purchasers' statements.* On and after June 15, 1943, every purchase order for hard-facing material shall include the statement, "This is an order for 'hard-facing material' to be used for \_\_\_\_\_, which is a per-

(Specific end use) mitted end use under Limitation Order L-223," over the signature, either manual or as provided in Priorities Regulation No. 7, of a duly authorized officer of the purchaser, which will constitute a representation to the seller and to the War Production Board that the hard-facing material will be used only for the end use so specified, and may be relied on by the seller unless he knows or has reason to believe it to be false.

(d) *Special directions.* The War Production Board may from time to time issue directions, specifying as to any alloying element, the quantities and proportions which may be used in making hard-facing material, and whether and in what proportions, any such element is

to be the metal, a ferro-alloy, reclaimed metal, scrap, a chemical compound or any other material containing such element.

(e) *Restrictions on inventory.* No person shall acquire hard-facing material if such acquisition will increase his supply of hard-facing material to more than a sixty-days' supply.

(f) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after June 4, 1943. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from compliance with the terms of this order.

(g) *Producer's forms.* Each producer shall file monthly with the War Production Board, Ref. L-223, reports on Forms WPB-1837 and 1838. These reporting provisions have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

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

(i) *Applicability of other orders.* Insofar as any other order of the War Production Board may have the effect of limiting to a greater extent than herein provided the use of any material in the production of any item, the limitation of such order shall be observed.

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

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

(l) *Communications.* All communications concerning this order shall, unless otherwise directed be addressed to: War Production Board, Steel Division, Washington 25, D. C., Ref.: L-223.

Issued this 25th day of September 1943.

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

[F. R. Doc. 43-15659; Filed, September 25, 1943; 12:02 p. m.]



## Chapter XI—Office of Price Administration

## PART 1499—COMMODITIES AND SERVICES

[Order 91 Under Supp. Reg. 15 of GMPR]

## SOUTH JERSEY PORT COMMISSION

Order No. 91 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 of the General Maximum Price Regulation; Docket No. 11-1499.18 (e)-26.1.2.

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

§ 1499.1391 *Adjustment of maximum prices for terminal services sold by South Jersey Port Commission.* (a) South Jersey Port Commission, of Camden, New Jersey, may sell and supply and any person may purchase from South Jersey Port Commission the following services at the rates set forth below:

(1) Handling from shipside into storage.

(1) Crystal nitrate of soda... 40¢ per net ton

(1) Old style nitrate of soda... 50¢ per net ton

(b) *Definitions.* "Net ton" means 2,000 pounds avoirdupois.

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

(d) This Order No. 91 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 91 (§ 1499.1391) shall become effective as of December 29, 1942.

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

Issued this 20th day of August 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-15580; Filed, August 20, 1943; 11:41 a. m.]

## PART 1301—MACHINE TOOLS

[MPR 1, Amdt. 1]

## SECOND-HAND MACHINE TOOLS

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 4 is amended by inserting the words "the War Department, or the Department of the Navy" after the words "Defense Plant Corporation" wherever the latter appear.

This amendment shall become effective September 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15587; Filed, September 24, 1943; 4:54 p. m.]

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

8 F.R. 10116.

## PART 1341—CANNED AND PRESERVED FOODS

[MPR 473]

## MAXIMUM PRICES FOR PACKERS AND CERTAIN OTHER SELLERS OF FRUIT PRESERVES, JAMS AND JELLIES

This regulation is issued in order to establish prices for fruit preserves, jams and jellies at levels which are generally fair and equitable and which will aid in stabilizing the cost of living. A statement of the considerations involved in the issuance of this regulation has been issued and filed with the Division of the Federal Register.\*

§ 1341.605 *Maximum prices for packers and certain other sellers of fruit preserves, jams and jellies.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 473 (Maximum Prices for Packers and Certain Other Sellers of Fruit Preserves, Jams and Jellies), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1341.605 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

## MAXIMUM PRICE REGULATION 473—MAXIMUM PRICES FOR PACKERS AND CERTAIN OTHER SELLERS OF FRUIT PRESERVES, JAMS AND JELLIES

## ARTICLE I—EXPLANATION OF THE REGULATION

## Sec.

1. Explanation of the regulation.

## ARTICLE II—PRICES AND PRICING METHODS

## Sec.

2. Maximum prices which packers may charge for fruit preserves, jams and jellies.

3. Maximum prices which distributors other than wholesalers and retailers may charge for fruit preserves, jams and jellies.

4. Notification of change in maximum price.

## ARTICLE III—GENERAL PROVISIONS

5. Relationship between this regulation and Maximum Price Regulation No. 226 and the General Maximum Price Regulation.

6. Geographical applicability.

7. Export and import sales.

8. Inability to fix maximum prices.

9. Adjustable pricing.

10. Customary discounts and allowances.

11. Units of sale and fractions of a cent.

12. Position of brokers.

13. When a maximum price figured under section 2 or 3 is established.

14. Records and reports.

15. Compliance with the regulation.

16. General amendments.

17. Definitions.

## ARTICLE I—EXPLANATION OF THE REGULATION

SECTION 1. *Explanation of the regulation.* The purpose of this regulation is to establish maximum prices for fruit preserves, jams and jellies in sales by persons other than wholesalers and retailers (wagon wholesalers, however, are included). The regulation supersedes Maximum Price Regulation No. 226<sup>1</sup>

<sup>1</sup> 8 F.R. 2981, 9201.

with respect to fruit preserves, jams and jellies for which maximum prices or permitted increases are provided herein. Prices established by this regulation are in effect from September 30, 1943.

Maximum prices for the wholesalers and retailers (but not wagon wholesalers) of fruit preserves, jams and jellies are governed by separate regulations which set fixed margins for these distributors according to their size and manner of doing business. "Wholesalers" and "retailers" mean the persons respectively referred to as "wholesalers" and "retailers" in those regulations, except that in this regulation wagon wholesalers are treated as a distinct type of distributor.

## ARTICLE II—PRICES AND PRICING METHODS

Sec. 2. *Maximum prices which packers may charge for fruit preserves, jams and jellies—(a) General pricing method.*

The packer shall figure a maximum price per dozen or other unit, f. o. b. factory, for each kind, flavor, brand and container type and size of fruit preserves, jams and jellies. The maximum price for such an item shall be figured by adding together his base price and his permitted increase for raw material costs.

(b) *Base price.* (1) 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. 226, except where he is permitted by subparagraph (2) to use another base price. However, no maximum price authorized under § 1341.303 (b) or § 1341.302 (j) for any product made from 1943 fruit may be used. In any case where the packer figured a separate maximum price for a separate class of purchasers under § 1341.302 (f) (g) or (h), of Maximum Price Regulation No. 226, his base price shall be the maximum price so figured.

(2) Instead of using the base price ordinarily required by subparagraph (1) the packer, at his election, may use as his base price for a listed flavor which he also packed in 1942 the following figure:

(i) For a unit of one dozen one-pound glass jars, the appropriate figure named in the following table:

Flavor:	Base price
Currant Jelly.....	\$2.05
Grape Jelly.....	1.53
Apricot Preserves.....	2.00
Cherry Preserves.....	1.96
Grape Preserves.....	1.52
Peach Preserves.....	1.91
Strawberry Preserves.....	2.25
Blackberry Preserves.....	2.11
Raspberry Preserves.....	2.19

(ii) For a unit of one dozen glass containers of any other size not larger than a 32-ounce jar, a figure determined by adjusting the base price named for the flavor in the table in (i), as follows:

*Deduct the container cost.* The packer shall subtract the direct cost of the containers from the price named for a unit of one dozen one-pound jars. "Direct cost of the containers" means the net cost, at the packer's factory, of the containers, caps, labels and proportionate part of the outgoing ship-



pling carton, but it does not include costs of filling, closing, labeling or packing.

Adjust for any difference in contents. The figure obtained by this deduction shall be adjusted by dividing it by the number of ounces or other units in one dozen one-pound jars and multiplying the result by the number of the same units in one dozen of the container size being priced.

Add the new container cost. Next, the packer shall add to the adjusted figure the "direct cost of the containers" in the size being priced.

(c) Permitted increase for raw material costs. The packer's permitted increase for raw material costs shall be figured as follows:

(1) In the case of the following fresh and frozen fruit he shall subtract the weighted average cost delivered at the factory of 1942 fruit purchased or contracted for during and prior to the 1942 base period, as computed under § 1341.302 (a) (3) of Maximum Price Regulation No. 226, from the appropriate figure named in the following table (after conversion to cents per unit of the finished product):

Fresh fruit—variety:	Cents per pound (raw weight)
Blackberries	12
Boysenberries	12
Cherries, red sour	8½
Gooseberries	8
Loganberries	12
Raspberries, Black	13
Raspberries, Red	15
Strawberries	12
Youngberries	12

	Dollars per ton (raw weight)
Peaches, clingstone	\$60
Peaches, freestone:	
Oregon and Washington	\$60
California	\$50
(for other peach prices see table in (2) below.)	

Plums:	
Oregon, Washington and California	\$55
States other than Oregon, Washington and California	(1)
Prunes, fresh	\$40
Apples	(1)
Grapes	(1)

<sup>1</sup> Figure and effective date to be announced.

The figures listed in the right-hand column above include delivery to the packer's customary receiving station. The packer shall add any actual transportation charges incurred from his customary receiving station to his factory.

Frozen fruits—variety and sugar basis:	Cents per pound (f. o. b. cold-packer's shipping point)
Blackberries:	
Straight	17½
Boysenberries:	
Straight	17½
Cherries:	
4+1	13¾
5+1	14
Gooseberries:	
Straight	13¾
Loganberries:	
Straight	17¾
Raspberries, Black:	
4+1	17¾
5+1	18½
Straight	18¾
Raspberries, Red:	
4+1	19¾
5+1	20¾
Straight	20¾

Frozen fruits—variety and sugar basis—	Cents per pound (f. o. b. cold-packer's shipping point)
Continued.	
Strawberries:	
3+1	16¼
3+1 sortouts	14¾
4+1	16¾
4+1 sortouts	14¾
5+1	17½
Straight	17¾
Youngberries:	
Straight	17¾

The figures listed in the right-hand column above shall be increased by the amount of transportation charges actually incurred from the supplier's shipping point to the packer's factory.

(2) In the case of all fresh, frozen or canned fruit other than the fresh and frozen fruit named in subparagraph (1) above and other than pineapples, quince, guava and tomatoes, he shall subtract the weighted average cost delivered at the factory of 1942 fruit purchased or contracted for during and prior to the 1942 base period, as computed under § 1341.302 (a) (3) of Maximum Price Regulation No. 226, from the weighted average cost delivered at the factory of the particular variety of 1943 fresh, frozen or canned fruit purchased or contracted for during and prior to the applicable 1943 base period (after conversion to cents per unit of the finished product).

(i) "Weighted average cost delivered at the factory of the particular variety of 1943 fresh, frozen or canned fruit" means the total amount paid or contracted to be paid for fresh, frozen or canned fruit of the variety used in the flavor being priced, divided by the total number of pounds or other unit of that variety purchased or contracted for.

(ii) The "applicable 1943 base period", for the purpose of determining the weighted average cost delivered at the factory of the particular variety of 1943 fresh, frozen or canned fruit, shall be:

(a) The months of June, July, August and September for the following: fresh currants and apricots; frozen currants and apricots; and canned apricots and cherries.

(b) The months of August, September and October for fresh elderberries and peaches (other than clingstone peaches and other than peaches grown in Oregon, Washington and California); frozen elderberries, plums and peaches; and canned peaches and plums.

(c) The "applicable base period" prescribed in subdivision (a) or (b) for the flavor which predominates by weight, in the case of any mixed flavor.

(iii) "1943 fresh, frozen or canned fruit" shall include only fresh fruit or fruit which was canned or frozen during the year 1943.

(iv) In computing the weighted average cost delivered at the factory of 1943 fresh, frozen or canned fruit purchased or contracted for during and prior to the applicable 1943 base period, the packer shall exclude from the computation any amounts paid for fruit in excess of the following amounts (after conver-

sion to cents per unit of the finished product):

(a) For all canned and frozen fruit, the maximum prices which the packer's supplier or suppliers were entitled to charge him under Maximum Price Regulation No. 306<sup>2</sup> or Maximum Price Regulation No. 409<sup>3</sup> in the respective sales by which the canned and frozen fruits were acquired by the packer.

(b) For the following fresh fruit, the sum of (1) the weighted average cost delivered at the factory of 1942 fruit actually purchased or contracted for during and prior to the applicable 1942 base period and (2) the following respective amounts:

Fresh fruit—variety:	Cents per pound (raw weight)
Currants	3
Elderberries	3
Apricots	\$31
Peaches, freestone:	
(States other than Oregon, Washington and California)	\$10

(3) Where a flavor is packed from 1943 fruit of more than one variety (for example, cherry and peach) or more than one type (for example, fresh and frozen strawberries) the packer shall (i) figure the total of the permitted increases for raw material costs for the number of pounds or other unit used of each variety and type, in accordance with the provisions of (1) and (2) above; and (ii) divide that amount by the number of pounds or other unit used. The resulting figure shall be his permitted increase for raw material costs for the flavor in question (after conversion to cents per unit of the finished product).

(d) Allocation of costs. In converting the cost of raw materials or any other cost factor into cost per dozen or other unit for any kind, flavor, brand and container type and size, the cost shall be allocated in the same proportion as the same cost was allocated to that kind, flavor, brand and container type and size in 1942.

(e) Meaning of "packer". "Packer" means a person who packs any part of what he sells of the kind and brand of fruit preserves, jams and jellies being priced.

(f) Meaning of "container type". "Container type" refers to the composition or style of the container used (a separate price must be figured for each container type).

Examples: Tin, glass and paper containers are all different container types. Likewise, a paper container of one design is a different container type from a paper container of a substantially different design.

(g) Weights. Where label weights are used, prices figured by weight shall be based on the weights named on the label and not on the actual fill.

(h) Adjustments for raw materials in special situations. Instead of making

<sup>2</sup> 8 F.R. 1114, 1313, 2921, 3732, 3853, 4179, 4633, 4840, 6617, 10304, 10558, 10225, 10824, 10986, 11247, 11296, 11806.

<sup>3</sup> 8 F.R. 5358, 9298, 11304, 11080, 11952.



the adjustment for raw materials ordinarily required or permitted by paragraph (c) of this section, a packer whose maximum price under Maximum Price Regulation No. 226 was obtained from a competitor, shall make the adjustment which his most closely competitive packer is required or permitted to make for the item. Normally, the "most closely competitive packer" will be the same competitor from whom the packer got his maximum price under Maximum Price Regulation No. 226.

(i) *Delivered prices.* Any packer who regularly sold a purchaser an item covered by this section on a delivered price basis during the calendar year 1942 shall increase the maximum price for the item figured f. o. b. shipping point under this section, by the amount of the transportation charge per unit for that item which he added to his f. o. b. shipping point price during the period February 1 to March 17, 1942. The resulting price shall be the packer's maximum delivered price for that purchaser.

A packer whose maximum price for an item is on an f. o. b. shipping point basis may establish a uniform maximum delivered price for the item, by zone or area, by adding to his f. o. b. shipping point price his weighted average transportation charge from shipping point to purchasers' receiving points. For any zone or area, this "weighted average transportation charge" shall be figured by him as follows: he shall (1) determine the total estimated transportation charges which would have been incurred if the shipments of the item which he made during the one-year period ending August 31, 1943, to purchasers in zone or area, had been at rates in effect on September 30, 1943, and (2) divide that figure by the total number of pounds or other units of the item included in those shipments. (Where more than one means of transportation is used, averages may be taken separately for each.) The processor shall refigure his weighted average transportation charge at the end of each succeeding six months' period on the basis of shipments made during the one-year period immediately preceding the date of calculation and at rates in effect on that date.

(j) *New container types and sizes.* The maximum price per dozen or other unit for an item covered by this section packed in any container type or size which the packer did not sell between January 1, 1942, and September 30, 1943, shall be figured as follows. He shall:

(1) *Determine the base container.* If the packer sold the same product (that is, the same kind, flavor, and brand) between January 1, 1942 and September 30, 1943, but only in other container types or sizes, he shall first determine the most similar container type in which he is able to calculate a maximum price for that product under this regulation (even though he no longer sells that container type). From that container type he shall choose the nearest size which is 50% or less larger than the new size, or if there is no such size, 50% or less smaller (even though he no longer sells those sizes). This will be the "base container". If there is no

such smaller size, he shall go to the next most similar container type and proceed in the same manner to find the base container.

NOTE. In most cases "the most similar container type" will be merely the container type which the processor is adding to or replacing, like the tin which he may be replacing with glass. Where there has been only a size change, "the most similar container type" will, of course, be the same container type. This is also true in the reverse situation; where there has been a change only in container type, the "nearest size" will be the same size.

(2) *Find the base price.* The packer shall take as the "base price" his maximum price under this regulation for the product when packed in the base container. However, if this maximum price is a price delivered to the purchaser or to any point other than the packer's shipping point, the packer shall first convert it to a base price f. o. b. shipping point by deducting whatever transportation charges were included in it.

(3) *Deduct the container cost.* Taking his base price f. o. b. shipping point, the packer shall then subtract the direct cost of the base container. "Direct cost of the container" means the net cost, at the packer's plant, of the container, cap, label and proportionate part of the outgoing shipping carton but it does not include costs of filling, closing, labeling or packing.

(4) *Adjust for any difference in contents.* The figure obtained by this deduction shall then be adjusted, in the case of a size change, by dividing it by the number of ounces or other units in the base container and multiplying the result by the number of the same units in the new container.

(5) *Add the new container cost to get the price f. o. b. shipping point.* Next, the packer shall add to the adjusted figure the "direct cost of the container" in the new type and size. If his maximum price for the commodity in the base container is an f. o. b. shipping point price, the resulting figure is the packer's maximum price, f. o. b. shipping point.

(6) *Convert to a maximum delivered price, if the maximum price for the base container is on a delivered basis.* If the packer's maximum price for the product in the base container is a delivered price, he shall figure transportation charges to be added, as follows: The packer shall take the transportation charges which he first deducted to get his base price and adjust them in exact proportion to the difference in shipping weight. If for any reason the product in the new container will move under a different freight tariff classification, the packer shall figure his transportation charges (by the same means of transportation and to the same destination) on the basis of the new shipping weight, but at the rate in effect for that freight tariff classification on March 17, 1942. Increases in tariff rates or transportation taxes made since March 17, 1942, shall not be taken into account. (Similar principles shall apply where shipping volume is the measure of the transportation charge.) The packer shall then add these transportation charges to his f. o. b. shipping point price

for the commodity in the new container. The resulting figure is the packer's maximum delivered price.

(k) *Elective pricing method.* If the packer's maximum price for any item covered by this section cannot be determined under the applicable pricing method, the packer may, at his election, figure his maximum price under the pricing method of this paragraph. He may use this pricing method only for a flavor for which all of the fruit actually used is either subject to maximum price regulation or, in the case of fresh fruit, is covered by announced prices recommended by the Department of Agriculture for payment to growers (for example, strawberries). Under this paragraph, his maximum price shall be:

(1) His total "direct cost" per dozen or other unit of the item, figured by adding:

(i) The total cost per unit of all ingredients and packaging materials subject to maximum prices established by the Office of Price Administration, at the current maximum prices applying to the class of purchasers to which he belongs, plus

(ii) The total cost per unit of all fresh fruit, not subject to maximum prices, for which the Department of Agriculture has recommended prices for payment to growers, but not in excess of those recommended prices, plus

(iii) The total cost per unit of every other ingredient (other than fruit) and every packaging material for which no maximum price has been prescribed by the Office of Price Administration, figured at the current market price of the ingredient or packaging material in question, plus

(iv) The direct labor cost per unit figured at the October 3, 1942, wage rates, plus

(v) Transportation charges by the usual mode of transportation, if the cost factors used in subdivisions (i), (ii) and (iii) above are not delivered costs and if these charges are customarily incurred from his customary supply point to his customary receiving point,

(2) Multiplied by a markup percentage, figured by dividing

(i) The maximum price established under the maximum price regulation in effect at the time of the calculation for the most closely comparable commodity produced by him with a cost structure similar to that of the item being priced, by

(ii) His current cost of ingredients, packaging materials and direct labor of that commodity.

As used in this paragraph, "most closely comparable commodity" means a food commodity which is most nearly similar and whose "direct cost" is closest to and in no event less than two-thirds of the "direct cost" of the item being priced, whose maximum price does not exceed 150% of its "direct cost", and where similar methods are employed in its sale and merchandising to those which will be used in the sale and merchandising of the item being priced.

As used in this paragraph, "current" means at the time of figuring the price.



(3) In deciding whether items of labor cost are to be applied as separate items in figuring the price or are to be treated as overhead, the seller shall follow his customary practice. Thus, if a packer treated cleaning labor as an item of overhead in March 1942, he must continue to treat it in this way when figuring the maximum price.

(4) The packer shall employ no cost factors in addition to those which he used with respect to the comparable commodity by which he determined his percentage markup under subparagraph (2) and shall make no changes in the method of application of those factors which would result in a higher price.

SEC. 3. *Maximum prices which distributors other than wholesalers and retailers may charge for fruit preserves, jams and jellies*—(a) *Wagon wholesalers.* A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances which are under the supervision of driver salesmen who make delivery at the time and place of sale. Such wholesaler is a wagon wholesaler only for sales made in this manner.

The maximum price which a wagon wholesaler may charge for an item of fruit preserves, jams or jellies shall be determined as follows:

If this supplier's maximum price under this regulation is greater than the supplier's maximum price under the maximum price regulation previously applicable to the supplier, the wagon wholesaler shall add the difference to the maximum price which he had under Maximum Price Regulation No. 255. If his supplier's maximum price under this regulation is less than the supplier's maximum price under the maximum price regulation previously applicable, the wagon wholesaler shall subtract the difference from the maximum price which he had under Maximum Price Regulation No. 255. However, in no event may the wagon wholesaler's maximum price be greater than the net delivered cost (based upon purchases directly from his customary type of supplier) plus a markup of 24 per cent of that cost.

If the wagon wholesaler handled fruit preserves, jams or jellies before September 30, 1943, but did not handle the particular kind, brand, size or container type being priced before that date, his maximum price for the new item shall be his net delivered cost (based on his first purchase of the item after September 29, 1943) multiplied by a markup factor. This markup factor shall be secured by dividing his ceiling price (as figured according to this paragraph (a)) for the most closely comparable item of fruit preserves, jams or jellies already handled by him by the net delivered cost to him of that item.

If the wagon wholesaler cannot determine his maximum price under the foregoing pricing method, his maximum price shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

SEC. 4. *Notification of change in maximum price.* With the first delivery after September 29, 1943, of an item of fruit preserves, jams or jellies, in any case where a seller determines his maximum price pursuant to this regulation, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

Insert date

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for \_\_\_\_\_  
(describe item by kind,

flavor, brand and container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations Nos. 421, 422, or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on or after September 30, 1943. You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 421, 422, or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each packer shall include in each case or carton containing the item the written notice set forth above.

(b) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of such change in maximum price by written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after September 29, 1943, as follows:

Insert date

NOTICE TO DISTRIBUTORS OTHER THAN  
WHOLESALERS AND RETAILERS

Our OPA ceiling price for \_\_\_\_\_  
(describe item by kind,

flavor, brand and container type and size) has been changed from \$\_\_\_\_\_ to \$\_\_\_\_\_ under the provisions of Maximum Price Regulation No. 473. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after September 29, 1943, of any allowable change in your maximum price. This notice must be made in the manner prescribed in section 4 (a) of Maximum Price Regulation No. 473.

#### ARTICLE III—GENERAL PROVISIONS

SEC. 5. *Relationship between this regulation and Maximum Price Regulation No. 226 and the General Maximum Price Regulation.* (a) This regulation supersedes Maximum Price Regulation No. 226, except that that regulation continues to apply to fruit preserves, jams and jellies for which maximum prices or permitted increases are not yet provided herein.

(b) The following sections of the General Maximum Price Regulation, as well

as amendments to them, apply to sales covered by this regulation:

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

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

(3) Sales slips and receipts (§ 1499.14).

(4) Definitions (§ 1499.20).

SEC. 6. *Geographical applicability.* This regulation applies only to the forty-eight states of the United States and to the District of Columbia.

SEC. 7. *Export and import sales.* The maximum prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation,<sup>4</sup> and amendments. Sales of fruit preserves, jams and jellies which have been packed outside of the geographical area to which this regulation applies are not covered by this regulation except in cases where the goods being priced are located within the area at the time of sale.

SEC. 8. *Inability to fix maximum prices.* If the seller's maximum price for any item cannot be determined under the provisions of the applicable pricing section, and he cannot or elects not to price under section (2) (k) he shall apply to the Office of Price Administration, Washington, D. C., for a maximum price. His application shall set forth (a) a description in detail of the item for which a maximum price is sought, including its grade and the brand name to be used, if any, the number of packages in each shipping case, and a statement of the facts which make it different from the most similar item for which he has determined a maximum price, identifying the similar item and stating its maximum price; (b) a detailed and itemized current cost break-down of the item to be priced, showing separately all component cost factors (i. e., direct costs—raw materials, packaging materials and direct labor; indirect costs, such as indirect labor, factory overhead and selling, advertising, and administrative cost, together with an explanation showing the method of allocation of the indirect cost factors; and freight if sold on a delivered basis) indicating whether each cost item is an actual or an estimated cost, and the identical current cost break-down of the most closely comparable food commodity which contributes substantially to his total volume of business; (c) the desired selling price for the item, including a statement showing the necessity for the desired selling price, any discounts or allowances which should be made applicable to the desired price, and (for comparison) the maximum selling price, with discounts and allowances, for the second commodity included in paragraph (b) of this section; and (d) the method of distribution to be employed by the seller in marketing the new commodity (i. e., whether it is to be sold to wholesalers, retailers, consumers, or other classes of purchasers). Upon receipt of such application the Office of Price Administration will authorize the maximum price or a method of determining the maximum price for the ap-

<sup>4</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

<sup>5</sup> 8 F.R. 4132, 5987, 7662, 9998.



plicant or for the sellers of the item generally including purchasers for resale or for a class of such resellers.

Until a maximum price is authorized, the applicant may deliver the item but he may not render an invoice for it.

Where any cost factor set forth in the application is an estimated amount, the packer shall file with the Office of Price Administration, Washington, D. C., within six months but no earlier than three months after his maximum price has been authorized, a statement showing the actual cost of that factor in his production of the item prior to the filing date of such statement.

**SEC. 9. Adjustable pricing.** Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order.

**SEC. 10. Customary discounts and allowances.** No person shall change any customary allowance, discount or other price differential to a purchaser or class of purchasers if the change results in a higher net price to that purchaser or class.

**SEC. 11. Units of sale and fractions of a cent.** Maximum prices shall be stated in terms of the same general units (like pounds, dozens, etc.) in which the packer has customarily quoted prices for the product. If any figured maximum price includes a fraction of a cent, the packer shall adjust the price to the nearest fractional unit (like 1¢, ½¢, ¼¢, etc.) in which he has customarily quoted prices for the product.

**SEC. 12. Position of brokers.** In accordance with existing trade custom, every broker taking part in a sale in which the seller is a packer shall be considered as the agent of the seller and not the agent of the buyer. In any case, the amount paid by the buyer to the broker plus the amount paid by the buyer to the seller shall not exceed the seller's maximum price plus allowable transportation actually paid by the seller or by the broker.

**SEC. 13. When a maximum price figured under section 2 or 3 is established.** On and after September 30, 1943, a price figured for any item under section 2 or 3 becomes "established" (that is, fixed) as the seller's maximum price as soon as he has either filed the price or disclosed it to any prospective customer, whether by sale, delivery, offer, or notice

of any kind, provided that the figured price is not higher than the applicable pricing method allows. A maximum price for an item may be established only once, and having been established it may not be changed by the seller except (a) with the written permission of the district office of the Office of Price Administration for the area in which he is located in cases where the packer has figured his maximum price lower than the applicable pricing method allows, or (b) in cases where a change in the regulation changes the packer's applicable pricing method, or (c) in cases where the packer is refiguring uniform maximum delivered prices as required by section 2 (i).

If the seller is disclosing a price lower than the one he figured under section 2 or 3, he may establish the higher figured price as his maximum price at the time of disclosure only by recording it and naming it as such, in ink on his books, before he discloses the lower price. A seller who has not figured a price for an item, or has figured a price higher than the applicable pricing method allows, may not sell the item until he has established a maximum price for the item in accordance with the rules of this section.

**SEC. 14. Records and reports.** (a) Every packer who makes sales of any items covered by this regulation after the effective date hereof, shall

(1) Make and preserve for examination by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect, all records of the same kind as he has customarily kept, relating to the prices which he charged for such item after the effective date of this regulation, and

(2) Preserve for examination by the Office of Price Administration for the same period all his existing records which were the basis of figuring his maximum prices in the manner directed by this regulation, showing the method used in figuring the maximum prices.

(b) Every packer who figures a maximum price under section 2 shall file with the district office of the Office of Price Administration for the area in which he is located a true copy of the calculations showing his determination of such maximum price. Such copy shall be filed within 10 days after the date of the first sale of the item for which such maximum price is so calculated.

**SEC. 15. Compliance with the regulation—**(a) No selling or buying above maximum prices. Regardless of any contract or obligation, no person shall sell or deliver, or buy or receive in the course of trade, any item of fruit preserves, jams or jellies, on and after September 30, 1943 at a price higher than the maximum price established for it by this regulation. However, prices lower than the maximum price may be charged and paid.

(b) *Evasion.* Nor shall any person evade a maximum price, directly or indirectly, whether by commission, service, transportation, or other charge or discount, premium or other privilege;

by tying-agreement or other trade understanding; by any change of style of pack; by a business practice relating to grading, labeling, or packaging; or in any other way.

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

**SEC. 16. General amendments.** Any person seeking a general modification of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1, and amendments, issued by the Office of Price Administration.

**SEC. 17. DEFINITIONS.** (a) When used in this Maximum Price Regulation No. 473 the term:

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successors or representatives of any of the foregoing and includes the United States, any of its agencies, any other government, or any of its political subdivisions and any agency of any of the foregoing.

(2) "Fruit preserves and jams" shall mean any viscous or semi-solid food obtained by concentrating a mixture of fruit and saccharine ingredients in which the fruit ingredient is not less than 45 parts and the saccharine ingredients not more than 55 parts by weight, as defined by the Regulations Fixing and Establishing Definitions and Standards of Identity for Preserves, Jams, issued under the Federal Food Drug and Cosmetic Act of 1938 and printed in the FEDERAL REGISTER on September 5, 1940.

(3) "Fruit jellies" shall mean any semi-solid food of gelatinous consistency, obtained by concentrating, by the application of heat, a mixture of fruit juice or diluted or concentrated fruit juice and saccharine ingredients, in which the fruit juice is not less than 45 parts by weight and the saccharine ingredients not more than 55 parts by weight, as defined by the Regulation Fixing and Establishing Definitions and Standards of Identity for Jellies, issued under the Federal Food Drug and Cosmetic Act of 1938 and printed in the FEDERAL REGISTER on September 5, 1940.

(4) "The most closely competitive packer" means the packer who:

(i) Sells to the same class of buyer.

(ii) Packs the same or similar quality range of the product.

(iii) Has sold in the past the same kind of fruit preserves, jams or jellies at approximately the same prices as the packer establishing a maximum price.

(iv) Has used the same general merchandising methods, and

(v) Is located in the same general growing and packing area or, if there is no such packer in the same general growing and packing area, is located in the nearest growing and packing area.

(5) "Variety" means a kind of fruit or berry.



(6) "Fruit" includes berries.  
(b) Unless the context otherwise requires, the definitions of section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used in this regulation.

**Effective date.** This regulation shall become effective September 30, 1943.

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

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15603; Filed, September 24, 1943; 4:57 p. m.]

**PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPERS AND PAPER PRODUCTS**

[MPR 182, Incl. Amdt. 9]

**KRAFT WRAPPING PAPERS AND CERTAIN BAG PAPERS AND CERTAIN BAGS<sup>1</sup>**

Sections 1347.301 (b) (10), 1347.315 (c) (4) are added by Amendment 9, effective September 30, 1943, so that Maximum Price Regulation No. 182 shall read as follows:

In the judgment of the Price Administrator the prices of Kraft wrapping papers and certain Kraft bag papers have 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 prices of Kraft wrapping papers and certain Kraft bag papers prevailing 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. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the 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 issued simultaneously herewith and has been filed with the Division of the Federal Register.<sup>2</sup>

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective

price control with respect to the commodities subject to this regulation.

[Preamble as amended by Supplementary Order 64, 8 F.R. 12554, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>4</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 182 is hereby issued.

**Sec.**

- 1347.301 Maximum prices for kraft wrapping papers and kraft bag papers.
- 1347.302 Less than maximum prices.
- 1347.303 Federal and state taxes.
- 1347.304 Evasion.
- 1347.305 Records and reports.
- 1347.306 Export sales; sales for export.
- 1347.307 Adjustable pricing.
- 1347.308 Enforcement.
- 1347.308a Licensing.
- 1347.309 Petitions for amendment.
- 1347.310 Applicability of General Maximum Price Regulation.
- 1347.311 Definitions.
- 1347.312 Applicability.
- 1347.313 Effective date.
- 1347.314 Effective dates of amendments.
- 1347.315 Manufacturers' maximum prices for standard grocer's and variety bags.
- 1347.316 Merchants' or distributors' maximum prices for standard grocer's and variety bags.
- 1347.317 Base price lists and computation of discounts.

**AUTHORITY:** §§ 1347.301 to 1347.317, 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.

§ 1347.301 *Maximum prices for Kraft wrapping papers and Kraft bag papers.* On and after July 28, 1942, with respect to sales by manufacturers, and on and after August 25, 1942, with respect to sales by merchants or distributors, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver, or offer, solicit or attempt to sell or deliver Kraft wrapping papers or Kraft bag papers listed in paragraph (a) of this section, and no person shall buy or receive, or offer, solicit or attempt to buy or receive Kraft wrapping papers or Kraft bag papers listed in the aforementioned paragraph in the course of trade or business, at prices higher than the maximum prices set forth in paragraphs (a), (b), and (c) of this section; *Provided:* That deliveries by manufacturers under contracts entered into prior to July 28, 1942, under the terms of and at prices in compliance with Maximum Price Regulation No. 129,<sup>5</sup> may be made until August 25, 1942, and that deliveries by merchants or distributors under contracts entered into prior to July 28, 1942, under the terms of and at prices in compliance with the General Maximum Price Regulation,<sup>6</sup> may be made until September 15, 1942. Deliv-

ery shall mean delivery to a carrier, other than a carrier owned or controlled by the seller.

(a) *Tabulation of maximum prices in sales by manufacturers.*

Grades	Maximum base prices per cwt.
Standard Kraft wrapping paper (30 pound basis weight and heavier).....	\$4.75
No. 1 Kraft wrapping paper (30 pound basis weight and heavier).....	5.00
Superstandard Kraft wrapping paper (30 pound basis weight and heavier).....	5.25
Imitation Kraft wrapping paper (40 pound basis weight and heavier).....	4.50
Standard unbleached Kraft butchers wrapping paper (40 pound basis weight and heavier).....	5.00
No. 1 unbleached Kraft butchers wrapping paper (40 pound basis weight and heavier).....	5.25
Machine glazed Kraft wrapping paper (25 pound basis weight and heavier).....	5.50
Standard Kraft bag paper (30 pound basis weight and heavier).....	4.375
Variety Kraft bag paper (30 pound basis weight and heavier).....	4.625
Machine glazed Kraft bag paper (25 pound basis weight and heavier).....	5.25

<sup>1</sup> On sales of this grade by Fox Paper Company, Lockland, Ohio, Nekoosa-Edwards Paper Company, Port Edwards, Wisconsin, and Thilmany Pulp and Paper Company, Kaukauna, Wisconsin, the maximum price established in this paragraph shall be \$5.75 per cwt.

<sup>2</sup> On sales of this grade by Fox Paper Company, Lockland, Ohio, Nekoosa-Edwards Paper Company, Port Edwards, Wisconsin, and Thilmany Pulp and Paper Company, Kaukauna, Wisconsin, the maximum price established in this paragraph shall be \$5.50 per cwt.

[Paragraph (a) amended by Am. 1, 7 F.R. 7974, effective 10-12-42 and Am. 6, 8 F.R. 4180, effective 4-1-43]

(1) The maximum prices established in paragraph (a) of this section are the maximum prices for rolls in carload lots, Zone A, f. o. b. mill, lowest available carload rate of freight allowed to destination point. The lowest available carload rate of freight means the lowest freight rate for shipment of carload quantities by the means of transportation available at the time of shipment.

(b) *Differentials applicable to sales by manufacturers.* In sales by manufacturers, there may be added to the maximum base prices established in paragraph (a) of this section the following differentials in only such cases in which such differentials are applicable:

[Paragraph (b) as amended by Am. 1, 7 F.R. 7974, effective 10-12-42]

(1) Deliveries to Zones other than A, for rolls in carload lots, f. o. b. mill, lowest available rate of freight allowed to destination point:

	Per cwt.
(i) Zone B.....	25¢
(ii) Zone C.....	50¢

(iii) Zone D: Same as Zone A in the Spokane trading area including Spokane and Pullman, Washington and Coeur d'Alene, Wallace, Moscow and Lewiston, Idaho. In the remainder of Zone D, no differential may be added, but maximum prices may be f. o. b. docks or cars Seattle, Tacoma and Vancouver in Washington, Portland in

<sup>1</sup> 7 F.R. 5712, 6048.

<sup>2</sup> Title as amended by Am. 3, 7 F.R. 9724, effective 11-27-42.

<sup>3</sup> Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

<sup>4</sup> Revised: 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

<sup>5</sup> 7 F.R. 3178, 3242, 3482, 3554, 4176, 4668, 5712, 5780, 5943, 7974, 8939, 8948, 9131, 9724, 10152, 10812; 8 F.R. 1389, 2237, 4635, 11809.

<sup>6</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.



Oregon, San Francisco, Oakland, San Pedro, Long Beach or Wilmington in California, or f. o. b. cars Los Angeles, California, with no further freight allowance.

[Subparagraph (iii) added by Am. 5, 8 F.R. 4252, effective 4-7-43]

(2) For L. C. L. orders:

Quantity:	Per cwt.
Less than 20,000 pounds.....	25¢
20,000 to carload.....	12½¢

(Quantity includes the total weight of any combination of the grades listed in paragraph (a) of this section and § 1347.11 (a) (6) of Maximum Price Regulation No. 129, and the bags listed in § 1347.315 of this Regulation. The foregoing differentials may not be added where any shipment of such a combination comprises a carload.)

[Subparagraph (2) amended by Am. 1, 7 F.R. 7974, effective 10-12-42 and Am. 5, 8 F.R. 4252, effective 4-7-43]

(3) For sheets:

Area:	Per cwt.
(i) 150 square inches or more.....	25¢
(ii) 72 square inches to less than 150 square inches.....	50¢
(iii) 36 square inches to less than 72 square inches.....	75¢
(iv) Less than 36 square inches <sup>1</sup> .....	75¢
(v) For guillotine or ream trimming <sup>2</sup> .....	5¢

<sup>1</sup> Plus the actual cost of cutting and wrapping in excess of 75¢.

<sup>2</sup> For each side trimmed.

(4) Basis weight less than minimum listed for grades in paragraph (a) of this section.

(i) For imitation Kraft wrapping paper and standard and No. 1 unbleached Kraft butchers wrapping paper, there may be added 5¢ per cwt. for each lb. below the listed basis weight.

(ii) For grades other than imitation Kraft wrapping paper and standard and No. 1 unbleached Kraft butchers wrapping paper:

(a) For basis weights which are less than the listed basis weight, there may be added 10¢ per cwt. for each lb. below the listed basis weight, down to and including 20 lb. basis weight; and 20¢ per cwt. for each lb. below 20 lb. basis weight down to and including 18 lb. basis weight.

(5) Rolls of less than 9 inches diameter.

	Per cwt.
(i) Diameter of 6" to less than 9".....	25¢
(ii) Diameter of 4" to less than 6".....	50¢
(iii) Diameter of 2" to less than 4".....	75¢

(6) Rolls of less than 6 inches width

	Per cwt.
(i) Width of 4" to less than 6".....	25¢
(ii) Width of 2" to less than 4".....	50¢
(iii) Width of 1" to less than 2".....	75¢

(7) Special packing of sheets (all prices and differentials set forth in subparagraphs (i) to (v) of this subparagraph (7) inclusive) shall be on a net weight basis.

	Per cwt.
(i) Chipboard top and bottom.....	No differential
(ii) Skeleton frames.....	25¢
(iii) Solid cases, or top and bottom boards.....	50¢
(iv) Pressed bales, wood frames, iron or steel strapped.....	50¢

(v) Skid Packing:	Per cwt.
(a) Net weight per skid 3,000 pounds or more.....	10¢
(b) Net weight per skid 2,500 pounds to less than 3,000 pounds.....	25¢
(c) Net weight per skid 2,000 pounds to less than 2,500 pounds.....	50¢
(vi) Ream wrapping, sealing or banding.....	25¢
(vii) Bundles less than 100 pounds in weight.....	25¢
<sup>1</sup> Or minimum of \$2.50 per case.	
<sup>2</sup> Plus the actual cost in excess of 25¢.	

[Subparagraph (7) amended by Am. 1, 7 F.R. 7974, effective 10-12-42 and Am. 5, 8 F.R. 4252, effective 4-7-43]

(8) Special packing of rolls.

	Per cwt.
(i) Solid fibre packing.....	25¢
(ii) Stave packing.....	50¢

(9) Differentials for colors other than tints, more costly finishes, excluding variety bag paper, special machine markings other than machine glazed striping or felt striping, brightness of over 35 to 50 G. E. inclusive, and test specifications definitely in excess of those herein defined, shall not be in excess of the minimum of each such differential that was actually charged or offered during the period of October 1 to October 31, 1941, inclusive. Within ten days after the first sale involving the application of any such differential subsequent to July 28, 1942, the seller shall submit to the Office of Price Administration, Washington, D. C., a report setting forth the amount of such differential, to what grade herein defined the differential was applied, a description of the grade sold and the purpose to which it is to be put, and the estimated tonnage of such paper to be manufactured during the succeeding six months. Any changes in differentials already reported by manufacturers shall be reported to the Office of Price Administration in Washington, D. C., within ten days after April 7, 1943. All such differentials used or reported shall be subject to adjustment or disapproval at any time by the Office of Price Administration.

[Subparagraph (9) as amended by Am. 5, 8 F.R. 4252, effective 4-7-43]

(10) On sales made directly to industrial, institutional and commercial users and to purchasers other than distributors, a manufacturer, who during the period of October 1, 1940 to October 15, 1941 had an established practice of selling such class of purchasers at prices in excess of those established for sales to distributors, may add to the maximum price established by paragraph (a) of this section the customary differential which he actually applied to sales made to such purchasers during the period of October 1, 1940 to October 15, 1941. This differential shall in no event exceed the appropriate mark-up established in paragraph (c) (1) and (2) of this section.

[Subparagraph (10) added by Am. 9, effective 9-30-43]

(c) Merchants' or distributors' maximum selling prices. (1) The maximum price at which a merchant or distributor may sell Kraft wrapping paper or Kraft bag paper to persons, excepting other merchants or distributors, shall not exceed the maximum price established in paragraphs (a) and (b) of this section plus the following mark-ups: (The manufacturer's differentials set forth in paragraph (b) of this section may be added to the maximum base prices established in paragraph (a) of this section only where such differentials are included in the manufacturer's price to the merchant or distributor.)

Quantity in pounds:	Per cwt.
Less than 100.....	\$3.75
100 to less than 375.....	2.25
375 to less than 750.....	1.50
750 to less than 1,500.....	1.25
1,500 to less than 7,500.....	1.00
7,500 to less than 15,000.....	.75
15,000 to less than 30,000.....	.50
30,000 or more.....	.25

[Paragraph (c) as amended by Am. 1, 7 F.R. 7974, effective 10-12-42]

(2) Where the maximum price of the Kraft wrapping paper or Kraft bag paper as established in paragraphs (a) and (b) of this section is in excess of \$4.50 per cwt., the merchant or distributor may add to the mark-up as set forth in paragraph (c) (1) of this section, the following, except in cases of sales to other merchants or distributors:

(i) In sales of less than 7,500 lbs., 5¢ per cwt. for each 25¢ per cwt. in excess of such \$4.50: *Provided*, That a merchant or distributor who resells to other merchants or distributors may add not more than 2½¢ per cwt. for each 25¢ per cwt. in excess of such \$4.50.

(ii) In sales of 7,500 lbs. or more, 2½¢ per cwt. for each 25¢ per cwt. in excess of such \$4.50: *Provided*, That a merchant or distributor who resells to other merchants or distributors may add not more than 1¼¢ per cwt. for each 25¢ per cwt. in excess of such \$4.50.

[Subparagraphs (i) and (ii) as amended by Am. 1, 7 F.R. 7974, effective 10-12-42]

(iii) No differentials shall be added for any fraction or part of each such 25¢ per cwt.

(3) A merchant or distributor may add to the maximum price as established in paragraph (c) of this section actual charges incurred which shall not exceed the following in cases where he performs such operations: (Such charges shall be separately included in the invoice or other evidence of sale.)

	Per cwt.
Sheeting.....	\$1.00
Slitting.....	1.00
Sheet Trimming.....	.50

[Subparagraph (3) as amended by Am. 1, 7 F.R. 7974, effective 10-12-42]

(4) The maximum price at which a merchant or distributor may sell Kraft wrapping paper or Kraft bag paper to another merchant or distributor for resale shall not exceed the maximum prices established in paragraphs (a) and (b)



of this section plus the following mark-ups:

Quantity in pounds:	Per cwt.
Less than 750.....	\$0.75
750 to less than 1,500.....	.625
1,500 to less than 7,500.....	.50
7,500 to less than 15,000.....	.375
15,000 to less than 30,000.....	.25
30,000 or more.....	.125

(i) In computing his maximum selling price, every merchant or distributor who purchases from other merchants or distributors shall not exceed the maximum price established in paragraphs (a) and (b) of this section plus the mark-ups set forth in paragraphs (c) (1) and (c) (2), as amended above, of this section.

[Subparagraph (1) as amended by Am. 1, 7 F.R. 7974, effective 10-12-42]

(5) [Revoked].

[Subparagraph (5) revoked by Am. 5, 8 F.R. 4252, effective 4-7-43]

(6) Charges for delivery in sales by merchants or distributors.

(i) The maximum prices established in paragraph (c) of this section shall be f. o. b. point of delivery for shipments to points within a free delivery zone or area within which the merchant or distributor customarily shipped or would have shipped on such basis during the period from October 1 to October 15, 1941.

(ii) For shipments to points outside such free delivery zones or areas described in paragraph (c) (6) (i), the maximum price shall be f. o. b. seller's warehouse.

(7) For sales involving shipment from the manufacturer directly to a person purchasing from a merchant or distributor, the maximum prices shall be those established in paragraph (c) of this section.

(8) For sales in carload lots requiring local delivery by the merchant or distributor from a warehouse or rail siding, there may be added to the maximum price established herein the actual delivery expenses, (except that no rail freight shall be included) which in no event shall exceed the applicable local common carrier rate; and such expense shall be separately included in the invoice or other evidence of sale.

(d) Special put-ups of Kraft wrapping papers and Kraft bag papers not exceeding 10 lbs. per unit which are packaged exclusively for retail sales and are sold by recognized retail establishments are not covered by this regulation, but are covered by the General Maximum Price Regulation.

[Subparagraph (8) and paragraph (d) added by Am. 1, 7 F.R. 7974, effective 10-12-43]

§ 1347.302 *Less than maximum prices.* Lower prices than those established by this Maximum Price Regulation No. 182 may be charged, demanded, paid or offered.

§ 1347.303 *Federal and state taxes.* Any tax upon, on incident to, the sale, delivery, processing, or use of a commodity, or the supplying of a service, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maxi-

mum price for such commodity or service and in preparing the records of such seller with respect thereto:

(a) If, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Maximum Price Regulation No. 182.

[NOTE: Supplementary Order No. 31 (7 F.R. 9894, 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1347.304 *Evasion.* The price limitations established by the Maximum Price Regulation No. 182 shall not, directly or indirectly, be circumvented or evaded by modifying, discontinuing, or altering any customary trade practice of the seller, or by increasing terms for the extension of credit, or by splitting orders, or by deteriorating the quality of any commodity, or by any other means.

Nothing herein shall be construed to prevent the seller from making changes in merchandising services to effect economies helpful to or made necessary by the war effort, such as elimination of or changes in the frequency of delivery or changes in the character of packaging and wrapping.

§ 1347.305 *Records and reports.* (a) Every person making a purchase or sale in the course of trade or business of Kraft wrapping paper or Kraft bag paper after July 28, 1942, or of standard grocer's or variety bags after November 26, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect, complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the purchaser or seller, the price paid or received, the quantity and grade bought or sold.

[Paragraph (a) as amended by Am. 3, 7 F.R. 9724, effective 11-27-42]

(b) Persons affected by this Maximum Price Regulation No. 182 shall submit such report to the Office of Price Admin-

istration as it may from time to time require.

§ 1347.306 *Export sales; sales for export.* (a) As used in this section, the term:

(1) "Export sale" means any "export" or "export sale" as defined in § 1375.8, paragraph (a) (1) of the Revised Maximum Export Price Regulation.<sup>1</sup>

(2) "Sale for export" means any domestic sale prior to an "export sale", where the product is marked so as to indicate that it is to be exported and is intended for the export trade, or where the sale is made to a merchant or exporter who intends to export the product.

(3) "Normal port of export" means that port of exit in the continental United States from which a product manufactured by a particular mill would have customarily been shipped in export to a particular destination during the period July 1 to December 31, 1941, or a port to which a manufacturer customarily made deliveries for export during such period.

(4) "Emergency port" means the port of exit from which the product is actually shipped in export when the "normal port of export" is not available.

(b) The maximum price at which any person may make an export sale of the products covered by this Maximum Price Regulation No. 182 shall be determined in accordance with the provisions of the Revised Maximum Export Price Regulation issued by the Office of Price Administration on July 2, 1942, and any amendments thereto.

(c) The maximum at which any manufacturer may make a sale for export of the products covered by this Maximum Price Regulation No. 182 shall be not in excess of the sum of the following items:

(1) The manufacturer's maximum domestic price at the normal port of export of the mill at which the products were made; plus

(2) If and only if the products are to be exported from an emergency port, the amount of the extra freight involved in shipping to the emergency port, over and above the freight to the normal port.

[§ 1347.306 amended by Am. 3, 7 F.R. 9724, effective 11-27-42; Am. 4, 7 F.R. 10811, effective 12-28-42; and Am. 7, 8 F.R. 7196, effective 6-2-43]

§ 1347.307 *Adjustable pricing.* No person shall enter into an agreement permitting an adjustment of prices to prices in excess of the maximum prices established by §§ 1347.301 (a), (b) and (c), 1347.315 and 1347.316, in the event of this Maximum Price Regulation No. 182 being held invalid or upon any other condition, except that 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

<sup>1</sup> Second Revision: 8 F.R. 4132, 5987, 7662, 9998.



in accordance with the disposition of the petition.

[§ 1347.307 as amended by Am. 3, 7 F.R. 9724, effective 11-27-42]

§ 1347.308 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 182 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

[Paragraph (a) as amended by Am. 2, 7 F.R. 8997, effective 11-9-42]

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 182 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field office or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.308a *Licensing.* The provisions of Supplementary Order No. 19,\* licensing distributors of paper and paper products, are applicable to every distributor selling any of the commodities for which maximum prices are now or hereafter established by Maximum Price Regulation No. 182. The term "distributor" shall have the meaning given to it by Supplementary Order No. 19.

[§ 1347.308a added by Am. 2, 7 F.R. 8997, effective 11-9-42 and amended by Am. 3, 7 F.R. 9724, effective 11-27-42]

§ 1347.309 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 182 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1347.309 as amended by Supplementary Order 26, 7 F.R. 8948, effective 11-4-42]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 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.]

§ 1347.310 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 182 supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 182.

§ 1347.311 *Definitions.* (a) When used in this Maximum Price Regulation No. 182, the term:

\* 7 F.R. 7434, 8996, 11007.

(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) "Manufacturer" includes any person who manufactures any Kraft wrapping paper or Kraft bag paper or standard grocer's or variety bags covered by this Maximum Price Regulation No. 182, and any person who distributes or sells Kraft wrapping paper or Kraft bag paper or standard grocer's or variety bags as a del credere agent or other representative of a manufacturer.

(3) "Merchant or distributor" includes any person who buys Kraft wrapping paper or Kraft bag paper or standard grocer's or variety bags in any quantity from a manufacturer or other seller, and who resells such paper.

[Subparagraphs (2) and (3) as amended by Am. 3, 7 F.R. 9724, effective 11-27-42]

(4) "Sell" includes sell, supply, dispose, barter, exchange, lease and transfer, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchases" and "purchaser" shall be construed accordingly, except that nothing in this Maximum Price Regulation No. 182 shall be construed to prohibit the making of a contract to sell a commodity included in this Maximum Price Regulation No. 182 at a price not to exceed the maximum price at the time of delivery.

(5) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading and other documents, letters and correspondence.

(6) "Standard kraft wrapping paper" means any machine finished wrapping paper 25 lb. basis weight or over, containing 50% or more unbleached sulphate\* fibre and testing less than 86% of the basis weight Mullen Test under Standard TAPPI testing procedure. Wrapping papers 18 lb. to less than 25 lb. basis weight otherwise meeting these specifications shall be "No. 1 kraft wrapping paper".

[Subparagraph (6) as amended by Am. 5, 8 F.R. 4252, effective 4-7-43]

(7) "No. 1 kraft wrapping paper" means any machine finished wrapping paper 18 lb. basis weight or over containing 100% unbleached sulphate\* fibre and testing 86% and not more than 96% of the basis weight Mullen Test under Standard TAPPI testing procedure. Manufacturers of "No. 1 Kraft wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the words "No. 1 Kraft" or state on the invoice, when selling such

\* "Unbleached sulphate" means woodpulp produced by the sulphate process from either coniferous or broadleaf wood either bleached or unbleached to a General Electric brightness of 35 or less.

grade, that such rolls or bundles are "No. 1 Kraft." In those cases where the rolls or bundles are not stenciled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "No. 1 Kraft."

[Subparagraph (7) amended by Am. 5, 8 F.R. 4252, effective 4-7-43 and Am. 8, 8 F.R. 10761, effective 8-7-43]

[Footnote as amended by Am. 5, 8 F.R. 4252, effective 4-7-43]

(8) "Superstandard Kraft wrapping paper" means any machine finished wrapping paper 18 lb. basis weight or over containing 100% unbleached sulphate\* fibre and testing more than 96% of the basis weight Mullen test under Standard Tappi testing procedure. Manufacturers of "Superstandard Kraft wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the word "Superstandard" or state on the invoice, when selling such grade, that such rolls or bundles are "Superstandard." In those cases where the rolls or bundles are not stenciled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "Superstandard."

[Subparagraph (8) as amended by Am. 8, 8 F.R. 10761, effective 8-7-43]

(9) "Imitation kraft wrapping paper" means any wrapping paper 18 lb. basis weight or over containing 60% or more of any one or any combination of waste paper, groundwood or screenings, but also containing 25% or more of unbleached sulphate\* pulp or kraft waste, kraft screenings, or kraft clippings. Manufacturers of "Imitation Kraft wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the words "Imitation Kraft" or state on the invoice, when selling such grade, that such rolls or bundles are "Imitation Kraft." In those cases where the rolls or bundles are not stenciled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "Imitation Kraft."

[Subparagraph (9) amended by Am. 1, 7 F.R. 7974, effective 10-12-42; Am. 5, 8 F.R. 4252, effective 4-7-43; and Am. 8, 8 F.R. 10761, effective 8-7-43]

(10) "Standard unbleached kraft butchers wrapping paper" means any wrapping paper containing 85% or more unbleached sulphate\* fibre testing less than 70% of the basis weight Mullen Test under Standard TAPPI testing procedure and possessing sizing, formation, etc., to make it suitable for butchers' use and sold for butchers' use.

[Subparagraph (10) amended by Am. 1, 7 F.R. 7974, effective 10-12-42 and Am. 5, 8 F.R. 4252, effective 4-7-43]

(11) "No. 1 unbleached kraft butchers wrapping paper" means any wrapping paper containing 100% unbleached sulphate\* fibre testing not less than 70%



of the basis weight Mullen Test under Standard TAPPI testing procedure, possessing sizing, formation, etc., to make it suitable for butchers' use and sold for butchers' use. Manufacturers of No. 1 unbleached Kraft butchers wrapping paper" must either stencil or label each roll or bundle of such paper with a designation including the words "No. 1 Kraft butchers" or state on the invoice, when selling such grade, that such rolls or bundles are "No. 1 Kraft butchers." In those cases where the rolls or bundles are not stencilled or labeled, merchants and distributors when selling such grade must state on the invoice that such rolls or bundles are "No. 1 Kraft butchers."

[Subparagraph (11) amended by Am. 5, 8 F.R. 4252, effective 4-7-43 and Am. 8, 8 F.R. 10761, effective 8-7-43]

(12) "Machine glazed Kraft wrapping paper" means any wrapping paper 18 lb. basis weight or over containing 50% or more unbleached sulphate fibre, glazed on one side by drying on a Yankee machine, and testing less than 90% of the basis weight Mullen test under Standard Tappi testing procedure.

(13) "Standard kraft bag paper" means any paper 30 lb. basis weight or over containing 50% or more unbleached sulphate fibre and testing less than 96% of the basis weight Mullen Test under Standard TAPPI testing procedure, and shipped in rolls 20" or more diameter for conversion into grocery bags.

(14) "Variety kraft bag paper" means any machine finish paper 25 lb. basis weight or over containing 50% or more unbleached sulphate fibre and testing less than 96% of the basis weight Mullen Test under Standard TAPPI testing procedure and shipped in rolls 20" or more diameter for conversion into variety bags such as millinery bags, notion bags, liquor bottle bags, banana bags, doughnut bags, garment bags, pants bags, laundry bags, nail bags, shopping bags and sugar bags, excluding bags of specialty papers and transparent materials.

(15) "Machine glazed kraft bag paper" means any paper 18 lb. basis weight or over containing 50% or more unbleached sulphate fibre, glazed on one side by drying on a Yankee machine and shipped in rolls 20" or more diameter, for conversion into bags and testing less than 90% of the basis weight Mullen Test under Standard TAPPI testing procedure.

[Subparagraphs (13), (14) and (15) as amended by Am. 5, 8 F.R. 4252, effective 4-7-43]

(16) "Rolls" means a roll of 9" or more outside diameter and 6" or more width.

(17) "Basis weight" means the weight in pounds of 500 sheets 24" x 36" (total area 432,000 square inches).

(18) Zone A means all the area of the continental United States east of the eastern boundaries of the states of New Mexico, Colorado, Wyoming, South Dakota and North Dakota, but including

the cities of Sioux Falls, Yankton, Aberdeen, Huron, Brookings, Mitchell and Watertown, South Dakota, and Grand Forks, Fargo and Wahpeton, North Dakota.

[Subparagraph (18) as amended by Am. 5, 8 F.R. 4252, effective 4-7-43]

(19) "Zone B" means all of the states of Colorado and New Mexico, all of Wyoming east of and excluding Kemmerer and Rock Springs, all of South Dakota, excluding Sioux Falls, Yankton, Aberdeen, Huron, Brookings, Mitchell and Watertown; all of North Dakota, excluding Grand Forks, Fargo and Wahpeton.

(20) "Zone C" means all of the states of Montana, Utah, Arizona and Nevada, all of Idaho except Coeur d'Alene, Wallace, Moscow and Lewiston and all of Wyoming west of and including Kemmerer and Rock Springs.

(21) "Zone D" means all the states of California, Oregon and Washington, and Coeur d'Alene, Wallace, Moscow and Lewiston, Idaho.

[Subparagraph (21) added by Am. 5, 8 F.R. 4252, effective 4-7-43]

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

§ 1347.312 *Applicability.* The provisions of this Maximum Price Regulation No. 182 shall be applicable to the continental limits of the United States.

§ 1347.313 *Effective date.* This Maximum Price Regulation No. 182 (§§ 1347.301 to 1347.313, inclusive) shall become effective July 28, 1942 with respect to sales by manufacturers, and August 25, 1942 with respect to sales by merchants or distributors.

[Issued July 23, 1942]

§ 1347.314 *Effective dates of amendments.*

[Effective dates of amendments are shown in notes following the parts affected.]

§ 1347.315 *Manufacturers' maximum prices for standard grocer's and variety bags.* On and after November 27, 1942, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver, or offer, solicit or attempt to sell or deliver standard grocer's or variety bags listed in paragraph (b) of this section, and no person shall buy or receive, or offer, solicit or attempt to buy or receive standard grocer's or variety bags listed in the aforementioned paragraph in the course of trade or business, at prices higher than the maximum prices set forth in this section and § 1347.316. The provisions of this section and § 1347.316 shall not be applicable to sales or deliveries of standard grocer's or variety bags to a purchaser, if, prior to November 27, 1942, such standard grocer's or variety bags have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(a) *Preliminary explanation.* The maximum prices as hereinafter set forth are computed on the basis of industry base price lists, which lists are included in § 1347.317. The maximum manufacturers' prices are set forth in terms of discounts of 5% each from the basic list price, then 5% off the resultant figure, and so forth, and may be ascertained by reference to the list and discount computations included in § 1347.317.

(b) *Tabulation of maximum prices in sales by manufacturers.*

Maximum prices in basic discounts from standard base lists <sup>1</sup>	
Grades	
Self-opening (automatic) Kraft	
grocer's bags.....	25/5s
Square & Flat Kraft grocer's bags.....	26/5s
Self-opening (automatic) White	
M. F. grocer's bags.....	21/5s
Square & flat white M. F. grocer's bags.....	22/5s
Garment and pants bags:	
30# M. F. Brown Kraft.....	9/5s
25# M. F. Brown Kraft.....	11/5s
Liquor bottle bags 35# M. F. Brown Kraft.....	25/5s
Millinery and notion bags:	
25# M. G. brown stripe Kraft.....	25-10/5s
25# M. G. grey stripe Kraft.....	25-9/5s
25# M. F. brown Kraft.....	25-11/5s
25# M. F. Grey Kraft.....	25-10/5s
30# M. F. brown Kraft.....	25-9/5s
30# M. F. grey Kraft.....	25-8/5s
Shopping bags <sup>2</sup> .....	17/5s
Standard, poultry, and bundle sacks <sup>2</sup> .....	26/5s
Sugar bags <sup>2</sup> .....	25/5s

<sup>1</sup> These discounts are from the respective industry base lists. The lists and computations of discounts are set forth in § 1347.317 herein.

<sup>2</sup> Brown M. F. Kraft in the basis weights as stated in the simplification report submitted to the War Production Board by Conservation Committee for the Paper Bag Industry.

[Paragraph (b) amended by Am. 5, 8 F.R. 4252, effective 4-7-43 and Am. 6, 8 F.R. 4180, effective 4-1-43]

(1) The maximum prices established in paragraph (b) of this section are the maximum prices per thousand bags in carload lots, Zone A, f. o. b. mill, lowest available carload rate of freight allowed to destination point. The lowest available carload rate of freight means the lowest freight rate for shipment of carload quantities by the means of transportation available at the time of shipment.

(c) *Differentials applicable to sales by manufacturers.* In sales by manufacturers, there may be added to the maximum base prices established in paragraph (b) of this section the following differentials in only such cases in which such differentials are applicable:

(1) Deliveries to zones other than A, in carload lots, f. o. b. mill, lowest available rate of freight allowed to destination point:

(i) Zone B— $\frac{1}{2}$  less than basic discount.

(ii) Zone C— $\frac{2}{3}$  less than basic discount.



(iii) Zone D—Same as Zone A in the Spokane trading area including Spokane and Pullman, Washington and Coeur d'Alene, Wallace, Moscow and Lewiston, Idaho. In the remainder of Zone D, no differential may be added, but maximum prices may be f. o. b. docks or cars Seattle, Tacoma and Vancouver in Washington, Portland in Oregon, San Francisco, Oakland, San Pedro, Long Beach or Wilmington in California, or f. o. b. cars Los Angeles, California, with no further freight allowance.

[Subparagraph (iii) as amended by Am. 5, 8 F.R. 4252, effective 4-7-43]

(2) For l. c. l. orders:  $\frac{2}{5}$  less than basic discount.

(3) For other grades of variety or odd bags, there shall be subtracted from or there may be added to the maximum price for popular weight self-opening, (automatic) Kraft grocer's bags set forth in paragraph (b) of this section, the differential between such grades and popular weight self-opening (automatic) Kraft grocer's bags actually employed by the manufacturer in sales or deliveries during the period from October 1, 1941, to October 15, 1941, inclusive, to a purchaser of the same class.

Within 10 days after the first sale involving the application of any such differential subsequent to the effective date of this Amendment, the seller shall submit to the Office of Price Administration, Washington, D. C., a report, signed under oath, setting forth the amount of such differential, to what the differential was applied, the purpose or use of the bags to which such differential was applied, and the estimated tonnage of such bags to which such differential was applied, to be manufactured during the succeeding six months. The differential so reported shall be subject to adjustment or disapproval at any time by letter of the Office of Price Administration.

(4) On sales made directly to industrial, institutional and commercial users and to purchasers other than distributors, a manufacturer, who during the period of October 1, 1940 to October 15, 1941 had an established practice of selling to such class of purchasers at prices in excess of those established for sales to distributors, may add to the maximum price established by paragraph (b) of this section the customary differential which he actually applied to sales made to such purchasers during the period of October 1, 1940 to October 15, 1941. This differential shall in no event exceed the appropriate mark-up established in Section 1347.316 (a).

[Subparagraph (4) added by Am. 9, effective 9-30-43]

(d) *Definitions.* When used in this Amendment No. 3, the term:

(1) "Standard grocer's or variety bags" includes all types of grocer's bags (squares, flats, self-opening (automatic), and sacks), millinery and notion bags, liquor bottle bags, banana bags, candy bags, doughnut bags, garment and pants bags, laundry bags, nail bags, shopping bags and sugar bags, excluding bags made of specialty papers and transparent material.

(2) "Bale" includes a shipping bundle or unit containing the number of bags specified in the standard industry net price discount tables for the particular sizes and types of standard grocer's or variety bags involved.

(3) Base list means industry list. Basic discount means discounts from the base list as used in this regulation.

(4) "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas or for different quantities or grades or under different conditions of sale.

[Subparagraphs (5) through (8) revoked by Am. 5, 8 F.R. 4252, effective 4-7-43]

[§ 1347.315 added by Am. 3, 7 F.R. 9724, effective 11-27-42]

§ 1347.316 *Merchants' or distributors' maximum prices for standard grocer's and variety bags—*(a) *Sales to persons other than merchants or distributors.* The maximum price shall be the manufacturer's price as established in § 1347.315 (b), plus the differentials set forth in § 1347.315 (c) (1) and (2) when actually charged by the manufacturer (with the exception stated in paragraph (a) (1) below), plus the following mark-ups:

Mark-up (see standard industry base lists and discount tables)	
Quantity in bales:	
Less than 1	12/5s
1 to less than 5	6/5s
5 to less than 10	5/5s
10 to less than 75	4/5s
75 to less than 300	3/5s
300 to less than carload	2/5s
Carload	1/5

(For example, where the manufacturer's maximum price in basic discounts from the standard base list amounts to 26/5s, the mark-up is computed by deducting the appropriate number of 5s from such 26/5s; in a sale of 5 to less than 10 bales, the mark-up is determined by deducting 5/5s from such 26/5s, resulting in a maximum price which amounts to 21/5s in discounts from such base list.)

(1) On sales of standard grocer's bags and sacks the manufacturer's differentials for l. c. l. shipments as set forth in § 1347.315 (c) (2) may in no event be included in a determination of

the maximum price of the merchant or distributor.

(b) *Sales to other merchants or distributors.* The maximum price shall be the manufacturer's price as set forth in § 1347.315 (b), plus the differentials set forth in § 1347.315 (c) (1) and (2) when actually charged by the manufacturer (with the exception stated in paragraph (b) (1) below), plus the following mark-ups:

Mark-up (see standard industry base lists and discount tables)	
Quantity in bales:	
Less than 1	6/5s
1 to less than 5	3/5s
5 to less than 10	2 1/2/5s
10 or more	2/5s

(1) On sales of standard grocer's bags and sacks the manufacturer's differentials for l. c. l. shipments as set forth in § 1347.315 (c) (2) may in no event be included in a determination of the maximum price of the merchant or distributor.

(c) *Charges for delivery in sales by merchants or distributors.* (1) The maximum prices established in this section shall be f. o. b. point of delivery for shipments to points within a free delivery zone or area within which the merchant or distributor customarily shipped or would have shipped on such basis during the period from October 1 to October 15, 1941.

(2) On sales of less than carload lots to points outside the recognized free delivery zone, the merchant may add the differential which he charged during the period October 1 to October 15, 1941, or, if he made no such sale, which he would have charged on such deliveries to purchasers of the same class, or the actual freight, whichever is lower.

(d) For sales involving shipment from the manufacturer directly to a person purchasing from a merchant or distributor, the maximum prices shall be those established in paragraph (a) of this section.

(e) For sales in carload lots involving shipment from the manufacturer to a person purchasing from a merchant or distributor where local delivery by the merchant or distributor from a warehouse or rail siding is required, there may be added to the maximum price established herein the actual delivery expense (except that no rail freight shall be included), which in no event shall exceed the applicable local common carrier rate; and such expense shall be separately included in the invoice or other evidence of sale.

[§ 1347.316 added by Am. 3, 7 F.R. 9724, effective 11-27-42]

§ 1347.317 *Base price lists and computation of discounts.* The basic manufacturers' price lists, and the computation of discounts off such lists, as referred to in this regulation, are as set forth below:



LIQUOR BOTTLE BAGS  
(Brown)

Size	Discount table	1/2 pint	Pint	Quart
Base list		3.30	3.80	5.55
25 1/2		.91	1.05	1.54
26 1/2		.87	1.00	1.46
27 1/2		.83	.95	1.39
28 1/2		.78	.90	1.32
29 1/2		.74	.85	1.25
30 1/2		.70	.80	1.18
31 1/2		.66	.74	1.13
32 1/2		.62	.70	1.08
33 1/2		.57	.66	1.03
34 1/2		.55	.63	.97
35 1/2				.92

STANDARD MILLINERY AND NOTION BAGS  
BASE LIST AND NET PRICE DISCOUNT TABLES

Net cost on \$100	4 x 6 1/2	5 x 7 1/2	6 1/2 x 9 1/2	7 1/2 x 10 1/2	8 1/2 x 11 1/2	10 x 13	12 x 15	15 x 18	17 x 21	21 x 24
Base list	1.15	1.45	2.05	2.60	3.00	4.00	5.30	7.70	10.00	14.50
1/5	.86	1.09	1.54	1.95	2.25	3.00	3.98	5.78	7.50	10.88
2/5	.82	1.03	1.46	1.85	2.14	2.85	3.78	5.49	7.13	10.33
3/5	.78	.98	1.39	1.76	2.03	2.71	3.59	5.21	6.77	9.82
4/5	.74	.93	1.32	1.67	1.93	2.57	3.41	4.95	6.43	9.32
5/5	.70	.89	1.25	1.59	1.83	2.44	3.24	4.70	6.11	8.86
6/5	.67	.84	1.19	1.51	1.74	2.32	3.08	4.45	5.81	8.41
7/5	.63	.80	1.13	1.43	1.65	2.21	2.92	4.25	5.51	7.99
8/5	.60	.76	1.07	1.36	1.57	2.09	2.78	4.03	5.24	7.59
9/5	.57	.72	1.02	1.29	1.49	1.99	2.64	3.83	4.98	7.21
10/5	.54	.69	.97	1.23	1.42	1.89	2.50	3.64	4.73	6.85
11/5	.52	.65	.92	1.17	1.35	1.80	2.38	3.46	4.49	6.51
12/5	.49	.62	.87	1.11	1.28	1.71	2.25	3.28	4.27	6.19
13/5	.47	.59	.83	1.05	1.22	1.62	2.13	3.12	4.09	5.88
14/5	.44	.56	.79	1.00	1.16	1.54	2.04	2.96	3.91	5.60
15/5	.42	.53	.75	.95	1.10	1.46	1.94	2.82	3.77	5.30
16/5	.40	.50	.71	.90	1.04	1.38	1.84	2.69	3.64	5.04
17/5	.38	.48	.68	.85	.98	1.30	1.73	2.54	3.51	4.79
18/5	.36	.45	.64	.82	.94	1.22	1.65	2.41	3.41	4.53
19/5	.34	.43	.61	.80	.91	1.15	1.58	2.29	3.28	4.32
20/5	.33	.41	.58	.77	.88	1.13	1.50	2.18	3.08	4.10
21/5	.31	.39	.55	.74	.85	1.08	1.42	2.07	2.89	3.90
22/5	.30	.38	.53	.70	.81	1.05	1.38	2.00	2.80	3.80
23/5	.28	.36	.50	.67	.78	1.00	1.32	1.90	2.69	3.69
24/5	.26	.34	.47	.64	.75	.95	1.25	1.80	2.58	3.58
25/5	.25	.33	.45	.62	.73	.93	1.20	1.73	2.50	3.49
26/5	.24	.32	.44	.60	.71	.91	1.15	1.66	2.42	3.40
27/5	.23	.31	.42	.58	.69	.89	1.10	1.59	2.34	3.31
28/5	.22	.30	.41	.56	.67	.87	1.05	1.52	2.26	3.22
29/5	.21	.29	.40	.54	.65	.85	1.00	1.45	2.18	3.13
30/5	.20	.28	.39	.52	.63	.83	.98	1.38	2.10	3.04
31/5	.19	.27	.38	.50	.61	.81	.95	1.32	2.02	2.95
32/5	.18	.26	.37	.48	.59	.79	.92	1.25	1.94	2.86
33/5	.17	.25	.36	.46	.57	.77	.90	1.18	1.86	2.77
34/5	.16	.24	.35	.44	.55	.75	.88	1.11	1.78	2.68
35/5	.15	.23	.34	.42	.53	.73	.86	1.04	1.70	2.59
36/5	.14	.22	.33	.40	.51	.71	.84	1.00	1.62	2.50
37/5	.13	.21	.32	.38	.49	.69	.82	.95	1.54	2.41
38/5	.12	.20	.31	.36	.47	.67	.80	.92	1.46	2.32
39/5	.11	.19	.30	.35	.46	.65	.78	.90	1.38	2.23
40/5	.10	.18	.29	.34	.45	.63	.76	.88	1.30	2.14

GROCERS BAGS  
BASE LIST AND NET PRICE DISCOUNT TABLES

Flag size.....	Net cost on \$100	1	2	3	4	5	6	7	8	10	12	14	16	20	25	30	35	
Base list	1.70	1.90	2.40	2.80	3.30	3.90	5.00	6.40	6.70	7.40	7.90	8.30	10.50	11.20	12.40	13.50	15.00	18.10
1/5	1.62	1.81	2.28	2.68	3.14	3.71	4.76	6.08	6.37	7.03	7.51	7.89	9.98	10.64	11.78	12.83	14.34	17.20
2/5	1.54	1.71	2.17	2.56	3.02	3.58	4.62	5.94	6.23	6.87	7.35	7.72	9.80	10.45	11.58	12.63	14.14	16.90
3/5	1.46	1.63	2.08	2.47	2.92	3.48	4.52	5.84	6.13	6.77	7.25	7.62	9.70	10.35	11.48	12.53	14.04	16.80
4/5	1.38	1.55	1.99	2.38	2.83	3.39	4.43	5.75	6.04	6.68	7.16	7.53	9.60	10.25	11.38	12.43	13.94	16.70
5/5	1.30	1.47	1.91	2.30	2.75	3.31	4.35	5.67	5.96	6.60	7.08	7.45	9.52	10.17	11.30	12.35	13.86	16.60
6/5	1.22	1.39	1.83	2.22	2.67	3.23	4.27	5.59	5.88	6.52	6.99	7.36	9.44	10.09	11.22	12.27	13.78	16.50
7/5	1.14	1.31	1.75	2.14	2.59	3.15	4.19	5.51	5.80	6.44	6.91	7.28	9.36	10.01	11.14	12.19	13.70	16.40
8/5	1.06	1.23	1.67	2.06	2.51	3.07	4.11	5.43	5.72	6.36	6.83	7.20	9.28	9.93	11.06	12.11	13.62	16.30
9/5	1.00	1.16	1.60	1.99	2.44	2.99	4.03	5.35	5.64	6.28	6.75	7.12	9.20	9.85	10.98	12.03	13.54	16.20
10/5	.94	1.10	1.54	1.93	2.38	2.93	4.07	5.39	5.68	6.32	6.79	7.16	9.24	9.89	11.02	12.07	13.58	16.10
11/5	.88	1.04	1.48	1.87	2.32	2.87	4.01	5.33	5.62	6.26	6.73	7.10	9.18	9.83	10.96	12.01	13.52	16.00
12/5	.82	1.00	1.44	1.83	2.28	2.83	3.97	5.29	5.58	6.22	6.69	7.06	9.14	9.79	10.92	11.97	13.48	15.90
13/5	.76	.96	1.40	1.79	2.24	2.79	3.93	5.25	5.54	6.18	6.65	7.02	9.10	9.75	10.88	11.93	13.44	15.80
14/5	.70	.90	1.36	1.75	2.20	2.75	3.89	5.21	5.50	6.14	6.61	6.98	9.06	9.71	10.84	11.89	13.40	15.70
15/5	.64	.84	1.32	1.71	2.16	2.71	3.85	5.17	5.46	6.10	6.57	6.94	9.02	9.67	10.80	11.85	13.36	15.60
16/5	.58	.78	1.28	1.67	2.12	2.67	3.81	5.13	5.42	6.06	6.53	6.90	8.98	9.63	10.76	11.81	13.32	15.50
17/5	.52	.72	1.24	1.63	2.08	2.63	3.77	5.09	5.38	6.02	6.49	6.86	8.94	9.59	10.72	11.77	13.28	15.40
18/5	.46	.66	1.20	1.59	2.04	2.59	3.73	5.05	5.34	5.98	6.45	6.82	8.90	9.55	10.68	11.73	13.24	15.30
19/5	.40	.60	1.16	1.55	2.00	2.55	3.69	5.01	5.30	5.94	6.41	6.78	8.86	9.51	10.64	11.69	13.20	15.20
20/5	.34	.54	1.12	1.51	1.96	2.51	3.65	4.97	5.26	5.90	6.37	6.74	8.82	9.47	10.60	11.65	13.16	15.10
21/5	.28	.48	1.08	1.47	1.92	2.47	3.61	4.93	5.22	5.86	6.33	6.70	8.78	9.43	10.56	11.61	13.12	15.00
22/5	.22	.42	1.04	1.43	1.88	2.43	3.57	4.89	5.18	5.82	6.29	6.66	8.74	9.39	10.52	11.57	13.08	14.90
23/5	.16	.36	1.00	1.39	1.84	2.39	3.53	4.85	5.14	5.78	6.25	6.62	8.70	9.35	10.48	11.53	13.04	14.80
24/5	.10	.30	.96	1.35	1.80	2.35	3.49	4.81	5.10	5.74	6.21	6.58	8.66	9.31	10.44	11.49	12.96	14.70
25/5	.04	.26	.92	1.31	1.76	2.31	3.45	4.77	5.06	5.70	6.17	6.54	8.62	9.27	10.40	11.45	12.92	14.60
26/5	.00	.22	.88	1.27	1.72	2.27	3.41	4.73	5.02	5.66	6.13	6.50	8.58	9.23	10.36	11.41	12.88	14.50
27/5	.00	.20	.84	1.23	1.68	2.23	3.37	4.69	5.00	5.64	6.11	6.48	8.54	9.19	10.32	11.37	12.84	14.40
28/5	.00	.18	.80	1.19	1.64	2.19	3.33	4.65	5.00	5.64	6.11	6.48	8.50	9.15	10.28	11.33	12.80	14.30
29/5	.00	.16	.76	1.15	1.60	2.15	3.29	4.61	5.00	5.64	6.11	6.48	8.46	9.11	10.24	11.29	12.76	14.20
30/5	.00	.14	.72	1.11	1.56	2.11	3.25	4.57	5.00	5.64	6.11	6.48	8.42	9.07	10.20	11.25	12.72	14.10
31/5	.00	.12	.68	1.07	1.52	2.07	3.21	4.53	5.00	5.64	6.11	6.48	8.38	9.03	10.16	11.21	12.68	14.00
32/5	.00	.10	.64	1.03	1.48	2.03	3.17	4.49	5.00	5.64	6.11	6.48	8.34	8.99	10.12	11.17	12.64	13.90
33/5	.00	.08	.60	1.00	1.44	2.00	3.13	4.45	5.00	5.64	6.11	6.48	8.30	8.95	10.08	11.13	12.60	13.80
34/5	.00	.06	.56	.96	1.40	1.96	3.09	4.41	5.00	5.64	6.11	6.48	8.26	8.91	10.04	11.09	12.56	13.70
35/5	.00	.04	.52	.92	1.36	1.92	3.05	4.37	5.00	5.64	6.11	6.48	8.22	8.87	10.00	11.05	12.52	13.60
36/5	.00	.02	.48	.88	1.32	1.88	3.01	4.33	5.00	5.64	6.11	6.48	8.18	8.83	9.96	11.01	12.48	13.50
37/5	.00	.00	.44	.84	1.28	1.84	2.97	4.29	5.00	5.64	6.11	6.48	8.14	8.79	9.92	10.97	12.44	13.40
38/5	.00	.00	.40	.80	1.24	1.80	2.93	4.25	5.00	5.64	6.11	6.48	8.10	8.75	9.88	10.93	12.40	13.30
39/5	.00	.00	.36	.76	1.20	1.76	2.89	4.21	5.00	5.64	6.11	6.48	8.06	8.71	9.84	10.89	12.36	13.20
40/5	.00	.00	.32	.72	1.16	1.72	2.85	4.17	5.00	5.64	6.11	6.48	8.02	8.67	9.80	10.85	12.32	13.10

M's per bale	12	10	8	6	5	4	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3
--------------	----	----	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

## BASE LIST AND NET PRICE DISCOUNT TABLE



LIST AND DISCOUNT TABLE FOR HANDLE SHOPPING BAGS

Size	Net cost on \$100	14½ x 17½—4½		17 x 17½—5½		17 x 20—5½	
		70	80	70	80	70	80
List per M		36.50	40.00	41.00	43.50	43.50	46.55
1/5.....	95.00	34.68	38.00	38.95	41.33	41.33	44.22
2/5.....	90.25	32.94	36.10	37.00	39.26	39.26	42.01
3/5.....	85.74	31.30	34.30	35.15	37.30	37.30	39.91
4/5.....	81.45	29.73	32.58	33.39	35.43	35.43	37.92
5/5.....	77.38	28.24	30.95	31.73	33.66	33.66	36.02
6/5.....	73.51	26.83	29.40	30.14	31.98	31.98	34.22
7/5.....	69.83	25.49	27.93	28.63	30.38	30.38	32.51
8/5.....	66.34	24.21	26.54	27.20	28.86	28.86	30.88
9/5.....	63.02	23.00	25.21	25.84	27.41	27.41	29.34
10/5.....	59.87	21.85	23.95	24.55	26.04	26.04	27.87
11/5.....	56.88	20.76	22.75	23.32	24.74	24.74	26.48
12/5.....	54.04	19.72	21.62	22.16	23.51	23.51	25.15
13/5.....	51.33	18.74	20.53	21.05	22.33	22.33	23.90
14/5.....	48.77	17.80	19.51	20.00	21.21	21.21	22.70
15/5.....	46.33	16.91	18.53	19.00	20.15	20.15	21.56
16/5.....	44.01	16.06	17.60	18.04	19.14	19.14	20.49
17/5.....	41.81	15.26	16.72	17.14	18.19	18.19	19.46
18/5.....	39.72	14.50	15.89	16.29	17.28	17.28	18.49
19/5.....	37.74	13.78	15.10	15.47	16.42	16.42	17.57
20/5.....	35.85	13.09	14.34	14.70	15.59	15.59	16.69
21/5.....	34.06	12.43	13.62	13.96	14.82	14.82	15.85
22/5.....	32.35	11.81	12.94	13.26	14.07	14.07	15.06
23/5.....	30.74	11.22	12.30	12.60	13.37	13.37	14.31
24/5.....	29.20	10.66	11.68	11.97	12.70	12.70	13.59
25/5.....	27.74	10.13	11.10	11.37	12.07	12.07	12.91

[Above table as amended by Am. 5, 8 F.R. 4252, effective 4-7-43]

STANDARD SACKS

Basis weight.....	½ bbl. 11 x 19½ x 4		½ bbl. 13½ x 24 x 4½			¾ bbl. 17 x 29½ x 6				
	40#	50#	40#	50#	60#	40#	50#	60#	70#	80#
List price.....	14.40	17.50	20.20	23.90	28.60	31.20	37.70	42.70	50.00	56.00
1/5.....	13.68	16.63	19.19	22.71	27.17	29.64	35.82	40.57	47.50	53.20
2/5.....	13.00	15.79	18.23	21.57	25.81	28.16	34.02	38.54	45.13	50.54
3/5.....	12.35	15.00	17.32	20.49	24.52	26.75	32.32	36.61	42.87	48.01
4/5.....	11.73	14.25	16.45	19.47	23.29	25.41	30.71	34.78	40.73	45.61
5/5.....	11.14	13.54	15.63	18.49	22.13	24.14	29.17	33.04	38.69	43.33
6/5.....	10.59	12.86	14.85	17.57	21.02	22.93	27.71	31.39	36.75	41.17
7/5.....	10.06	12.22	14.11	16.69	19.97	21.79	26.33	29.82	34.92	39.11
8/5.....	9.55	11.61	13.40	15.86	18.97	20.70	25.01	28.33	33.17	37.15
9/5.....	9.08	11.03	12.73	15.06	18.03	19.66	23.76	26.91	31.51	35.29
10/5.....	8.62	10.48	12.09	14.31	17.12	18.68	22.57	25.57	29.94	33.53
11/5.....	8.19	9.95	11.49	13.59	16.27	17.75	21.44	24.29	28.44	31.85
12/5.....	7.78	9.46	10.92	12.91	15.45	16.86	20.37	23.07	27.02	30.26
13/5.....	7.39	8.98	10.37	12.27	14.68	16.02	19.35	21.92	25.67	28.75
14/5.....	7.02	8.53	9.85	11.60	13.95	15.22	18.39	20.82	24.38	27.31
15/5.....	6.67	8.11	9.36	11.07	13.25	14.45	17.47	19.78	23.16	25.94
16/5.....	6.34	7.70	8.89	10.52	12.59	13.73	16.59	18.79	22.01	24.65
17/5.....	6.02	7.32	8.45	9.99	11.96	13.05	15.76	17.85	20.91	23.41
18/5.....	5.72	6.95	8.02	9.49	11.36	12.39	14.97	16.96	19.86	22.24
19/5.....	5.43	6.60	7.62	9.02	10.79	11.77	14.23	16.11	18.87	21.13
20/5.....	5.16	6.27	7.24	8.57	10.25	11.18	13.51	15.31	17.92	20.08
21/5.....	4.90	5.96	6.88	8.14	9.74	10.63	12.84	14.54	17.03	19.07
22/5.....	4.66	5.66	6.54	7.73	9.25	10.09	12.20	13.81	16.18	18.12
23/5.....	4.43	5.38	6.21	7.35	8.79	9.59	11.59	13.12	15.37	17.21
24/5.....	4.20	5.11	5.90	6.98	8.35	9.11	11.01	12.47	14.60	16.35
25/5.....	3.99	4.85	5.60	6.63	7.93	8.65	10.46	11.84	13.87	15.53
26/5.....	3.79	4.61	5.32	6.30	7.54	8.22	9.93	11.25	13.18	14.76
27/5.....	3.60	4.38	5.06	5.98	7.16	7.81	9.44	10.69	12.52	14.02
28/5.....	3.42	4.16	4.80	5.68	6.80	7.42	8.97	10.16	11.89	13.32
29/5.....	3.25	3.95	4.56	5.40	6.46	7.05	8.52	9.65	11.30	12.65
30/5.....	3.09	3.76	4.34	5.13	6.14	6.70	8.09	9.17	10.73	12.02
31/5.....	2.94	3.57	4.12	4.87	5.83	6.36	7.69	8.71	10.20	11.42
32/5.....	2.79	3.39	3.91	4.63	5.54	6.04	7.30	8.27	9.69	10.85
33/5.....	2.65	3.22	3.72	4.40	5.26	5.74	6.94	7.86	9.20	10.30
34/5.....	2.52	3.06	3.53	4.18	5.00	5.45	6.59	7.47	8.74	9.79
35/5.....	2.39	2.91	3.35	3.97	4.75	5.18	6.26	7.09	8.30	9.30
36/5.....	2.27	2.76	3.19	3.77	4.51	4.92	5.95	6.74	7.89	8.84

POULTRY SACKS

Basis weight.....	½ bbl. 12 x 19½ x 4½			¾ bbl. 14½ x 21 x 4½		
	40#	50#	60#	40#	50#	60#
List price.....	14.80	18.20	21.90	18.60	22.60	26.80
1/5.....	14.06	17.20	20.81	17.67	21.47	25.46
2/5.....	13.39	16.43	19.76	16.79	20.40	24.19
3/5.....	12.69	15.60	18.78	15.95	19.38	22.98
4/5.....	12.05	14.82	17.84	15.15	18.41	21.83
5/5.....	11.45	14.08	16.95	14.39	17.49	20.74
6/5.....	10.88	13.38	16.10	13.67	16.61	19.70
7/5.....	10.34	12.71	15.29	12.99	15.78	18.72
8/5.....	9.82	12.07	14.53	12.34	14.99	17.78
9/5.....	9.33	11.47	13.80	11.72	14.24	16.89
10/5.....	8.86	10.90	13.11	11.14	13.53	16.05
11/5.....	8.42	10.35	12.46	10.58	12.85	15.24
12/5.....	8.00	9.83	11.83	10.05	12.21	14.48
13/5.....	7.60	9.34	11.24	9.55	11.60	13.76
14/5.....	7.22	8.88	10.68	9.07	11.02	13.07
15/5.....	6.86	8.43	10.15	8.62	10.47	12.42
16/5.....	6.51	8.01	9.64	8.19	9.95	11.80
17/5.....	6.19	7.61	9.16	7.78	9.45	11.21
18/5.....	5.88	7.23	8.70	7.39	8.98	10.65
19/5.....	5.58	6.87	8.26	7.02	8.53	10.11
20/5.....	5.31	6.52	7.85	6.67	8.10	9.61
21/5.....	5.04	6.20	7.46	6.33	7.70	9.13
22/5.....	4.79	5.89	7.09	6.02	7.31	8.67
23/5.....	4.55	5.59	6.73	5.72	6.95	8.24
24/5.....	4.32	5.31	6.39	5.43	6.60	7.83
25/5.....	4.11	5.05	6.07	5.16	6.27	7.43
26/5.....	3.90	4.80	5.77	4.90	5.96	7.06
27/5.....	3.71	4.56	5.48	4.60	5.66	6.71
28/5.....	3.52	4.33	5.21	4.42	5.37	6.37
29/5.....	3.34	4.11	4.95	4.20	5.11	6.06
30/5.....	3.18	3.91	4.70	3.99	4.85	5.75
31/5.....	3.02	3.71	4.47	3.79	4.61	5.47
32/5.....	2.87	3.53	4.24	3.60	4.38	5.19
33/5.....	2.72	3.35	4.03	3.42	4.16	4.93
34/5.....	2.59	3.18	3.83	3.25	3.95	4.69
35/5.....	2.46	3.02	3.64	3.09	3.75	4.45
36/5.....	2.34	2.87	3.49	2.93	3.57	4.23

BUNDLE BAGS

Basis weight.....	1/6 bbl. 17 x 21 x 6	
	60#	60#
List price.....	27.90	33.00
1/5.....	26.51	31.35
2/5.....	25.18	29.78
3/5.....	23.92	28.29
4/5.....	22.72	26.88
5/5.....	21.59	25.53
6/5.....	20.51	24.26
7/5.....	19.48	23.05
8/5.....	18.51	21.89
9/5.....	17.58	20.80
10/5.....	16.70	19.76
11/5.....	15.87	18.77
12/5.....	15.08	17.83
13/5.....	14.32	16.94
14/5.....	13.61	16.09
15/5.....	12.93	15.29
16/5.....	12.28	14.52
17/5.....	11.67	13.80
18/5.....	11.08	13.11
19/5.....	10.53	12.45
20/5.....	10.00	11.83
21/5.....	9.50	11.24
22/5.....	9.03	10.68
23/5.....	8.58	10.14
24/5.....	8.15	9.64
25/5.....	7.74	9.15
26/5.....	7.35	8.70
27/5.....	6.98	8.26
28/5.....	6.64	7.83
29/5.....	6.30	7.46
30/5.....	5.99	7.08
31/5.....	5.69	6.73
32/5.....	5.41	6.39
33/5.....	5.14	6.07
34/5.....	4.88	5.77
35/5.....	4.63	5.48
36/5.....	4.40	5.21

NAIL BAGS

Basis weight..	Size 3# BW 50#	5# 50#	10# 60#	16# 60#	20# 60#	25# 60#
List price....	5.55	6.70	11.95	16.85	18.00	19.45
1/5.....	5.27	6.37	11.35	16.01	17.10	18.45
2/5.....	5.01	6.05	10.78	15.21	16.25	17.55
3/5.....	4.76	5.74	10.25	14.45	15.43	16.68
4/5.....	4.52	5.46	9.73	13.72	14.66	15.84
5/5.....	4.29	5.18	9.25	13.04	13.93	15.05
6/5.....	4.08	4.93	8.78	12.39	13.23	14.30
7/5.....	3.88	4.68	8.35	11.77	12.57	13.58
8/5.....	3.68	4.44	7.93	11.18	11.94	12.95
9/5.....	3.50	4.22	7.53	10.62	11.24	12.20
10/5.....	3.32	4.01	7.15	10.09	10.78	11.63
11/5.....	3.16	3.81	6.80	9.58	10.24	11.06
12/5.....	3.00	3.62	6.46	9.11	9.73	10.51
13/5.....	2.85	3.44	6.13	8.65	9.24	9.98
14/5.....	2.71	3.27	5.83	8.22	8.78	9.45
15/5.....	2.57	3.10	5.54	7.81	8.34	9.01
16/5.....	2.44	2.95	5.26	7.42	7.92	8.56
17/5.....	2.32	2.80	5.00	7.05	7.53	8.13
18/5.....	2.20	2.66	4.75	6.69	7.15	7.73
19/5.....	2.09	2.53	4.51	6.36	6.79	7.34
20/5.....	1.99	2.40	4.28	6.04	6.45	6.97
21/5.....	1.89	2.28	4.07	5.74	6.13	6.62
22/5.....	1.80	2.17	3.87	5.45	5.82	6.25
23/5.....	1.71	2.06	3.67	5.18	5.53	5.98
24/5.....	1.62	1.96	3.49	4.92	5.26	5.65
25/5.....	1.54	1.86	3.31	4.67	4.99	5.40
26/5.....	1.46	1.77	3.15	4.44	4.74	5.13
27/5.....	1.39	1.68	2.99	4.22	4.51	4.87
28/5.....	1.32	1.59	2.84	4.01	4.28	4.63
29/5.....	1.25	1.51	2.70	3.81	4.07	4.36
30/5.....	1.19	1.44	2.56	3.62	3.86	4.10
31/5.....	1.13	1.37	2.44	3.44	3.67	3.97
32/5.....	1.08	1.30	2.32	3.26	3.49	3.77
33/5.....	1.02	1.23	2.20	3.10	3.31	3.58
34/5.....	.97	1.17	2.09	2.95	3.15	3.40
35/5.....	.92	1.11	1.98	2.80	2.99	3.23
36/5.....	.88	1.06	1.89	2.66	2.84	3.07



**SUGAR BAGS**  
**EXTRA HEAVY DUTY AUTOMATIC BAGS**

Bag size.....	1#	2#	3#	4#	5#	6#	8#	10#	12#	14#	16#	20#	25#
Basis weight..	50#	50#	50#	50#	50#	50#	60#	60#	60#	60#	60#	60#	60#
List price.....	3.90	5.00	6.10	6.90	8.00	9.40	12.45	14.90	16.85	19.85	21.80	23.45	25.95
1/5.....	3.71	4.75	5.80	6.56	7.60	8.93	11.83	14.16	16.01	18.86	20.71	22.28	24.65
2/5.....	3.52	4.51	5.51	6.23	7.22	8.48	11.24	13.45	15.21	17.91	19.67	21.16	23.42
3/5.....	3.34	4.29	5.23	5.92	6.86	8.06	10.67	12.77	14.45	17.02	18.69	20.11	22.25
4/5.....	3.18	4.07	4.97	5.62	6.52	7.66	10.14	12.14	13.72	16.17	17.76	19.10	21.14
5/5.....	3.02	3.87	4.72	5.34	6.19	7.27	9.63	11.53	13.04	15.36	16.87	18.15	20.08
6/5.....	2.87	3.68	4.48	5.07	5.88	6.91	9.15	10.95	12.39	14.59	16.03	17.24	19.08
7/5.....	2.72	3.49	4.26	4.82	5.59	6.56	8.69	10.41	11.77	13.86	15.22	16.38	18.12
8/5.....	2.59	3.32	4.05	4.58	5.31	6.24	8.26	9.89	11.18	13.17	14.46	15.56	17.22
9/5.....	2.46	3.15	3.84	4.35	5.04	5.92	7.85	9.39	10.62	12.51	13.74	14.78	16.36
10/5.....	2.34	2.99	3.65	4.13	4.79	5.63	7.45	8.92	10.09	11.89	13.05	14.04	15.54
11/5.....	2.22	2.84	3.47	3.92	4.55	5.35	7.08	8.48	9.59	11.29	12.40	13.34	14.76
12/5.....	2.11	2.70	3.30	3.73	4.32	5.08	6.73	8.05	9.11	10.73	11.78	12.67	14.02
13/5.....	2.00	2.57	3.13	3.54	4.11	4.83	6.39	7.65	8.65	10.19	11.19	12.04	13.32
14/5.....	1.90	2.44	2.97	3.37	3.90	4.58	6.07	7.27	8.22	9.68	10.63	11.44	12.66
15/5.....	1.81	2.32	2.83	3.20	3.71	4.35	5.77	6.90	7.81	9.20	10.10	10.86	12.02
16/5.....	1.72	2.20	2.68	3.04	3.52	4.14	5.48	6.56	7.42	8.74	9.59	10.32	11.42
17/5.....	1.63	2.09	2.55	2.89	3.35	3.93	5.21	6.28	7.05	8.30	9.12	9.80	10.85
18/5.....	1.55	1.99	2.42	2.74	3.18	3.73	4.95	5.92	6.69	7.89	8.66	9.31	10.31
19/5.....	1.47	1.89	2.30	2.60	3.02	3.55	4.70	5.62	6.36	7.49	8.23	8.85	9.79
20/5.....	1.40	1.79	2.19	2.47	2.87	3.37	4.46	5.34	6.04	7.12	7.82	8.41	9.30
21/5.....	1.33	1.70	2.08	2.35	2.72	3.20	4.24	5.07	5.74	6.76	7.42	7.99	8.84
22/5.....	1.26	1.62	1.97	2.23	2.59	3.04	4.03	4.82	5.45	6.42	7.05	7.59	8.40
23/5.....	1.20	1.54	1.88	2.12	2.46	2.89	3.83	4.58	5.18	6.10	6.70	7.21	7.98
24/5.....	1.14	1.46	1.78	2.01	2.34	2.74	3.64	4.35	4.92	5.80	6.37	6.85	7.58
25/5.....	1.08	1.39	1.69	1.91	2.22	2.61	3.45	4.13	4.67	5.51	6.05	6.50	7.20
26/5.....	1.03	1.32	1.61	1.82	2.11	2.48	3.28	3.93	4.44	5.23	5.74	6.18	6.84
27/5.....	.98	1.25	1.53	1.73	2.00	2.35	3.12	3.73	4.22	4.97	5.46	5.87	6.50
28/5.....	.93	1.19	1.45	1.64	1.90	2.24	2.96	3.54	4.01	4.72	5.18	5.58	6.17
29/5.....	.88	1.13	1.38	1.56	1.81	2.12	2.81	3.37	3.81	4.49	4.93	5.30	5.86
30/5.....	.84	1.07	1.31	1.48	1.72	2.02	2.67	3.20	3.62	4.26	4.68	5.03	5.57
31/5.....	.80	1.02	1.24	1.41	1.63	1.92	2.54	3.04	3.44	4.05	4.45	4.78	5.29
32/5.....	.76	.97	1.18	1.34	1.55	1.82	2.41	2.89	3.26	3.85	4.22	4.54	5.03
33/5.....	.72	.92	1.12	1.27	1.47	1.73	2.29	2.74	3.10	3.65	4.01	4.32	4.78
34/5.....	.68	.87	1.07	1.21	1.40	1.64	2.18	2.61	2.95	3.47	3.81	4.10	4.54
35/5.....	.65	.83	1.01	1.15	1.33	1.56	2.07	2.47	2.80	3.30	3.62	3.89	4.31
36/5.....	.62	.79	.96	1.09	1.26	1.48	1.96	2.35	2.66	3.13	3.44	3.70	4.09

[§ 1347.317 added by Am. 3, 7 F.R. 9724, effective 11-27-42]

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

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15618; Filed, September 24, 1943; 5:00 p. m.]

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

[MPR 266, Corr. to Amdt. 5]

**CERTAIN TISSUE PAPER PRODUCTS**

Section 1347.516 (b) (2) (ii) (a) is corrected to read as follows:

(a) That differential between his carload and his less-than-carload price which he employed during the period of October 1 to October 15, 1941, or

This correction to Amendment No. 5 to Maximum Price Regulation No. 266 shall become effective September 30, 1943.

(56 Stat. 23,765; Pub. Law 151, 75th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4691)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15588; Filed, September 24, 1943; 4:55 p. m.]

<sup>1</sup> 8 F.R. 12458.

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

[Rev. MPR 239, Amdt. 10]

**LAMB AND MUTTON CARCASSES AND CUTS AT WHOLESALE AND RETAIL**

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

Revised Maximum Price Regulation No. 239 is amended in the following respects:

1. Section 1364.170 (c) (2) is amended to read as follows:

(2) For boxing for export shipment in kraft-paper-lined, weather-proof, telescoped style, solid fiber boxes bound with wire or iron bands in accordance with the specifications of the Federal Surplus Commodities Corporation, \$0.50 per hundredweight.

2. Section 1364.170 (e) is amended to read as follows:

(e) *Telescoped lamb and mutton.* For all supplies and all operations, other than freezing, performed in trimming, preparing and wrapping telescoped style lamb and mutton, the following additions per hundredweight of the finished weight may be added to the applicable maximum prices for round-dressed carcass, pluck out, and for hindsaddle and foresaddle, respectively:

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

<sup>1</sup> 7 F.R. 10688; 8 F.R. 3589, 4786, 7679, 8677, 9066, 10444, 11296.

Grade	Carcass	Addition per hundredweight	
		Hind-saddle	Foresaddle
AA Lamb.....	\$0.80	\$0.95	\$0.45
A Lamb.....	.80	.95	.45
B Lamb.....	.80	.95	.45
C Lamb.....	.80	.95	.45
S Mutton.....	.75	1.25	.50
M Mutton.....	.70	1.10	.50
R Mutton.....	.65	.95	.50

3. Section 1364.170 (h) is amended to read as follows:

(h) *Melts.* For removing the melts on sales to war procurement agencies:

	Per cwt.
Lamb or mutton carcasses.....	\$0.07
Lamb or mutton hindsaddles.....	0.15

4. Section 1364.170 (i) (1) (i) is amended to read as follows:

(i) If the distribution point from which the sale is made is not the slaughter plant where the meat was slaughtered or a slaughter or packing plant controlled by the slaughterer, and if both it and the point of slaughter are located in Price Zones 2, 3 or 4, the seller may make a charge equal to the cost of transporting the meat from the point of slaughter to the distribution point but not to exceed 75 cents per hundredweight.

5. Section 1364.170 (i) (4) is amended to read as follows:

(4) *Limitation on total charge for transportation and delivery.* Notwithstanding any of the provisions of paragraphs (h) (1) to (h) (3), inclusive, of this section, nothing therein contained shall be construed to permit a total charge for transportation and for delivery from the point at which the meat was slaughtered to the place of business or receiving point of a retail seller, purveyor of meals, war procurement agency, other government agency or commercial user of more than \$0.50 per hundredweight in Price Zones 1, 5, 6, 7, 8, 9, or 10; or \$1.00 per hundredweight in Price Zones 2, 3, and 4. The additions specified in this paragraph (h) for transportation and for local delivery may be charged: *Provided*, That the seller shall itemize separately on an invoice to the buyer the amount charged the buyer for transportation and/or local delivery, except that if such separate statement of transportation charges is prohibited by local law, the seller shall maintain in his own record of the transaction a separate statement of any addition for transportation or local delivery which is included in the maximum price charged.

6. Section 1364.174 (a) (9) (xv) is amended to read as follows:

(xv) "Telescoped style lamb" or "telescoped style mutton" means a lamb or mutton carcass prepared in accordance with the specifications set forth in Schedule FSOC-10, Revised February 8, 1943, Meat Products Purchase Specifications, of the Federal Surplus Commodities Corporation of the United States



Department of Agriculture; or lamb or mutton hindsaddles, or foresaddles, prepared in accordance with the specifications set forth in Amendment 9 to that Schedule.

7. The introductory paragraph of § 1364.176 is amended to read as follows:

§ 1364.176 *Appendix A: Zone 1 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zone 1, which are defined as follows:

*Zone 1:* Washington, Oregon, California and Nevada. All the portion of Idaho, north of and including the counties of Idaho, Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce and Lewis.

8. The introductory paragraph of § 1364.177 is amended to read as follows:

§ 1364.177 *Appendix B: Zones 2, 3 and 4 and applicable zone wholesale prices.* Maximum prices for lamb and mutton carcasses and cuts sold from distribution points located in Zones 2, 3 and 4 which are defined as follows:

*Zone 2:* Montana, Wyoming, Utah, Arizona and all that portion of Idaho south of, but not including, Idaho County.

*Zone 3:* Colorado and New Mexico.

*Zone 4:* North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Oklahoma and Texas.

All that portion of Wisconsin west of and including the counties of Iron, Price, Taylor, Clark, Jackson, Monroe, Vernon, and Crawford.

Iowa except the counties of Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines, and Lee.

All that portion of Missouri west of and including the counties of Scotland, Knox, Shelby, Monroe, Audrain, Montgomery, Warren, Franklin, Washington, Saint Francois, Madison, Wayne and Butler.

This amendment shall become effective September 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15589; Filed, September 24, 1943; 4:54 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

##### RENT REGULATION FOR HOUSING IN THE MIAMI DEFENSE-RENTAL AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of the Act, the Administrator may, by regulation or order, regulate or prohibit speculative or manipulative practices or renting or leasing practices (including practices relating to recovery of the possession) in connection with any defense-rental area housing accommodations, which in his judgment are equivalent to or likely to result in rent increases inconsistent with the purposes of the Act.

By a designation and rent declaration issued by the Administrator on October 5, 1942, the Administrator designated as defense-rental areas certain localities including the Florida Defense-Rental Area, consisting of that portion of the State of Florida not theretofore designated by the Administrator as part of any defense-rental area. By an amendment to the designation and rent declaration issued by the Administrator on October 5, 1942, Dade County was separated from the Florida Defense-Rental Area and named the Miami Defense-Rental Area. Since the issuance of said designation and declaration of October 5, 1942, the number of removals of tenants from possession, by means of evictions, actions to evict, the notices to quit or vacate sharply increased and threatened to increase further in Dade County. The purpose and effect of such removals of tenants from possession was to increase the rents of the housing accommodations involved.

In the judgment of the Administrator the increased removals of tenants from possession in Dade County constituted speculative or manipulative practices or renting or leasing practices which were equivalent to or likely to result in rent increases inconsistent with the purposes of the Emergency Price Control Act of 1942.

Eviction Regulation No. 2 was accordingly issued by the Administrator on September 13, 1943, effective September 15, 1943, for housing in the Miami Defense-Rental Area. This Eviction Regulation No. 2 was a temporary regulation, and is being replaced by this rent regulation for the Miami Defense-Rental Area. The provisions of section 7 of this rent regulation, requiring registration of housing accommodations, will be effective October 1, 1943. All other provisions of the regulation will be effective November 1, 1943. The Administrator is issuing a revocation of Eviction Regulation No. 2 to become effective November 1, 1943.

In the judgment of the Administrator, rents for housing accommodations within the Miami Defense-Rental Area have not been reduced and stabilized by State or local regulation, or otherwise, in accordance with the recommendations set forth in the designation and rent declaration issued by the Administrator.

It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the Miami Defense-Rental Area inconsistent with the purposes of the Emergency Price Control Act of 1942. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within the Miami Defense-Rental Area on or about September 1, 1943 and during the year prior to that date. The Administrator has given due consideration to such relevant factors as he has determined and deemed to be of general applicability in respect of such housing accommodations, including increases or decreases in property taxes and other costs.

In the judgment of the Administrator, the maximum rents established by the Rent Regulation for Housing in the

Miami Defense-Rental Area will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.

§ 1388.1231 *Rent Regulation for Housing in Miami Defense-Rental Area.* The Rent Regulation for Housing in the Miami Defense-Rental Area is annexed hereto and made a part hereof.

AUTHORITY: § 1388.1231 issued under Pub. Laws 421 and 729, 77th Cong.

##### RENT REGULATION FOR HOUSING IN THE MIAMI DEFENSE-RENTAL AREA

###### CONTENTS

###### Sec.

1. Scope of this regulation.
2. Prohibition against higher than maximum rents.
3. Minimum services, furniture, furnishings and equipment.
4. Maximum rents.
5. Adjustments and other determinations.
6. Removal of tenant.
7. Registration.
8. Inspection.
9. Evasion.
10. Enforcement.
11. Procedure.
12. Petitions for amendment.
13. Definitions.

###### SECTION 1. Scope of this regulation—

(a) *Housing in the Miami Defense-Rental Area.* This regulation applies to all housing accommodations in the Miami Defense-Rental Area, consisting of the County of Dade in the State of Florida, except as provided in paragraph (b) of this section. The Miami Defense-Rental Area is referred to hereinafter in this regulation as the "defense-rental area."

(b) *Housing to which this regulation does not apply.* This regulation does not apply to the following:

(1) *Farming tenants.* Housing accommodations situated on a farm and occupied by a tenant who is engaged for a substantial portion of his time in farming operations thereon.

(2) *Service employees.* Dwelling space occupied by domestic servants, caretakers, managers, or other employees to whom the space is provided as part of their compensation and who are employed for the purpose of rendering services in connection with the premises of which the dwelling space is a part.

(3) *Rooms in hotels, rooming houses, etc.* Rooms or other housing accommodations within hotels or rooming houses.

(4) *Structures in which more than 25 rooms are rented or offered for rent.* Entire structures or premises wherein more than 25 rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises: *Provided,* That this regulation does apply to entire structures or premises wherein 25 or less rooms are rented or offered for rent by any lessee, sublessee or other tenant of such entire structure or premises, whether or not used by the lessee, sublessee or other tenant as a hotel or rooming house.

(5) *Rented to National Housing Agency.* Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.



(c) *Effect of this regulation on leases and other rental agreements.* The provisions of any lease or other rental agreement shall remain in force pursuant to the terms thereof, except insofar as those provisions are inconsistent with this regulation.

(d) *Waiver of benefit void.* An agreement by the tenant to waive the benefit of any provision of this regulation is void. A tenant shall not be entitled by reason of this regulation to refuse to pay or to recover any portion of any rents due or paid for use or occupancy prior to September 15, 1943.

**Sec. 2. Prohibition against higher than maximum rents—**(a) *General prohibition.* Regardless of any contract, agreement, lease, or other obligation heretofore or hereafter entered into, no person shall demand or receive any rent for use or occupancy on and after November 1, 1943, of any housing accommodations within the defense-rental area higher than the maximum rents provided by this regulation; and no person shall offer, solicit, attempt, or agree to do any of the foregoing. Lower rents than those provided by this regulation may be demanded or received.

(b) *Exception in case of conversion of fuel oil heating units.* Notwithstanding any other provision of this regulation, where housing accommodations are heated with fuel oil the landlord of such accommodations may as hereinafter provided enter into an agreement with the tenant providing for payment by the tenant part or all of the cost of changing the heating unit to use some fuel other than oil or of installing a new heating unit using some fuel other than oil. Prior to making such agreement the landlord shall in writing report the terms of the proposed agreement to the area rent office. The landlord may enter into the agreement either upon its approval by the Administrator or, unless the Administrator has disapproved the proposed agreement within five days after the filing of such report, upon the expiration of such 5-day period.

(c) *Lease with option to buy.* Where a lease of housing accommodations was entered into prior to November 1, 1943, and the tenant as a part of such lease or in connection therewith was granted an option to buy the housing accommodations which were the subject of the lease, with the further provision that some or all of the payments made under the lease should be credited toward the purchase price in the event such option is exercised, the landlord, notwithstanding any other provision of this regulation, may be authorized to receive payment made by the tenant in accordance with the provisions of such lease and in excess of the maximum rent for such housing accommodations. Such authority may be secured only by a written request of the tenant to the area rent office and shall be granted by order of the Administrator if he finds that such payments in excess of the maximum rent will not be inconsistent with the purposes of the Act or this regulation and would not be likely to re-

sult in the circumvention or evasion thereof. After entry of such order the landlord shall be authorized to demand, receive and retain payments provided by the lease in excess of the maximum rent for periods commencing on or after the effective date of regulation. After entry of such order, the provisions of the lease may be enforced in accordance with law, notwithstanding any other provision of this regulation: *Provided, however,* That if at the termination of the lease the tenant shall not exercise the option to buy, the landlord may thereafter remove or evict the tenant only in accordance with the provisions of Section 6 of this regulation. Nothing in this paragraph shall be construed to authorize the landlord to demand or receive payments in excess of the maximum rent in the absence of an order of the Administrator as herein provided. Where a lease of housing accommodations has been entered into on or after November 1, 1943, and the tenant as a part of such lease or in connection therewith has been granted an option to buy the housing accommodations which are the subject of the lease, the landlord, prior to the exercise by the tenant of the option to buy, shall not demand or receive payments in excess of the maximum rent, whether or not such lease allocates some portion or portions of the periodic payments therein provided as payments on or for the option to buy.

**Sec. 3. Minimum services, furniture, furnishings and equipment.** Except as set forth in section 5 (b), every landlord shall, as a minimum, provide with housing accommodations the same essential services, furniture, furnishings, and equipment as those provided on September 1, 1943 or the date subsequent thereto determining the maximum rent, and as to other services, furniture, furnishing and equipment not substantially less than those provided on such date: *Provided, however,* That where fuel oil is used to supply heat or hot water for housing accommodations, and the landlord provided heat or hot water on September 1, 1943 or the date subsequent thereto determining the maximum rent, the heat and hot water which the landlord is required to supply shall not be in excess of the amount which he can supply under any statute, regulation or order of the United States or any agency thereof which rations or limits the use of fuel oil.

**Sec. 4. Maximum rents.** Maximum rents (unless and until changed as provided in section 5) shall be:

(a) *Rented on September 1, 1943.* For housing accommodations rented on September 1, 1943, the rent for such accommodations on that date, or one-twelfth of the total rent for the year ending on August 31, 1943, whichever is the higher.

(b) *Not rented on September 1, 1943.* For housing accommodations not rented on September 1, 1943, the first rent for such accommodations after that date, or one-twelfth of the total rent for the year ending on August 31, 1943, which-

ever is the higher. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

Within 30 days after the accommodations are first rented after September 1, 1943, the landlord shall register the accommodations as provided in section 7. If the landlord fails to file a registration statement within the time specified, the rent received from the time of such first renting or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). In such case, the order under section 5 (c) (1) shall be effective to decrease the maximum rent for the time of such first renting or November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

(c) *Priority-constructed housing.* For housing accommodations constructed with priority rating from the United States or any agency thereof for which the rent has been heretofore or is hereafter approved by the United States or any agency thereof, the rent so approved, but in no event more than the rent on September 1, 1943, or, if the accommodations were not rented on that date, more than the first rent after that date.

(d) *Housing owned and constructed by the Government.* For housing accommodations constructed by the United States or any agency thereof, or by a State of the United States or any of its political subdivisions, or any agency of the State or any of its political subdivisions, and owned by any of the foregoing, the rent generally prevailing in the defense-rental area for comparable housing accommodations on September 1, 1943, as determined by the owner of such accommodations: *Provided, however,* That any corporation formed under the laws of a State shall not be considered an agency of the United States within the meaning of this paragraph. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

(e) *Housing subject to rent schedule of War or Navy Department.* For housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department, the rents established by such rent schedule.

(f) *Changed after September 1, 1943, from unfurnished to fully furnished.* For housing accommodations changed after September 1, 1943 from unfurnished to fully furnished, the first rent for such accommodations after such change. The Administrator may order a decrease in the maximum rent as provided in section 5 (c) (1).

Within 30 days after the accommodations are first rented fully furnished, the landlord shall register the accommoda-



tions as provided in section 7. If the landlord fails to file a registration statement within the time specified, the rent received from the time of such first renting or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by an order under section 5 (c) (1). In such case, the order under section 5 (c) (1) shall be effective to decrease the maximum rent from the time of such first renting or November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the registration statement required by section 7.

**Sec. 5. Adjustments and other determinations.** In the circumstances enumerated in this section, the Administrator may issue an order changing the maximum rents otherwise allowable or the minimum services required.

In cases under paragraphs (a) (2), (a) (4), (a) (5), (a) (7), (a) (8), (c) (1), (c) (3) and (c) (5), the adjustment of the maximum rent shall be on the basis of the maximum rent which the Administrator finds is generally prevailing in the defense-rental area for comparable housing accommodations.

In cases under paragraphs (a) (1), (a) (3), (a) (6), (c) (2), (c) (4) and (c) (6), the adjustment of the maximum rent shall be the amount the Administrator finds would have been, on September 1, 1943, or during the year ending on August 31, 1943, the difference in the rental value of the housing accommodations by reason of the change upon which the adjustment is based.

In cases under paragraph (h), the adjustment of the maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the defense-rental area for comparable housing accommodations during the corresponding month of the year ending on August 31, 1943.

In cases involving construction, due consideration shall be given to increased costs of construction, if any, since September 1, 1943.

In cases involving a major capital improvement, an increase or decrease in the services, furniture, furnishings or equipment, an increase or decrease in the number of subtenants or other occupants, or a deterioration, no adjustment shall be ordered to the extent that a rent used in establishing the maximum rent was fixed in contemplation of and so as to reflect such change.

(a) *Grounds for increase of maximum rent.* Any landlord may file a petition for adjustment to increase the maximum rent otherwise allowable, on the grounds that:

(1) *Major capital improvement after September 1, 1943.* There has been, since September 1, 1943, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance.

(2) *Major capital improvement or change to furnished prior to September 1, 1943.* There was, during the year ending on August 31, 1943, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, or a change from unfurnished to fully furnished, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(3) *Substantial increase in services, furniture, furnishings or equipment.* There has been, since September 1, 1943, a substantial increase in the services, furniture, furnishings or equipment provided with the housing accommodations. No increase in the maximum rent shall be ordered on the ground set forth in this paragraph (a) (3) unless the increase in services, furniture, furnishings or equipment occurred with the consent of the tenant or while the accommodations were vacant: *Provided*, That an adjustment may be ordered, although the tenant refuses to consent to the increase in services, furniture, furnishings or equipment, if the Administrator finds that such increase (i) is reasonably required for the operation of a multiple dwelling structure or other structure of which the accommodations are a part or (ii) is necessary for the preservation or maintenance of the accommodations.

(4) *Special relationship between landlord and tenant.* The rent during some portion of the year ending on August 31, 1943, or on the date subsequent thereto determining the maximum rent, was materially affected by the blood, personal or other special relationship between the landlord and the tenant, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations: *Provided*, That no adjustment under this paragraph (a) (4) increasing the maximum rent shall be made effective with respect to any accommodations regularly rented to employees of the landlord while the accommodations are rented to an employee, and no petition for such an adjustment will be entertained until the accommodations have been or are about to be rented to one other than an employee.

(5) *Lease for term commencing on or prior to September 1, 1941.* There was in force on September 1, 1943, or during some portion of the year ending on August 31, 1943, a lease for a term commencing on or prior to September 1, 1941, and as a result the maximum rent for the housing accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(6) *Substantial increase in occupancy.* There has been, since September 1, 1943, either (i) a substantial increase in the number of subtenants or other persons occupying the accommodations or a part

thereof under a rental agreement with the tenant, or (ii) a substantial increase in the number of occupants, in excess of normal occupancy for that class of accommodations on September 1, 1943, or (iii) an increase in the number of occupants over the number contemplated by the rental agreement on September 1, 1943, where the landlord on that date had a regular and definite practice of fixing different rents for the accommodations for different numbers of occupants.

(7) *Temporarily exempt from real estate taxes.* During some portion of the year ending on August 31, 1943, or on the date subsequent thereto determining the maximum rent, the housing accommodations were temporarily exempt from real estate taxes, the landlord was passing the benefit of this tax exemption on to the tenant, and as a result the maximum rent is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(8) *Not rented during three months of year ending August 31, 1943.* The housing accommodations were not rented during at least twelve weeks of the year ending on August 31, 1943, and the maximum rent established under Section 4 for such accommodations is substantially lower than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(b) *Decreases in minimum services, furniture, furnishings and equipment—*

(1) *Decreases prior to effective date.* If, on November 1, 1943, the services provided for housing accommodations are less than the minimum services required by section 3, the landlord shall either restore and maintain such minimum services or, within 30 days after such date, file a petition requesting approval of the decreased services. If, on such date, the furniture, furnishings or equipment provided with housing accommodations are less than the minimum required by section 3, the landlord shall, within 30 days after such date, file a written report showing the decrease in furniture, furnishings or equipment.

(2) *Decreases after effective date.* Except as above provided, the landlord shall, until the accommodations become vacant, maintain the minimum services, furniture, furnishings, and equipment unless and until he has filed a petition to decrease the services, furniture, furnishings or equipment and an order permitting a decrease has been entered thereon; however, if it is impossible to provide the minimum services, furniture, furnishings or equipment he shall file a petition within 10 days after the change occurs. When the accommodations become vacant the landlord may, on renting to a new tenant, decrease the services, furniture, furnishings or equipment below the minimum; within 10 days after so renting the landlord shall file a written report showing such decrease.

(3) *Adjustment in maximum rent for decreases.* The order on any petition under this paragraph may require an appropriate adjustment in the maximum rent; and any maximum rent for which



a report is required by this paragraph may be decreased in accordance with the provisions of section 5 (c) (4). If the landlord fails to file the petition or report required by this paragraph within the time specified, or decreases the services, furniture, furnishings or equipment without an order authorizing such decrease where such order is required, the rent received by the landlord for any rental period commencing on or after such decrease or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amount in excess of the maximum rent which may later be fixed by any order decreasing the maximum rent on account of such decrease in services, furniture, furnishings or equipment. In such case, any order decreasing the maximum rent shall be effective to decrease such rent from the beginning of the first rental period after the decrease in services, furniture, furnishings or equipment or after November 1, 1943, whichever is the later. The foregoing provisions and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to comply with any requirement of this paragraph.

(c) *Grounds for decrease of maximum rent.* The Administrator at any time, on his own initiative or on application of the tenant, may order a decrease of the maximum rent otherwise allowable, on the grounds that:

(1) *Rent higher than rents generally prevailing.* The maximum rent for housing accommodations under paragraph (b), (d) or (f) of section 4 is substantially higher than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(2) *Substantial deterioration.* There has been a substantial deterioration of the housing accommodations other than ordinary wear and tear since September 1, 1943.

(3) *Substantial deterioration or change to unfurnished prior to September 1, 1943.* There was a substantial deterioration of the housing accommodations or a change from fully furnished to unfurnished during the year ending on August 31, 1943, and as a result the maximum rent for such accommodations is substantially higher than the maximum rent generally prevailing in the defense-rental area for comparable housing accommodations.

(4) *Decrease in services, furniture, furnishings or equipment.* There has been a decrease in the minimum services, furniture, furnishings or equipment required by section 3 since September 1, 1943.

(5) *Special relationship between landlord and tenant.* The rent during some portion of the year ending on August 31, 1943, or on the date subsequent thereto determining the maximum rent, was materially affected by the blood, personal, or other special relationship between the landlord and the tenant and as a result the maximum rent for the housing accommodations is substantially higher than the maximum rent

generally prevailing in the defense-rental area for comparable housing accommodations.

(6) *Substantial decrease in occupancy.* There has been a substantial decrease in the number of subtenants or other occupants since an order under paragraph (a) (6) of this section.

(d) *Orders where facts are in dispute, in doubt, or not known.* If the rent on the date determining the maximum rent, or any other fact necessary to the determination of the maximum rent, is in dispute between the landlord and the tenant, or is in doubt, or is not known, the Administrator on petition of the landlord filed within 30 days after the effective date of regulation, or at any time on his own initiative, may enter an order fixing the maximum rent by determining such fact; or if the Administrator is unable to ascertain such fact he shall enter the order on the basis of the maximum rent which he finds is generally prevailing in the defense-rental area for comparable housing accommodations.

(e) *Sale of underlying lease or other rental agreement.* Where housing accommodations or a predominant part thereof are occupied by one or more subtenants or other persons occupying under a rental agreement with the tenant, the tenant may petition the Administrator for leave to exercise any right he would have except for this regulation to sell his underlying lease or other rental agreement. The Administrator may grant such petition if he finds that the sale will not result, and that sales of such character would not be likely to result, in the circumvention or evasion of the Act or this regulation. He may require that the sale be made on such terms as he deems necessary to prevent such circumvention or evasion.

(f) *Interim orders.* Where a petition is filed by a landlord on one of the grounds set out in paragraph (a) of this section, the Administrator may enter an interim order increasing the maximum rent until further order, subject to refund by the landlord to the tenant of any amount received in excess of the maximum rent established by final order upon such petition. The receipt by the landlord of any increased rent authorized by such interim order shall constitute an agreement by the landlord with the tenant to refund to the tenant any amount received in excess of the maximum rent established by final order. The landlord shall make such refund either by repayment in cash or, where the tenant remains in occupancy after the effective date of the final order by deduction from the next installment of rent, or both.

(g) *Adjustments in case of options to buy.* No adjustment in the maximum rent shall be ordered on the ground that the landlord, since the date or order determining the maximum rent, has, as a part of or in connection with a lease of housing accommodations, granted the tenant an option to buy the accommodations which are the subject of the lease.

Where a lease of housing accommodations was in force on the date determining the maximum rent, and the landlord had on that date, as a part of or in connection with such lease, granted the tenant an option to buy the accommodations which are the subject of the lease, the Administrator may, on or after the termination of such lease, on his own initiative or on application of the tenant, enter an order fixing the maximum rent on the basis of the maximum rent which the Administrator finds is generally prevailing in the defense-rental area for comparable housing accommodations not subject to an option to buy.

(h) *Election by landlord of seasonal maximum rents—(1) Landlord's election.* Where the total rent for housing accommodations for the eight months September 1942 through December 1942 and May 1943 through August 1943 was less than one-half of the total rent for the four months January 1943 through April 1943, the landlord may elect to have seasonal maximum rents applicable to the accommodations. A landlord so elects when he files a registration statement as provided in section 7 and expresses such election on the registration statement. After the landlord has elected seasonal maximum rents, the maximum rents provided by this paragraph shall apply to the housing accommodations until, on petition of the landlord, the Administrator consents to the landlord's request to revoke the election. Upon the granting of such request, the maximum rents provided by section 4 shall apply to the accommodations.

(2) *Maximum rents for particular months.* Upon the landlord's election, as provided in subparagraph (1), the maximum rent for the housing accommodations for a particular month, beginning with the first rental period after the landlord's election, shall be the rent for the accommodations for the corresponding month of the year ending on August 31, 1943: *Provided, however,* That, where the accommodations were not rented or were rented for less than 21 days during such corresponding month of the year ending on August 31, 1943, the maximum rent for the particular month shall be the rent on September 1, 1943 or, if the accommodations were not rented on that date, the first rent after that date.

(3) *Adjustments of maximum rents.* If the maximum rent for a particular month is established under subparagraph (2) by either the rent on September 1, 1943 or the first rent after that date, and is lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations for the corresponding month of the year ending on August 31, 1943, the Administrator, on petition of the landlord, may order an increase in the maximum rent. If such maximum rent is higher than the rent generally prevailing in the defense-rental area for comparable housing accommodations for the corresponding month of the year ending August 31,



1943, the Administrator, on his own initiative or on application of the tenant, may order a decrease in the maximum rent.

(4) *Reporting first rent.* Where the housing accommodations were not rented on September 1, 1943 and the maximum rent for a particular month is established under subparagraph (2) by the first rent after that date, the landlord, if he has previously filed a registration statement for the accommodations, shall report the first rent after September 1, 1943, within 30 days after the accommodations are first rented after that date, on the form provided therefor. If the landlord has not previously filed a registration statement for the accommodations, he shall file such registration statement within 30 days after first renting, as provided in section 7. If the landlord fails to file the report or registration statement within the time specified, the rent received from the time of first renting or November 1, 1943, whichever is the later, shall be received subject to refund to the tenant of any amounts in excess of the maximum rents which may later be fixed by an order under subparagraph (3) decreasing maximum rents. In such case, the order under subparagraph (3) shall be effective to decrease the maximum rents from the time of such first renting or November 1, 1943, whichever is the later. The provisions of this subparagraph (4) and any refund thereunder do not affect any civil or criminal liability provided by the Act for failure to file the report required by this subparagraph or the registration statements required by section 7.

SEC. 6. *Removal of tenant*—(a) *Restrictions on removal of tenant.* So long as the tenant continues to pay the rent to which the landlord is entitled, no tenant shall be removed from any housing accommodations, by action to evict or to recover possession, by exclusion from possession, or otherwise, nor shall any person attempt such removal or exclusion from possession, notwithstanding that such tenant has no lease or that his lease or other rental agreement has expired or otherwise terminated, and regardless of any contract, lease, agreement or obligation heretofore or hereafter entered into which provides for entry of judgment upon the tenant's confession for breach of the covenants thereof or which otherwise provides contrary hereto, unless:

(1) *Tenant's refusal to renew lease.* The tenant, who had a written lease or other written rental agreement, has refused upon demand of the landlord to execute a written extension or renewal thereof for a further term of like duration but not in excess of one year but otherwise on the same terms and conditions as the previous lease or agreement, except insofar as such terms and conditions are inconsistent with this regulation; or

(2) *Tenant's refusal of access to landlord.* The tenant has unreasonably refused the landlord access to the housing accommodations for the purpose of inspection or of showing the accommo-

dations to a prospective purchaser, mortgagee, or prospective mortgagee, or other person having a legitimate interest therein: *Provided, however,* That such refusal shall not be ground for removal or eviction if such inspection or showing of the accommodations is contrary to the provisions of the tenant's lease or other rental agreement; or

(3) *Violating obligation of tenancy or committing nuisance.* The tenant (i) has violated a substantial obligation of his tenancy, other than an obligation to pay rent, and has continued, or failed to cure, such violation after written notice by the landlord that the violation cease, or (ii) is committing or permitting a nuisance or is using or permitting a use of the housing accommodations for an immoral or illegal purpose; or

(4) *Subtenants on expiration of tenant's lease.* The tenant's lease or other rental agreement has expired or otherwise terminated, and at the time of termination the occupants of the housing accommodations are subtenants or other persons who occupied under a rental agreement with the tenant, and no part of the accommodations is used by the tenant as his own dwelling; or

(5) *Demolition or alteration by landlord.* The landlord seeks in good faith to recover possession for the immediate purpose of demolishing the housing accommodations or of substantially altering or remodeling it in a manner which cannot practicably be done with the tenant in occupancy and the plans for such alteration or remodeling have been approved by the proper authorities, if such approval is required by local law; or

(6) *Occupancy by landlord.* The landlord owned, or acquired an enforceable right to buy or the right to possession of, the housing accommodations prior to September 15, 1943, and seeks in good faith to recover possession of such accommodations for immediate use and occupancy as a dwelling for himself. If a tenant has been removed or evicted under this paragraph (a) (6) from housing accommodations, the landlord shall file a written report on a form provided therefor before renting the accommodations or any part thereof during a period of six months after such removal or eviction.

(b) *Administrator's certificate*—(1) *Removals not inconsistent with Act or regulation.* No tenant shall be removed or evicted on grounds other than those stated above unless, on petition of the landlord, the Administrator certifies that the landlord may pursue his remedies in accordance with the requirements of the local law. The Administrator shall so certify if the landlord establishes that removals or evictions of the character proposed are not inconsistent with the purposes of the Act or this regulation and would not be likely to result in the circumvention or evasion thereof.

(2) *Occupancy by purchaser.* Removal or eviction of a tenant of the vendor, for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after September 15, 1943, is inconsistent with the purposes

of the Act and this regulation and would be likely to result in the circumvention or evasion thereof, unless (i) the payment or payments of principal made by the purchaser, excluding any payments made from funds borrowed for the purpose of making such principal payments, aggregate 20% or more of the purchase price, and (ii) a period of three months has elapsed after the issuance of a certificate by the Administrator as hereinafter provided. For the purposes of this paragraph (b) (2), the payments of principal may be made by the purchaser conditionally or in escrow to the end that they shall be returned to the purchaser in the event the Administrator denies a petition for a certificate. If the Administrator finds that the required payments of principal have been made, he shall, on petition of either the vendor or purchaser, issue a certificate authorizing the vendor or purchaser to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law at the expiration of three months after the date of issuance of such certificate.

In no other case shall the Administrator issue a certificate for occupancy by a purchaser who has acquired his rights in the housing accommodations on or after September 15, 1943, unless he finds (i) that the vendor has or had a substantial necessity requiring the sale and that a reasonable sale or disposition of the accommodations could not be made without removal or eviction of the tenant, or (ii) that other special hardship would result, or (iii) that equivalent accommodations are available for rent, into which the tenant can move without substantial hardship or loss; under such circumstances the payment by the purchaser of 20% of the purchase price shall not be a condition to the issuance of a certificate, and the certificate may authorize the vendor or purchaser, either immediately or at the expiration of three months, to pursue his remedies for removal or eviction of the tenant in accordance with the requirements of the local law.

(c) *Exceptions from section 6*—(1) *Subtenants.* The provisions of this section do not apply to a subtenant or other person who occupied under a rental agreement with the tenant, where removal or eviction of the subtenant or other such occupant is sought by the landlord of the tenant, unless under the local law there is a tenancy relationship between the landlord and the subtenant or other such occupant.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

(3) *One or two occupants in landlord's residence.* The provisions of this section shall not apply to an occupant of a furnished room or rooms not constituting an apartment, located within



the residence occupied by the landlord or his immediate family, where such landlord rents to not more than two occupants within such residence.

(4) *Renting to family in landlord's residence.* The provisions of this section shall not apply to a family which on or after August 1, 1943 moves into a furnished room or rooms not constituting an apartment, located within the residence occupied by the landlord or his immediate family, where such landlord does not rent to any persons within such residence other than those in the one family.

(d) *Notices required.*—(1) *Notice prior to action to remove tenant.* Every notice to a tenant to vacate or surrender possession of housing accommodations shall state the ground under this section upon which the landlord relies for removal or eviction of the tenant. A written copy of such notice shall be given to the area rent office within 24 hours after the notice is given to the tenant.

No tenant shall be removed or evicted from housing accommodations by court process or otherwise, unless at least ten days (or, where the ground for removal or eviction is nonpayment of rent, the period required by the local law for notice prior to the commencement of an action for removal or eviction in such cases, but in no event less than three days) prior to the time specified for surrender of possession and to the commencement of any action for removal or eviction, the landlord has given written notices of the proposed removal or eviction to the tenant and to the area rent office, stating the ground under this section upon which such removal or eviction is sought and specifying the time when the tenant is required to surrender possession.

Where the ground for removal or eviction of a tenant is nonpayment of rent, every notice under this paragraph (d) (1) shall state the rent for the housing accommodations, the amount of rent due and the rental period or periods for which such rent is due. The provisions of this paragraph (d) (1) shall not apply where a certificate has been issued by the Administrator pursuant to the provisions of paragraph (b) of this section.

(2) *Notices at time of commencing action to remove tenant.* At the time of commencing any action to remove or evict a tenant, including an action based upon nonpayment of rent, the landlord shall give written notice thereof to the area rent office stating the title of the case, the number of the case where that is possible, the court in which it is filed, the name and address of the tenant, and the ground under this section on which removal or eviction is sought.

(e) *Local law.* No provision of this section shall be construed to authorize the removal of a tenant unless such removal is authorized under the local law.

SEC. 7. *Registration.*—(a) *Registration statement.* On or before October 31, 1943, or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on

the form provided therefor to be known as a registration statement. Where housing accommodations have been registered and thereafter changed from unfurnished to fully furnished the landlord shall file a new registration statement, within 30 days after the accommodations are first rented fully furnished.

The registration statement shall identify each dwelling unit and specify the maximum rent provided by this regulation for such dwelling unit and shall contain such other information as the Administrator shall require. The original shall remain on file with the Administrator and he shall cause one copy to be delivered to the tenant and one copy, stamped to indicate that it is a correct copy of the original, to be returned to the landlord. In any subsequent change of tenancy the landlord shall exhibit to the new tenant his stamped copy of the registration statement, and shall obtain the tenant's signature and the date thereof, on the back of such statement. Within five days after renting to a new tenant, the landlord shall file a notice on the form provided therefor, on which he shall obtain the tenant's signature, stating that there has been a change in tenancy, that the stamped copy of the registration statement has been exhibited to the new tenant and that the rent for such accommodations is in conformity therewith.

When the maximum rent is changed by order of the Administrator, the landlord shall deliver his stamped copy of the registration statement to the area rent office for appropriate action reflecting such change.

(b) *Receipt for amount paid.* No payment of rent need be made unless the landlord tenders a receipt for the amount to be paid.

(c) *Exceptions from registration requirements.*—(1) *Housing under section 4 (d).* The foregoing provisions of this section shall not apply to housing accommodations under section 4 (d). The owner of such housing accommodations shall file a schedule or schedules, setting out the maximum rents for all such accommodations in the defense-rental area and containing such other information as the Administrator shall require. A copy of such schedule or schedules shall be posted by the owner in a place where it will be available for inspection by the tenants of such housing accommodations.

(2) *Housing subject to rent schedule of War or Navy Department.* The provisions of this section shall not apply to housing accommodations rented to either Army or Navy personnel, including any civilian employees of the War and Navy Departments, for which the rent is fixed by the national rent schedule of the War or Navy Department.

SEC. 8. *Inspection.* Any person who rents or offers for rent or acts as a broker or agent for the rental of housing accommodations and any tenant shall permit such inspection of the accommodations by the Administrator as he may, from time to time, require.

SEC. 9. *Evasion.* The maximum rents and other requirements provided in this regulation shall not be evaded, either directly or indirectly, in connection with the renting or leasing or the transfer of a lease of housing accommodations, by way of absolute or conditional sale, sale with purchase money or other form of mortgage, or sale with option to repurchase, or by modification of the practices relating to payment of commissions or other charges or by modification of the services furnished with housing accommodations, or otherwise.

SEC. 10. *Enforcement.* Persons violating any provision of this regulation are subject to criminal penalties, civil enforcement actions and suits for treble damages as provided for by the Act.

SEC. 11. *Procedure.* All registration statements, reports and notices provided for by this regulation shall be filed with the area rent office. All landlord's petitions and tenant's applications shall be filed with such office in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 12. *Petitions for amendment.* Persons seeking any amendment of general applicability to any provision of this regulation may file petitions therefor in accordance with Revised Procedural Regulation No. 3 (§§ 1300.201 to 1300.253, inclusive).

SEC. 13. *Definitions.* (a) When used in this regulation the term:

(1) "Act" means the Emergency Price Control Act of 1942.

(2) "Administrator" means the Price Administrator of the Office of Price Administration, or the Rent Director or such other person or persons as the Administrator may appoint or designate to carry out any of the duties delegated to him by the Act.

(3) "Rent Director" means the person designated by the Administrator as director of the defense-rental area or such person or persons as may be designated to carry out any of the duties delegated to the Rent Director by the Administrator.

(4) "Area rent office" means the office of the Rent Director in the defense-rental area.

(5) "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 any of the foregoing.

(6) "Housing accommodations" means any building, structure, or part thereof, or land appurtenant thereto, or any other real or personal property rented or offered for rent for living or dwelling purposes, together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such property.

(7) "Services" includes repairs, decorating and maintenance, the furnishing



of light, heat, hot and cold water, telephone, elevator service, window shades, and storage, kitchen, bath, and laundry facilities and privileges, maid service, linen service, janitor service, the removal of refuse and any other privilege or facility connected with the use or occupancy of housing accommodations.

(8) "Landlord" includes an owner, lessor, sublessor, assignee or other person receiving or entitled to receive rent for the use or occupancy of any housing accommodations, or an agent of any of the foregoing.

(9) "Tenant" includes a subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy of any housing accommodations.

(10) "Rent" means the consideration, including any bonus, benefit, or gratuity, demanded or received for the use or occupancy of housing accommodations or for the transfer of a lease of such accommodations.

(11) "Hotel" means any establishment generally recognized as such in its community, containing more than 50 rooms and used predominantly for transient occupancy.

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel in which a furnished room or rooms not constituting an apartment are rented on a short-time basis of daily, weekly, or monthly occupancy to more than two paying tenants not members of the landlord's immediate family. The term includes boarding houses, dormitories, auto camps, trailers, residence clubs, tourist homes or cabins, and all other establishments of a similar nature.

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

**Effective date.** Section 7 of this regulation shall become effective October 1, 1943. All other provisions of this regulation shall become effective November 1, 1943.

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

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15605; Filed, September 24, 1943; 4:57 p. m.]

#### PART 1388—DEFENSE-RENTAL AREAS

[Eviction Reg. 2, Revocation]

##### HOUSING IN THE MIAMI DEFENSE-RENTAL AREA<sup>1</sup>

Eviction Regulation No. 2 (§ 1388-1191) for Housing in the Miami Defense-Rental Area, consisting of the County of Dade in the State of Florida, is hereby revoked.

<sup>1</sup> 8 F.R. 12622, 12693.

The revocation of Eviction Regulation No. 2 for Housing in the Miami Defense-Rental Area does not release or extinguish any penalty, duty or liability incurred under Eviction Regulation No. 2.

This revocation of Eviction Regulation No. 2 for Housing in the Miami Defense-Rental Area shall become effective November 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15606; Filed, September 24, 1943; 4:57 p. m.]

#### PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,<sup>1</sup> as Amended, Amdt. 99]

##### MACHINES AND PARTS, AND MACHINERY SERVICES

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 11 (g) is amended by inserting the words "the War Department, or the Department of the Navy" after the words "Defense Plant Corporation" wherever the latter appear.

This amendment shall become effective September 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15590; Filed, September 24, 1943; 4:55 p. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,<sup>2</sup> Amdt. 73]

##### MILEAGE RATIONING: GASOLINE REGULATIONS

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

Ration Order 5C is amended in the following respects:

1. Section 1394.7551 (a) (10) is amended by inserting after the words "acknowledgments of delivery", the words "gasoline purchase permits" followed by a comma.

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

<sup>1</sup> 7 F.R. 5047; 8 F.R. 5746, 10662, 10988.

<sup>2</sup> 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9202, 9304, 9334, 9219, 9787, 9457, 9530, 10082, 10364, 10365, 10511, 11429, 12023.

2. Section 1394.7852 (b) is amended by adding at the end of the present text provisions to read as follows:

If the total quantity of gasoline determined by the Board does not exceed twenty gallons, the Board may issue, instead of a coupon book, one or more gasoline purchase permits (Form OPA R-571) to provide the amount of gasoline determined. The Board shall note upon the face of each such permit the information required by the form. No one gasoline purchase permit shall be issued for an amount in excess of ten gallons of gasoline nor for a fractional part of a gallon, and the total gallonage value of gasoline purchase permits issued to any applicant upon the basis of one application shall not exceed twenty gallons.

3. Section 1394.7854 (b) is amended to read as follows:

(b) If the Board grants the application, it shall determine the quantity of gasoline which is needed by the applicant for accomplishing the purpose stated. No Board shall issue a special ration for furlough travel which will authorize a member of the armed forces to acquire more than five gallons of gasoline during any single pass, leave or furlough. The Board shall issue one or more gasoline purchase permits (Form OPA R-571) to provide the gallonage allowed and shall note upon the face of each permit the information required by the form. It shall note the last day of the pass, leave or furlough as the last date on which such permit may be used. No gasoline purchase permit shall be issued for a fractional part of a gallon. On and before October 15, 1943, the Board may issue, instead of gasoline purchase permits, one gallon bulk coupons attached to a validation stamp (Form OPA R-123) to provide the gallonage allowed and, in such a case, shall write upon such validation stamp the license number and state of registration of the vehicle in which the ration will be used.

At the time of issuance of the ration, the Board shall endorse upon the pass, leave or furlough authorization the Board designation and the number of gallons for which a ration was issued.

4. In § 1394.8153 the headnote is amended to read as follows:

*Transfers to consumers in exchange for coupons, ration checks and gasoline purchase permits.*

5. Section 1394.8153 (e) is added to read as follows:

(e) *Gasoline purchase permits.* Transfer may be made and accepted in exchange for a duly issued gasoline purchase permit (Form OPA R-571) of an amount of gasoline which shall not exceed the amount stated in such permit. However, if a motor vehicle is described on the face of such permit transfer may be made only into the fuel tank of such motor vehicle.

6. Section 1394.8212 is amended to read as follows:

§ 1394.8212 *Summaries of acknowledgments and gasoline purchase permits;*



endorsement of purchase permits. (a) Each dealer and distributor shall attach the acknowledgments of delivery and gasoline purchase permits delivered to him by authorized purchasers to a summary of coupons and other evidences (Form OPA R-541) on which he shall separately summarize the number of such acknowledgments and the number of gallons sold and the number of such permits and the number of gallons sold.

(b) Each dealer and distributor who accepts a gasoline purchase permit (Form OPA R-571) from a consumer in exchange for a transfer of gasoline shall write his name and the address of his place of business where the transfer was made on the back of such permit before delivering it to a distributor or depositing it in his ration bank account.

This amendment shall become effective September 29, 1943.

NOTE: The reporting requirement of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 24th day of September 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-15591; Filed, September 24, 1943; 4:55 p. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5F,<sup>1</sup> Amdt. 2]

##### MILEAGE RATIONING: GASOLINE REGULATIONS FOR THE TERRITORY OF HAWAII

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

Ration Order 5F is amended in the following respects:

1. Section 1.1 is amended to read as follows:

SEC. 1.1 *Territorial limitations.* The provisions of Ration Order 5F shall apply only in the Islands of Kauai, Maui and Oahu in the Territory of Hawaii.

2. In section 5.6, the text preceding subparagraph (1) of paragraph (a) is amended to read as follows:

SEC. 5.6 *Preferred mileage.* Mileage driven in a passenger automobile or motorcycle and necessary for carrying out one or more of the following purposes is "preferred mileage:"

(a) By a duly elected or appointed agent, officer, representative or employee of a Federal, Territorial, local or foreign government or government agency, for performing the official business or carrying out an official function of such government or agency; or by a duly authorized official, employee, agent or

representative performing the official business of the American Red Cross or its Hawaiian Chapter, either in a passenger automobile or motorcycle which it owns or leases, or in one not so owned or leased if compensation is paid by the American Red Cross or its Hawaiian Chapter of the performance of such business and for use of such passenger automobile or motorcycle; or by a member of a volunteer military or civilian defense force for carrying out his official duties with such force; *Provided, That*

3. Section 7.2 is amended to read as follows:

SEC. 7.2. *Persons entitled to transport rations.* The owner or the person entitled to the use of a commercial motor vehicle may obtain a transport ration for the number of gallons of gasoline required for the operation of the vehicle in the most efficient and economic manner, during the three month period in which the ration is to be used: *Provided, That* no taxicab shall be entitled to any ration unless it is licensed for operation as a taxicab by the appropriate agency of the Territorial Government and is regularly available on call from a definitely established call station for the purpose of carrying passengers for hire (including point to point trips).

4. Section 10.12 is added to read as follows:

SEC. 10.12 *Duration of rations.* A Board may, notwithstanding any other provision of this order, issue a ration for a shorter period than is authorized and shall adjust the ration accordingly.

This amendment shall become effective October 1, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 562, Supp. Dir. 1-Q, 7 F.R. 9121, General Order No. 48, 8 F.R. 2898)

Issued this 24th day of September 1943.

MELVIN C. ROBBINS,  
Territorial Director,  
Territory of Hawaii.

[F. R. Doc. 43-15593; Filed, September 24, 1943; 4:56 p. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 11,<sup>1</sup> Correction to Amdt. 74]

##### FUEL OIL RATIONING REGULATIONS

In § 1394.5851 (a) (4)—Table 1D—the number "159" in the second line of column (2) is corrected to read "199".

<sup>1</sup> 7 F.R. 8480, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977, 1203, 1316, 1235, 1282, 1681, 1636, 1859, 2194, 2432, 2598, 2781, 2871, 2720, 2942, 2993, 2887, 3106, 3521, 3628, 3733, 3843, 3948, 4255, 4137, 4850, 4784, 4850, 5678, 6064, 6262, 6960, 7588, 6137, 9059, 9219, 9458, 9382, 10082, 10089, 10304, 10435, 11380, 11687, 11756, 11814, 8 F.R. 12139.

(Pub. Laws 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562; Supp. Directive No. 1-0, as amended, 7 F.R. 8416, E.O. 9125, 7 F.R. 2719)

Issued this 24th day of September 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-15592; Filed, September 24, 1943; 4:55 p. m.]

#### PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 353,<sup>1</sup> Amdt. 2]

##### CERTAIN FINE CHEMICALS

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 353 is amended in the following respects:

1. At the end of the heading the words "Ascorbic Acid and Methyl Salicylate" are substituted for the words "and Ascorbic Acid."

2. To the lists of commodities set out in §§ 1396.51 (a) and 1396.57 (a) (2) the following additional commodity is added:

Methyl salicylate

3. The following new subparagraph (25) is added to § 1396.57 (a):

"Methyl salicylate" means methyl salicylate U. S. P., synthetic, and all other grades and kinds of methyl salicylate synthetic.

4. The following new paragraph (m) is added to § 1396.59:

(m) *Methyl salicylate*—(1) *Sales by producers and primary distributors.* The maximum prices for sales of methyl salicylate by producers and primary distributors are established as follows:

METHYL SALICYLATE—PRODUCERS AND PRIMARY DISTRIBUTORS

[Maximum price per pound]

Container size	Sold in quantities of—	
	25 pounds or more	Less than 25 pounds
500 pounds or over.....	\$0.35	.....
50 pounds.....	.37	.....
25 pounds.....	.38	.....
10 pounds.....	.40	\$0.42
5 pounds.....	.43	.45
1 pound.....	.48	.50
¼ pound.....	.70	.72

<sup>1</sup> One cent per pound higher when shipped from warehouses in Los Angeles, Calif., San Francisco, Calif., Portland, Oreg., Seattle Wash.

(2) *Sales by resellers.* The maximum prices for sales of methyl salicylate by resellers are established as follows:

<sup>1</sup> 8 F.R. 3951, 6441.

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

<sup>1</sup> 8 F.R. 10742, 10757.



METHYL SALICYLATE—RESELLERS  
[Maximum price per pound]

Container size	Sold in quantities of—	
	25 pounds or more	Less than 25 pounds
500 pounds or over	\$0.40	
50 pounds	.43	
25 pounds	.44	
10 pounds	.46	\$0.52
5 pounds	.49	.59
1 pound	.55	.65
3/4 pound	.81	.92

<sup>1</sup> \$0.20<sup>3</sup>/4 each.  
<sup>2</sup> \$0.23 each.

This amendment shall become effective September 30, 1943.

(56 Stat. 23, 756; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15617; Filed, September 24, 1943; 5:00 p. m.]

PART 1396—FINE CHEMICALS, DRUGS AND  
COSMETICS  
[MPR 472]

CERTAIN ESSENTIAL OILS

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.\*

§ 1396.101 *Maximum prices for certain essential oils.* Under the Authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 472 (Certain Essential Oils), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1396.101 (issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681. Pub. Law 151, 78th Cong.)

MAXIMUM PRICE REGULATION 472—CERTAIN  
ESSENTIAL OILS

CONTENTS

SEC.

1. Applicability of this regulation.
  2. Prohibition against sales at higher than maximum prices.
  3. Less than maximum prices.
  4. Adjustable pricing.
  5. Relationship of this to other maximum price regulations.
  6. Geographical applicability.
  7. Trade practices and terms relating to maximum prices.
  8. Records and reports.
  9. Evasion.
  10. Enforcement and licensing.
  11. Definitions.
  12. Petitions for amendment.
- Appendix A: Maximum prices.

SECTION 1. *Applicability of this regulation—(a) Commodities covered by this*

regulation. This regulation applies only to the essential oils listed below:

Natural oil of peppermint  
Natural oil of spearmint  
U. S. P. redistilled oil of peppermint

These essential oils are referred to in this regulation as the "essential oils listed above."

A definition of each of these essential oils as used in this regulation is given in section 11—Definitions.

SEC. 2. *Prohibition against sales at higher than maximum prices.* On and after September 30, 1943, regardless of any contract or other obligation:

(a) No person shall sell or deliver any of the essential oils listed above for which maximum prices are established by this regulation, at prices higher than the maximum prices so established;

(b) No person in the course of trade or business shall buy or receive any of the essential oils listed above, for which maximum prices are established by this regulation, at prices higher than those so established; and

(c) No person shall agree, offer, or attempt to do any of the foregoing.

SEC. 3. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 4. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production, and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 5. *Relationship of this to other maximum price regulation—(a) General Maximum Price Regulation.*<sup>1</sup> The provisions of this regulation supersede the provisions of the General Maximum Price Regulation, and particularly, of section 2.5 (c) of Revised Supplementary Regulation No. 1, and of section 4.3 of Revised Supplementary Regulation No. 14, with respect to sales and deliveries for which maximum prices are established by this regulation, except as otherwise specifically provided in this regulation.

(b) *Imports (Maximum Import Price Regulation)*<sup>2</sup> applicable). The provisions of this regulation do not apply to

<sup>1</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

<sup>2</sup> 8 F.R. 11681, 12237.

the purchases, sales or deliveries of the essential oils listed above which originate outside of and are imported into the continental United States. Sales, purchases and deliveries of such imported essential oils listed above are governed by the provisions of the maximum import price regulation.

(c) *Exports (Second Revised Maximum Export Price Regulation)*<sup>3</sup> applicable). The maximum price at which a person may export the essential oils listed above shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.

SEC. 6. *Geographical applicability.* The provisions of this regulation shall be applicable to the forty-eight States of the United States and the District of Columbia.

SEC. 7. *Trade practices and terms relating to maximum prices—(a) Containers.* The maximum prices set forth in Appendix A of this regulation do not include charges for containers of 20-pound size or larger. Where any of the essential oils listed in Appendix A are sold in containers of 20-pound size or larger, a reasonable charge for such containers may be added to the maximum price. This charge may not exceed the cost of such containers or the applicable maximum price established therefor, whichever is lower.

Sellers may, however, require the return of containers of 20 pound size or larger used for the oils listed in Appendix A. Where the buyer has not been charged for the container, and the seller requires the return of the container, the seller may require a reasonable deposit for the return of such container. The deposit must be refunded to the buyer upon return of the container in good condition within a reasonable time. Transportation costs with respect to the return of empty containers to the seller shall in all cases be borne by the seller. If the seller permits the buyer to furnish his own containers, the transportation costs with respect to sending the empty containers to the seller shall in all cases be borne by the seller.

(b) *Discounts, credit terms, and transportation charges.* Each seller shall apply to the maximum prices established by this regulation for each essential oil listed above the same discounts, credit terms, dollar and cent packaging price differentials, practices relating to the payment of freight charges and other transportation costs and other practices which were in effect during the calendar year 1942 on sales by the seller of the particular essential oil.

(c) *Broker's commission.* If the buyer purchases through a broker or other agent acting for the buyer, the sum of the price paid by the buyer to the seller plus the commission, fee or other charge paid by the buyer to his broker or other agent may not exceed the maximum prices established by this regulation, except as otherwise specified in this regulation.

SEC. 8. *Records and reports.* (a) Every person making sales or purchases

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

<sup>3</sup> 7 F.R. 10532; 8 F.R. 4132, 5987, 7632, 9293.



in the course of trade or business of the essential oils listed above for which maximum prices are established by this regulation after September 29, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, accurate records of each such purchase or sale, showing the date, the name and address of the buyer and the seller, the price contracted for or received, the quantity and kind of essential oil purchased or sold, and the type of container, in which such essential oil was purchased or sold. This requirement may be met by preservation of an invoice or duplicate copy of an invoice, containing the listed information for the required period of time, or by preservation of the purchase order specified in paragraph (b) below or a duplicate thereof.

(b) Every person purchasing the essential oils listed above from a producer of the same shall, in connection with each such purchase, deliver to the producer a purchase order containing the information specified in paragraph (a) above.

(c) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required by paragraph (a) of this section as the Office of Price Administration may from time to time require. Any such requirement will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

**Sec. 9. Evasion.** The price limitations set forth in this regulation shall not be evaded, whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, the essential oils listed above, 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 by transactions with or through the agency of subsidiaries or affiliates, or otherwise.

#### SEC. 10. Enforcement and licensing.

(a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Supplementary Order No. 11<sup>7</sup> licenses all sellers under this regulation who are distributors as the term "distributor" is defined in the order. This order, in brief, provides that a license is necessary for such distributors to make sales under this regulation. A license is automatically granted to these sellers. It is not necessary to apply specially for the license, but a registration may later be required. The Emergency Price Control Act of 1942, as amended, and Supplementary Order No. 11 describe the

circumstances under which licenses may be suspended.

**Sec. 11. Definitions.** (a) When used in this regulation the term:

(1) "Person" means 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 any of the foregoing.

(2) "Natural oil of peppermint" means the volatile oil distilled by steam or processed by any other means from any variety of the peppermint plant, including, but not being limited to, the varieties *Mentha piperita* and *Mentha arvensis*.

(3) "Natural oil of spearmint" means the volatile oil distilled by steam or processed by any other means from any variety of the spearmint plant, including, but not being limited to, the variety *Mentha spicata*.

(4) "U. S. P. redistilled oil of peppermint" means natural oil of peppermint rectified by redistillation and meeting with the requirements of the latest revision of the United States Pharmacopoeia.

(5) "Producer" means, in the case of natural oil of peppermint and natural oil of spearmint, a person who sells natural oil of peppermint or natural oil of spearmint distilled from plants grown by him or distilled by him from plants grown by others.

(6) "Dealer" means: (i) in the case of natural oil of peppermint and natural oil of spearmint, a person who customarily is in the business of selling these essential oils, other than such oils distilled from plants grown by him or distilled by him from plants grown by others.

(ii) in the case of U. S. P. redistilled oil of peppermint, a person who rectifies by redistillation the natural oil of peppermint, meeting the requirements of the latest revision of the United States Pharmacopoeia, and who sells the same.

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

**Sec. 12. Petitions for amendment.** Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

**Appendix A: Maximum prices—(a) Natural oils of peppermint, spearmint and U. S. P. redistilled oil of peppermint—(1) Sales by producers.** The maximum prices for sales of the natural oils of peppermint and spearmint by producers shall be:

	Per pound
Natural oil of peppermint.....	\$5.50
Natural oil of spearmint.....	\$3.50

A buyer purchasing the natural oils of peppermint or spearmint from a producer through a broker or other agent acting for him may, in addition to the above maximum prices, pay such broker or agent a buying commission no higher than the customary commission paid by such buyer during the calendar year of 1942. If the buyer paid no such commission during that period, then the commission shall be no higher than the customary commission paid by like buyers for like services on such a purchase during the calendar year 1942. But in no case shall the commission be more than 10 cents per pound.

(2) **Sales by dealers.** (i) The maximum price for sales of the natural oils of peppermint, spearmint and U. S. P. redistilled oil of peppermint by dealers shall be:

	Per pound
Natural oil of peppermint.....	\$6.00
Natural oil of spearmint.....	\$4.00
U. S. P. redistilled oil of peppermint.....	\$6.35

(ii) Dealers in the natural oils of peppermint, spearmint and U. S. P. redistilled oil of peppermint may, at their option, establish as their maximum prices those prices therefor determined pursuant to the provisions of the General Maximum Price Regulation.

(3) **Sales by producer-dealers.** Where a person is a dealer and sells not only oils produced by others but also oils produced by himself, the maximum prices established in subdivision (1) above for producers shall apply to his sales of the natural oils of peppermint and spearmint that he produces himself. The maximum prices established in subdivision (2) above for dealers shall apply to his sales of the oils produced by others.

**Effective date.** This regulation shall become effective September 30, 1943.

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

Issued this 24th day of September 1943.

CHESTER BOWLES,  
Acting Administrator.

Approved: September 16, 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-15602; Filed, September 24, 1943; 4:57 p. m.]

PART 1399—CONSTRUCTION, OIL FIELD,  
MINING AND RELATED MACHINERY  
[MPR 134, Amdt. 12]

CONSTRUCTION AND ROAD MAINTENANCE  
EQUIPMENT RENTAL PRICES AND CHARGES  
FOR OPERATING AND MAINTENANCE OR REPAIR AND REBUILDING SERVICE

A statement of the considerations involved in the issuance of this amendment,

<sup>17</sup> F. R. 3203, 3411, 3447, 7001, 8386, 9054, 8948, 9785; 8 F. R. 1975, 3789, 5931, 9140, 10759, 12544.

<sup>87</sup> F. R. 8961.

<sup>7</sup> F. R. 167, 11007.



issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum price Regulation 134 is amended in the following respects:

1. Section 1399.1 is amended by adding thereto a new paragraph (f) to read as follows:

(f) The parties to any agreement for the use of construction or road maintenance equipment which is covered by paragraph (a) or (c) of this section, shall not, in settling between themselves any claim for loss of, or damage to, such equipment, or any part thereof, pay or receive an amount in excess of the applicable maximum price established by Maximum Price Regulation No. 136, as amended, for the sale of such equipment or part, as of the time of such damage. This prohibition shall not apply to the settlement of claims between such parties for reimbursement other than for the value of such equipment or part. Also, this prohibition shall not apply to settlement of any claims, of whatsoever nature, between any of such parties and an insurance company.

2. Section 1399.5 is amended by adding thereto a new paragraph (f) to read as follows:

(f) *Adjustable pricing.* Any person may agree to supply operating and maintenance, or repair and rebuilding, services, or to furnish construction equipment on a fully operated basis where a combination rate has been approved therefor in accordance with § 1399.6, or to furnish dump trucks on a fully operated basis in accordance with § 1399.16 (a), at a price which can be increased up to the maximum price in effect at the time such services are supplied or such equipment is furnished; but no person may, except in accordance with § 1399.5 (e) in the case of application for adjustment, and unless authorized by the Office of Price Administration in the case of a petition for amendment, or a petition for an order pursuant to §§ 1399.5 (b) (5) or 1399.16 (a) (9), supply such services or furnish such equipment at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after such services have been supplied or such equipment has been furnished. Such authorization in the case of a petition for amendment or for such order as aforesaid may be given when a request for a change in the applicable maximum price, or the method of charging the same is pending, but only if the authorization is necessary to promote distribution or production and it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant

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

such authorization has been delegated. The authorization will be given by order.

3. Section 1399.16 (a) (10) is amended to read as follows:

(10) The following section of the regulation, where relevant, shall apply to dump trucks rented on a fully operated basis: §§ 1399.1, 1399.4, 1399.5 (f), 1399.7, 1399.8, 1399.9, 1399.10, 1399.11, and 1399.12.

This amendment shall become effective September 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 481)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15601; Filed, September 24, 1943; 4:56 p. m.]

#### PART 1404—RATIONING OF FOOTWEAR

[RO 17,<sup>1</sup> Amdt. 40]

##### SHOES

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

Ration Order 17 is amended in the following respects:

Section 1.16 is amended to read as follows:

SEC. 1.16 *What war ration stamps are for shoes.* The following schedule shows what stamps are evidence of a right to acquire shoes and the time they are valid.

War ration book No.	Stamp No.	Valid period (for men's, women's and children's shoes)
One.....	17.....	First Tuesday after effective date of order to June 15, 1943, inclusive.
One.....	18.....	June 16, 1943, to date to be announced by the Office of Price Administration.
Three.....	Airplane #1.	November 1, 1943, to date to be announced by the Office of Price Administration.

This amendment shall become effective September 27, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 421 and 507, 77th Cong.; WPB Dir. 1, 7 F.R. 562, Supp. Dir. 1-T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15594; Filed, September 24, 1943; 4:53 p. m.]

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

<sup>1</sup> 8 F.R. 1749, 2040, 2487, 2943, 3315, 3371, 3853, 4129, 3948, 4716, 5589, 5678, 5679, 5567, 6046, 6687, 7198, 7261, 8061, 9062, 9422, 9567, 9884, 10269, 11445, 11515, 12137, 12180.

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,<sup>1</sup> Incl. Amdt. 69]

##### MEAT, FATS, FISH, AND CHEESES

Sections 7.12 (a), (b), (c), (d) are amended; section 7.13 is added by Amendment 69, effective September 29, 1943, so that Ration Order No. 16 shall read as follows:

*Preamble: Why These Foods Are Being Rationed.* This order rations meats, cheeses, canned fish, butter, oleomargarine, fats and oils. The reasons for rationing these foods are clear to all. The necessities of total war—the food requirements for our military forces and the shortage of manpower on the farms—have combined to create a scarcity in the supply of all these foods for civilians at home.

Under these circumstances there is no alternative but to see that these scarce and highly essential foods are distributed on a fair and equitable basis. Indeed in recent weeks there has been no question in anybody's mind as to the need to ration these foods—the only real problem was *how* to ration them. Rationing has had to wait merely until a fair and workable system could be set into operation.

##### *Why These Foods Are Rationed in One Group*

The foods controlled by this order represent a great variety of more or less closely related products. The word "meat", for example, covers not just one simple commodity, as does the word "sugar"—it refers to a large number of edible cuts from several kinds of animals. These cuts are not equally plentiful (there is only a limited amount of steak in every steer), and these cuts are not equally sought by all consumers. Millions of consumer choices govern the distribution of the various kinds and cuts of meats, as well as the sale of products which can be substituted for meats, such as canned fish and cheese. Obviously, no rationing system could hope to be successful if it disregarded these individual choices and attempted an equal distribution of every cut of meat, of every type of cheese and of our relatively scarce supplies of canned fish.

For these reasons the group or point system, which has already been employed for the rationing of canned fruits and vegetables, is naturally indicated as the best method for handling the rationing problems arising under this program. Under this system all related items that need to be rationed and that can effectively be rationed together are covered as a group, with a single set of point stamps for all. The point values of the various items can then be fixed according to their individual supply and their relationship to each other.

In developing the group or point plan for meats and fats, the question arose

<sup>1</sup> 8 F.R. 6446.



as to whether these foods should be regarded as forming one group or two. In many of their aspects, the two groups merge into one. Thus from the production or supply standpoint, meat products are converted not only into lard but also into oleomargarine. Oleomargarine in turn can be manufactured from either animal fats or vegetable oils, or both. In dealing with the production of meats and fats, we do not have two distinct supplies, but a single total or over-all supply which is, to some extent, divided into meats and fats according to the conditions of demand.

Even from the consumer standpoint, meats and fats are to a certain extent substitutes for one another. Some people get a great deal of their dietary needs for fats by eating fat meats; others prefer lean meats, and depend on butter, oleomargarine or vegetable fats for their fat needs.

It was therefore decided to treat meats and fats as a single interrelated group of foods, to be handled by one set of rationing controls and one set of rationing stamps. This plan makes for greater flexibility in the production of the various foods and also gives the housewife a larger freedom of choice in budgeting her rationing points to suit her family needs or preferences.

Aside from these considerations, the use of a single set of stamps has the advantage of simplicity and convenience. Obviously, it is more convenient for the consumer and for the trade to handle as few kinds of stamps as possible, and when the number of stamps can be reduced without damage to the basic purposes of rationing, this is a gain of no mean importance.

#### *How the Program Operates*

In its general mechanics, this program closely parallels the processed foods rationing program. The consumer is issued point stamps and gives them to the retailer when he buys the rationed goods—using only the points that are valid for a given period. The retailer turns over the points to the wholesaler when he replenishes his stock of goods. The points are either turned over in stamp form, or, if the retailer has a ration banking account, are deposited in the bank and the transfer is made by ration bank check. The wholesaler, who is required to operate a ration banking account, also gets his supplies through the transfer of points. When the packer or producer is reached, he turns over his point receipts to the Office of Price Administration.

Institutional users—restaurants and the like—will receive points in accordance with the provisions of the Institutional User Order. This means that the supplies they receive will represent a cut from past consumption like that which the ordinary consumer has to take because of rationing. Patrons of restaurants are not required to give up ration points in order to eat rationed foods.

Industrial users of rationed commodities will receive quotas of points from the local boards on the basis of their past

use. Certain industrial consumers who use fats and oils for making inedible products will receive their allotments of points from the Department of Agriculture.

A number of changes from the general pattern have been made because of the character of the commodities covered by this program. Thus, because most of the items are perishable and no large inventories can be accumulated by the consumers or by retailers, there has been no general freeze on sales of all rationed items to let retailers build up inventory prior to the start of the program. Because perishability bulks so large in this program, and because no consumer registration is needed (since consumers already have their ration books) there is also no consumers' declaration of inventory on hand when rationing begins. Retailers and wholesalers get deliveries of the rationed items for the first two weeks of rationing without surrender of points, even though deliveries to consumers require points. In this manner, trade inventories can be built up while rationing is under way.

#### *How Retailers and Wholesalers Operate*

During the first two weeks of rationing, the retailer builds up his supply of points—his point capital for rationing operations—by taking in the points which his customers give him when they buy goods. At the end of that period, the retailer has both to buy and sell with points. During the fifth week of rationing (by which time it is assumed that rationing demands will have become relatively stable), the retailer keeps a record of his sales. He then registers with his rationing board and is given an "allowable inventory," based on those sales. If his actual inventory is excessive, he is required to return points to the Office of Price Administration, so that he cannot accumulate excessive stocks at the expense of his competitors.

The procedure for wholesalers is much the same. However, since the wholesaler makes deliveries to retailers during the first two weeks of rationing without receiving points, he has no opportunity to build up a point capital. He is, therefore, permitted to deposit in his bank account a point credit, calculated on the basis of his sales. During the fifth week of rationing, he keeps a record of his sales and then, like retailers, he registers with his local rationing board and is given an allowable inventory based on those sales. Like the retailer, he must return points matching any excessive inventory he may have.

#### *How Small Business Is Protected Under the Rationing Program*

As in previous rationing programs, the principle of an allowable inventory has been introduced for the purpose of insuring a fair distribution of business in rationed goods. Since under rationing the only way a tradesman can get goods is by giving up ration points or coupons, and since he needs to have goods in his shop in order to get these points or coupons, it is important that everybody have

an equal opportunity to get goods and accumulate "ration capital" during the opening period. That is why an allowable inventory is set for each tradesman after the program has been in operation for a preliminary period. By this means, all tradesmen can get their fair share of the rationed goods for sale.

Furthermore, since retailers and wholesalers are required to give up points representing any excessive stocks they may have, no one can accumulate disproportionate inventories at the expense of his competitors or the public. Any retailer or wholesaler who finds himself handicapped in his opportunity to do business by too low an allowable inventory, can of course apply for an inventory adjustment, at any time.

Neither retailers nor wholesalers are required to register again, after their first registration on a simple form. Nor are they required to file any reports after that registration.

#### *Special Provisions for Home Producers*

Although consumers generally must surrender points to get meats, butter, and fats, a special but limited exception has been made for persons who slaughter their own livestock, or make lard or butter or other rationed foods for their personal consumption. Such persons need not surrender any points for the use of the goods they themselves produce. In addition, they are permitted to lend these foods to others, in limited amounts. Thus, the habit of pooling home production, existing in some sections of the country, can continue to operate under rationing.

#### *How Producers and Processors (Primary Distributors) Operate*

Slaughterers, packers, importers, processors and other producers of the foods rationed under this order must continue to make reports to the Office of Price Administration after they register, since they are the primary source of these foods and all rationed food must be accounted for.

In order to avoid unnecessary burdens, small primary distributors are permitted to report to their local boards, on a simplified form. The larger primary distributors report to the district offices, in somewhat greater detail.

Farmers who slaughter livestock for sale, or who produce lard and butter or other foods covered by the order for sale, are required to comply with the same regulations that govern other commercial primary distributors. They cannot make sales except for points, and they are required to register. However, they are generally entitled to use the simplified report forms for the months they operate. In order to permit farm slaughterer primary distributors to operate economically, the order allows them to sell to consumers for stamps which have not yet become valid. In this way, they can follow the practice of disposing of their primal cuts, to single consumers or families, before spoilage sets in.



§ 1407.3026 *Rationing of meat, fats, fish, and cheeses.* 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 Directives No. 1, No. 3, No. 5, No. 6 and No. 7 issued by the Secretary of Agriculture, Ration Order No. 16 (Meat, Fats, Fish, and Cheeses), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1407.3026 issued under 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; W.P.B. Dir. 1, 7 F.R. 562, and Supp. Dir. 1-M, 7 F.R. 7234; Food Dir. 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.

**RATION ORDER NO. 16—MEAT, FATS, FISH, AND CHEESES**

**ARTICLE I—INTRODUCTION**

- Sec.  
1.1 Foods covered by this order.  
1.2 Meat, cheese, canned fish, fats and oils, and canned milk are rationed by the point system.  
1.3 Form in which points are used.

**ARTICLE II—CONSUMERS**

- 2.1 When a person is a consumer.  
2.2 Consumers may purchase after March 28, 1943, only for points.  
2.3 How points are given up by a consumer.  
2.4 Consumers who need more foods covered by this order because of illness may apply for more points.  
2.5 Consumers who must purchase in quantity may apply for certificates.  
2.6 Service men may get certificates to acquire foods covered by this order.  
2.7 Consumers who must have more foods covered by this order for their subsistence may apply for more points.

**ARTICLE III—HOME PRODUCERS**

- 3.1 Home producers may consume what they produce and may lend limited amounts.  
3.2 Consumers may purchase larger quantities of meat at a time from farm slaughterers.  
3.3 Consumers may arrange to have their food processed or otherwise prepared.  
3.4 Livestock producers may have animals slaughtered by primary distributor, primarily for household consumption, and acquire the resulting foods point-free.

**ARTICLE IV—PRIMARY DISTRIBUTORS**

- 4.1 Explanation of the term primary distributor.  
4.2 Explanation of the term primary distributor establishment.  
4.3 A place at which a food covered by this order is produced is a primary distributor establishment.  
4.4 A place at which a food covered by this order is converted into another such food, is a primary distributor establishment.  
4.5 A place to which foods covered by this order are imported is a primary distributor establishment.

- Sec.  
4.6 A place where foods covered by this order are produced or imported may be a primary distributor establishment as to foods not produced or imported there.  
4.7 A place where a person keeps foods may be a primary distributor establishment even if he does not produce or import there.  
4.8 A place is a single primary distributor establishment even if a person engages in several operations there.  
4.9 Butter and cheese assembly plant is a primary distributor establishment.  
4.10 A place where foods are produced or imported for use only is not a primary distributor establishment.  
4.11 Primary distributors must register and file reports.  
4.12 Primary distributor may not do business if he does not file reports.  
4.13 A primary distributor must surrender to the Office of Price Administration all points he is not permitted to use.  
4.14 Primary distributors may get points to acquire foods.  
4.15 A primary distributor who has more than one establishment must operate them separately.  
4.16 Primary distributors must keep records.  
4.17 Policy against discrimination.

**ARTICLE V—WHOLESALE**

- 5.1 Explanation of the terms wholesaler and wholesale establishment.  
5.2 Wholesalers must register.  
5.3 Wholesaler may not do business unless he has registered.  
5.4 Wholesalers must report their inventories.  
5.5 Wholesalers must report their sales and points on hand.  
5.6 A wholesaler is given an allowable inventory.  
5.7 Wholesalers may deposit credit authorizations.  
5.8 Wholesalers must keep records.  
5.9 Wholesalers who sell to consumers must post table of point values.

**ARTICLE VI—RETAILERS**

- 6.1 Explanation of the terms retailer and retail establishment.  
6.2 Retailer must register.  
6.3 A retailer may not do business unless he has registered.  
6.4 Retailers must report their inventories.  
6.5 Retailers must report their sales and points on hand.  
6.6 A retailer is given an allowable inventory.  
6.7 Retailers may apply for emergency inventory adjustments during April 1943.  
6.8 Retailers must keep records.  
6.9 Retailers must post point prices.  
6.10 A retailer may sell at lower point value foods in imminent danger of spoilage.

**ARTICLE VII—INDUSTRIAL USERS AND INDUSTRIAL CONSUMERS**

- 7.1 Explanation of the terms industrial user, industrial user, and industrial user establishment.  
7.2 Industrial users must register.  
7.3 Industrial user may not do business unless he has registered.  
7.4 Industrial users must report their inventories.  
7.5 Industrial users must report their use of foods during certain quarterly periods.  
7.6 Allotments for industrial users.  
7.7 Registration after April 10, 1943.

- Sec.  
7.8 Restrictions on use of foods by industrial users.  
7.9 Industrial users must keep records.  
7.10 Explanation of the terms industrial consumption, and industrial consumer.  
7.11 Industrial consumers may apply for points to acquire foods.  
7.12 Increase in allotment of rationed fats or oils to make bakery goods.  
7.13 Increase in allotment of rationed fats and oils to make pharmaceuticals.

**ARTICLE VIII—COMBINED OPERATIONS AND COMBINED ESTABLISHMENTS**

- 8.1 A person who operates different types of establishments is treated as if he were different persons.  
8.2 The same person may be both a wholesaler (or retailer) and an industrial user at the same place.  
8.3 The same person may be both a wholesaler (or retailer) and an institutional user at the same place.  
8.4 The same person may be both a primary distributor and a wholesaler (or retailer) at the same place.  
8.5 The same place may be more than one establishment.

**ARTICLE IX—RATION BANK ACCOUNTS**

- 9.1 A ration bank account is an account in which points are deposited.  
9.2 Who must open a ration bank account.  
9.3 All points must be deposited in the account.  
9.4 When points must be deposited.

**ARTICLE X—SALES AND TRANSFERS OF FOODS COVERED BY THIS ORDER**

- 10.1 Only retailers, wholesalers, and primary distributors may transfer foods covered by this order.  
10.2 Transfers to certain persons after March 28, 1943, may be made only for points.  
10.3 Transfers to retailers, wholesalers and primary distributors after April 10, 1943, may be made only for points.  
10.4 How foods covered by this order are transferred to consumers.  
10.5 How foods covered by this order are transferred to persons other than consumers.  
10.6 Point fractions are to be computed to nearest full point.  
10.7 Transfers between establishments of different types or between separately registered establishments of the same type operated by the same person.  
10.8 Transferor may not use points he receives in advance until foods are transferred.  
10.9 Points may be returned for under-deliveries of foods covered by this order.  
10.10 Points must be given up for imports of foods.

**ARTICLE XI—POINT-FREE TRANSFERS**

- 11.1 Foods in transit to industrial or institutional users or industrial consumers on March 28, 1943, may be acquired point-free.  
11.2 Foods in transit to primary distributors, wholesalers, or retailers on April 10, 1943, may be acquired point-free.  
11.3 Foods may be moved to establishment in whose inventory they are included, point-free.  
11.4 Foods covered by this order may be exchanged for other such foods.  
11.5 Lost or stolen foods may be returned, point-free.



- Sec.  
11.6 Stocks of foods may be moved point-free between establishments of the same person which are registered together.  
11.7 Foods may be stored and returned from storage, point-free.  
11.8 Security interests in foods may be created and released, point-free.  
11.9 Foods may be transferred, point-free, for liquidation, by operation of law, or in judicial proceedings.  
11.10 Foods may be acquired, point-free, by insurers or for salvage.  
11.11 Foods may be delivered to importer by customs official, point-free.  
11.12 Foods may be transferred, point-free, in connection with transfer of a business.  
11.13 Foods may be transferred, point-free, in the way permitted by section 3.4.  
11.14 Foods may be transferred by and to consumers, point-free, for custom processing or other preparation.  
11.15 Items in transit on the day before they are added to the foods covered by the order, may be acquired point-free.

## ARTICLE XII—SALE OF BUSINESS

- 12.1 Sale or transfer of retail, wholesale, or primary distributor establishment.  
12.2 Sale or transfer of industrial user establishments.  
12.3 Where and how the transferee registers the establishments acquired by him.

## ARTICLE XIII—NEW BUSINESSES

- 13.1 New retail and wholesale establishments may be opened.  
13.2 New primary distributor establishments may be opened.  
13.3 In special cases, allotments may be granted for new industrial user establishments.  
13.4 Where a person who opens a new establishment registers if he already has other establishments of the same type.

## ARTICLE XIV—CLOSING OF BUSINESS

- 14.1 What a person who closes his establishment must do.

## ARTICLE XV—ADJUSTMENTS

- 15.1 Adjustments for lost, destroyed, or stolen foods.  
15.2 Applications may be made for other adjustments.  
15.3 Wholesalers may receive points to replace inventory losses due to shrinkage (evaporation) or cutting.  
15.4 Wholesalers may apply for inventory adjustments at or after registration.  
15.5 Wholesalers and retailers of canned milk or soft cheeses may obtain adequate working inventories.

## ARTICLE XVI—ISSUANCE AND USE OF CERTIFICATES AND RATION COUPONS

- 16.1 How certificates are issued.  
16.2 Certificates are good for a limited time.  
16.3 A certificate must be endorsed.  
16.4 [Revoked]  
16.5 Names of persons who have been given certificates may be posted.  
16.6 Certificates are the property of the Office of Price Administration and may be revoked.  
16.7 Sugar purchase certificates may be corrected and used instead of certificates on OPA Form R-1201.  
16.8 How ration coupons are issued.

## ARTICLE XVII—RECORDS, REPORTS, AND INSPECTIONS

- 17.1 Records must be kept for two years.  
17.2 Records may be inspected by Office of Price Administration.

- Sec.  
17.3 Places where foods covered by this order are kept may be inspected.  
17.4 Records and reports are confidential.  
17.5 District Office may extend time for registration and reports.  
17.6 Office of Price Administration may require applicants to give information.  
17.7 Records, reports and registrations required by this order.

## ARTICLE XVIII—ADDITIONAL RECORDS TO BE KEPT BY CHAINS

- 18.1 Chains must keep records of transfers of stocks and points between establishments.

## ARTICLE XIX—APPEALS

- 19.1 Persons directly affected by action taken under this order can appeal.

## ARTICLE XX—MISCELLANEOUS RULES AND PROHIBITIONS

- 20.1 Additional prohibitions.  
20.2 Stamps and certificates may not be taken by legal process or acquired by will.  
20.3 Office of Price Administration must be notified of legal proceedings.  
20.4 Definition of meat in price order or regulation governs under this order.  
20.5 General Ration Order 5 governs wherever inconsistent with this order.

## ARTICLE XXI—EXPORTS

- 21.1 Foods covered by this order may be exported point-free.  
21.2 Points may be obtained to acquire foods covered by this order for export.  
21.3 Exporter must account for all foods covered by this order exported.

## ARTICLE XXII—EXEMPT AGENCIES AND OTHER SPECIAL CASES

- 22.1 Exempt agencies may acquire foods covered by this order.  
22.2 How exempt agencies acquire foods covered by this order.  
22.3 Post exchanges and ships' service departments ashore may acquire foods for points.  
22.4 Sales commissaries, post exchanges and ships' service departments ashore may transfer foods for points.  
22.5 Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.  
22.6 Industrial users may replenish foods used in products transferred to agencies designated in General Ration Order 11.  
22.7 Ships' and planes' stores.  
22.8 Governmental investigatory agencies may acquire foods needed in their investigations.  
22.9 Emergency reduction in point value of farm butter to prevent waste or spoilage.  
22.10 Acquisition of meat for guide dogs.  
22.11 Issuance of checks by Food Distribution Administration for demonstrations.

## ARTICLE XXIII—SUSPENSION ORDERS

- 23.1 Office of Price Administration may issue suspension orders.

## ARTICLE XXIV—DEFINITIONS

- 24.1 Definitions.

## ARTICLE XXV—ACQUISITION OF FOODS COVERED BY THIS ORDER BY RESIDENTS OF MEXICO

- 25.1 Residents of Mexico may acquire foods covered by this order in the United States.  
25.2 How foods covered by this order may be transferred to residents of Mexico.

- Sec.  
25.3 Records and reports by suppliers from whom foods covered by this order are to be acquired.  
25.4 Records and reports by suppliers who transferred foods covered by this order to residents of Mexico before July 1, 1943.

## ARTICLE XXX—APPENDIX

30.1 [Revoked]

30.2 Items excluded from the definition of meat.

Article I—Introduction<sup>\*</sup>

SECTION 1.1 Foods covered by this order. (a) This order covers "meat", "canned fish", "rationed cheeses", "rationed fats or oils," and "canned milk." [Paragraph (a) as amended by Amendment 34, 8 F.R. 7455, effective 6-2-43]

(1) "Meat" means the carcass or any edible part of the carcass of cattle, calves, sheep, lambs or swine. It includes edible offal, bones and skins. It also includes any other edible product containing more than twenty per cent, by weight, of any of the above items. Meat does not include gelatin or glue. Neither does it include casings or visceral parts "acquired" by a person to be used by him in making casings. (Casings are visceral parts specially prepared for use in holding sausage or other foods.) Meat does not include rendering fats and bones (produced in disassembling a carcass, or in cutting a carcass or primal cut into smaller cuts, or in boning a carcass or cut) and lean trimmings commingled with these rendering fats and bones, if these parts of the carcass are acquired by a person to be used by him for animal feed, for rendering into inedible products or for other inedible purposes or if acquired by a primary distributor to be used by him in the production of foods covered by this order. Neither does meat include cracklings containing no more than fifteen per cent, by weight, of fat. (Cracklings containing more than fifteen per cent, by weight, of fat are considered rendering fats.) Meat does not include the items listed in section 30.2. Neither does meat include waste cooking waters, meat extracts, or bouillon cubes. (Waste cooking waters are produced in the cooking of meat. Meat extracts are produced by the evaporation of these cooking waters. Bouillon cubes are produced from such meat extracts.) Meat does not include a carcass, or any part of a carcass, which is condemned as unfit for human food by an authorized Federal, State or local government inspector, and which is either plainly marked to indicate that it has been so condemned or is denatured or otherwise destroyed for food purposes as may be required by law.

[Paragraph (1) as amended by Amendment 4, 8 F.R. 4350, effective 4-9-43, Amendment 9, 8 F.R. 4893, effective 4-12-43, Amendment 13, 8 F.R. 5679, effective 5-5-43, Amendment 18, 8 F.R. 5819, effective 5-2-43, and Amendment 39, 8 F.R. 8869, effective 7-2-43]

<sup>\*</sup> Words which are specially defined in this order are shown in quotation marks the first time they appear in each Article. Definitions are given in section 24.1 of the order.



(2) "Canned fish" means any of the following heat-treated items, if packed in hermetically sealed containers: mackerel, oyster, salmon, sardine (including California pilchard), shrimp, tuna (including bonito and yellowtail), and any other edible product containing more than twenty per cent, by weight, of the above.

[Paragraph (2) amended by Amendment 18, 8 F.R. 5819, effective 5-2-43 and Amendment 35, 8 F.R. 7491, effective 6-6-43]

(3) "Rationed cheeses" include any natural cheese (but not "cottage cheese" or "creamed cottage cheese" which contains 5 percent or less butterfat by weight) and any other edible product containing 30 percent or more, by weight, of natural cheese (other than cottage cheese, or creamed cottage cheese containing 5 percent or less butterfat by weight). It does not include "whey product", nor does it include any cheese in the manufacture of which neither cow's milk nor milk solids derived from cow's milk are used.

[Paragraph (3) amended by Amendment 35, 8 F.R. 7491, effective 6-6-43 and Amendment 52, 8 F.R. 10763, effective 8-7-43]

(4) "Rationed fats or oils", which are defined in detail in section 24.1, include, among other products, "butter", "margarine", "lard", "cooking and salad oils" and "shortening". Mayonnaise, salad dressing, USP vitamin oils, fish liver oil, sperm oil and "fats" resulting from cooking done by "consumers" and "institutional users", are not included.

(5) "Canned milk" includes evaporated milk and condensed milk, if packed in hermetically sealed containers.

[Paragraph (5) added by Amendment 34, 8 F.R. 7455, effective 6-2-43]

(b) No item which is a processed food covered by Ration Order 13 (8 F.R. 11048) or which is a pharmaceutical product, is rationed under this order, even if it comes within the above definitions.

(c) Puncturing or opening the container in which canned fish or canned milk is packed, or merely removing it from the container, does not cause it to cease to be a "food covered by this order."

[Paragraph (c) as amended by Amendment 34, 8 F.R. 7455, effective 6-2-43]

(d) When a food covered by this order is prepared for service and served, it is no longer considered a food covered by this order. Thus, a "person" who is served meat loaf in a restaurant, as part of a meal, is not getting a food covered by this order. Furthermore, when a food covered by this order has been used in making a product which is not rationed under this order, it ceases to be a food covered by this order. For example, butter may be used in baking peach pie—that pie, and the butter in it, are not food covered by this order.

SEC. 1.2 *Meat, cheese, canned fish, fats and oils, and canned milk are rationed by the point system.* (a) All types of meat, rationed cheeses, canned fish, rationed fats or oils, and canned milk are rationed together, as a group,

through the use of the point system of rationing. Each item is given a particular point value for each cut, pound or size in which it is sold. The point value of an article of these foods 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 tables of point values. These point values may be changed from time to time, as conditions require.

[Sec. 1.2 as amended by Amendment 34, 8 F.R. 7455, effective 6-2-43]

SEC. 1.3 *Form in which points are used.* (a) There are several forms of tokens or ration currency which represent points.

(b) The basic tokens are the red "stamps" in War Ration Book Two and the brown stamps in War Ration Book Three, which are designated by the Office of Price Administration to be used for the acquisition of all foods covered by this order. They are the form in which points are generally given up by consumers.

[Paragraph (b) as amended by Amendment 59, 8 F.R. 11955, effective 9-2-43]

(c) Other forms of ration currency authorized by the Office of Price Administration are "certificates" (OPA Form R-1201) or ration coupons and ration checks drawn on ration bank accounts. (During a limited period, credit authorizations, on OPA Form R-1608, may be used for deposit in ration bank accounts, but they are not used directly to get foods under this order.) A certificate or ration coupon 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.

[Paragraph (c) as amended by Amendment 55, 8 F.R. 11513, effective 8-18-43]

## Article II—Consumers

SEC. 2.1 *When a person is a consumer.* (a) Any "person" who buys or "acquires" "foods covered by this order" for his personal use or for use at a table at which he eats, is a "consumer". (When a person gets foods covered by this order 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 foods covered by this order for personal use.)

SEC. 2.2 *Consumers may purchase after March 28, 1943, only for points.*

(a) Beginning March 29, 1943, a consumer may buy or acquire foods covered by this order only by giving up points equal to the point value of the foods acquired. However, a consumer may exchange foods covered by this order with

any other person for other such foods covered by this order of equal point value, without giving up points.

(b) Consumers may lend foods covered by this order to, or borrow them from, other consumers, and they may return borrowed foods. They may also acquire foods from other consumers for consumption at a common table with them. No points are to be given up for such transactions. (A transaction is not a loan if any charge is made.)

SEC. 2.3 *How points are given up by a consumer—*(a) *A consumer uses stamps.* A consumer gives up points, when he acquires foods covered by this order, by surrendering "stamps" taken from his war ration book. A stamp is not good unless the book from which it is taken has a validation stamp properly placed on its cover, and, in the case of War Ration Book Two, with the number of that book written across the validation stamp.

[Paragraph (a) as amended by Amendment 59, 8 F.R. 11955, effective 9-2-43]

(b) *Stamps may be used only during fixed periods.* Each red 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 indicates the time when it may be used by a consumer. Stamps lettered "A", "B", "C", and "D", may be used only during the following periods:

Stamps	Time when they may be used
A....	March 29, 1943 to April 30, 1943, incl.
B....	April 4, 1943 to April 30, 1943, incl.
C....	April 11, 1943 to April 30, 1943, incl.
D....	April 18, 1943 to April 30, 1943, incl.

The other red stamps in War Ration Book Two and the brown stamps in War Ration Book Three 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. (Transfers of "meat" by farm slaughterers to consumers covered in section 3.2, are excepted from this rule.)

[Paragraph (b) amended by Amendment 22, 8 F.R. 6446, effective 5-20-43 and Amendment 59, 8 F.R. 11955, effective 9-2-43]

(c) *General rules for the use of stamps by consumers.* A consumer must give up stamps worth exactly the point value of the foods covered by this order which he acquires, except that fractional amounts are to be handled in the way described in section 10.6. The number of points a stamp is worth is shown by the figure printed on it. Stamps must be given up at the time the 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 foods. A stamp may be used only to get foods covered by this order for the consumer from whose book it is taken, or for use at a table at which he eats. If the consumer is unable to give up points exactly equal to the point value of the foods acquired by him because he does not have stamps of sufficiently small value to



make up the proper amount, he may give up, and the transferor may accept, stamps of the nearest higher value, and the transferor must return the excess number of points to the consumer in the form of loose one-point stamps. Loose one-point stamps may be used by a consumer to acquire foods covered by this order only if he has received the stamps in this way from his transferor. A transferor may accept loose one-point stamps from a consumer, unless he knows or has reason to believe that they were not acquired by the consumer in this way.

(d) *A consumer also uses certificates.* Any consumer to whom a "board" issues a "certificate" may use it to acquire foods covered by this order, just as stamps are used. However, a consumer may give up the certificate at or before the time the foods are acquired. The number of points a certificate is worth, and the date when it expires, will 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.

[Paragraph (d) amended by Amendment 59, 8 F.R. 11955, effective 9-2-43 and Amendment 64, 8 F.R. 12549, effective 9-15-43]

(e) *How mail order purchases are made.* A consumer who orders food covered by this order for delivery by mail may detach stamps from his war ration book and send them with his order. The stamps are good if the envelope in which they are enclosed 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 foods covered by this order.

[Paragraph (e) amended by Amendment 16, 8 F.R. 5847, effective 5-10-43 and Amendment 59, 8 F.R. 11955, effective 9-2-43]

(f) *Consumers may give up points before delivery of butter or rationed cheeses.* A consumer may also acquire "butter" or "rationed cheeses" from a mobile conveyance operated on a regular delivery route by giving up stamps before he acquires the foods. If the seller or transferor 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 foods covered by this order.

[Paragraph (f) added by Amendment 2, 8 F.R. 3949, effective 3-29-43, and amended by Amendment 16, 8 F.R. 5847, effective 5-10-43]

SEC. 2.4 *Consumers who need more foods covered by this order because of illness may apply for more points.* (a) Any consumer whose health requires that he have more foods covered by this order than he can get with his war ration book, 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 foods covered by this order, the amounts and types he needs during the next two months, and why he cannot use unrationed foods instead.

[Paragraph (a) amended by Amendment 44, 8 F.R. 9217, effective 7-8-43 and Amendment 59, 8 F.R. 11955, effective 9-2-43]

(b) If the board finds that his health depends upon his getting more foods covered by this order, 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 foods covered by this order which he needs during the next two months.

SEC. 2.5 *Consumers who must purchase in quantity may apply for certificates.* (a) Some consumers may not be able to get foods covered by this order 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 stamps in his war ration book, so that he can get the amount of 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 foods covered by this order 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 stamps in his war ration book. The board must remove from that book, and cancel stamps worth the amount of the certificate.

[Paragraphs (a) and (b) as amended by Amendment 59, 8 F.R. 11955, effective 9-2-43]

SEC. 2.6 *Service men may get certificates to acquire foods covered by this order.* (a) Members of the Armed Forces of the United States and Allied Nations who do not have a war ration book and are not entitled to have it, may obtain certificates to get foods covered by this order under the circumstances and in accordance with the procedure set forth in General Ration Order 9.<sup>3</sup>

[Sec. 2.6 amended by Amendment 31, 8 F.R. 7381, effective 6-7-43 and Amendment 59, 8 F.R. 11955, effective 9-2-43]

SEC. 2.7 *Consumers who must have more foods covered by this order for their subsistence may apply for more points.*

<sup>3</sup> 8 F.R. 7107, 10079.

(a) Consumers (including those who eat in Group I institutional user establishments, as defined in General Ration Order 5<sup>4</sup>) may apply for additional points if they cannot get enough fresh fish, poultry or eggs to meet their nutritional needs, because (1) the place where they live or work is so located, or their business or occupation is of such a nature that a source of supply of such foods is not reasonably accessible, except at infrequent intervals, and (2) they have no facilities for storing such foods long enough and in the quantities required to supply such needs.

(b) Any consumer who needs more foods covered by this order 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. One application may be made covering more than one consumer, but the name of each shall be listed on the application. The application must state in detail:

(1) Where the consumers included in the application will live and work during the period covered by the application;

(2) The nearest source of supply of fresh fish, poultry and eggs;

(3) A description of the facilities they have for storing fresh fish, poultry and eggs;

(4) How many pounds of foods covered by this order they will need;

(5) For how long a period;

(6) How many pounds of food covered by this order they have, at the time of application;

(7) How many pounds of fresh fish and poultry or dozens of eggs will be available to them during this period;

(8) How many pounds of foods covered by this order will be available to them during this period, point-free, under the provisions of sections 3.1 or 3.4.

The applicant must also give any other information that the board may request.

(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

<sup>4</sup> 8 F.R. 10002, 11676, 11480, 11479.



district (or State) or regional office shall issue or authorize the issuance of a certificate unless it finds that the applicants meet the tests set out in paragraph (a). In determining how many points to allow, consideration shall be given to the amount of foods covered by this order, fresh fish, poultry or eggs, 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 instructions issued 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 that 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. 2.7 added by Amendment 27, 8 F.R. 6960, effective 5-29-43]

#### Article III—Home Producers

SEC. 3.1 *Home producers may consume what they produce and may lend limited amounts—*(a) *Points need not be given up.* Any "person," other than an "institutional user", who produces any "food covered by this order" primarily for consumption in his own household or on a farm he operates, may consume what he produces and may let members of his family unit and those who eat at his table or on the farm consume it, without giving up points.

(1) If a person produces food covered by this order, from slaughtering done at a place of his where people reside, the food may be consumed point-free, pursuant to this paragraph, only:

(i) At that place or at any farm of the producer; or

(ii) Anywhere else by a person who resides at that place or on any such farm or by persons eating at a common table with that resident.

If the producer does not reside either at the place where the slaughtering was done or on a farm of his and wishes to consume the food elsewhere, he must give up points equal to the point value of the food. These points must be given up to the "board" for the place where he resides, within 10 days after the food is removed from the farm or other place of slaughter.

[Paragraph (a) as amended by Amendment 22, 8 F.R. 6446, effective 5-20-43]

(b) *Loans.* Any person may lend any foods he produces, primarily for consumption in his own household, wholly from foods not covered by this order (whether or not they are later processed), to any "consumer", without the surrender of points. However, he may not lend a total of more than four hundred pounds of beef and veal together, one hundred and fifty pounds of any other "meat", or twenty-five pounds of any other foods covered by this order, which he so produced, in any one calen-

dar year, under this section. Foods so loaned may not be sold by the person who receives them or by anyone else. (A transaction is not a loan if any charge is made.)

[Paragraph (b) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

(c) *If the person is a primary distributor.* No "primary distributor" who reports or is required to report on OPA Form R-1606 may consume or lend foods pursuant to this section without the surrender of points.

(d) *This section applies whether or not foods are produced in the United States.* The provisions of this section apply whether or not the foods are produced within the forty-eight states of the United States and the District of Columbia.

[Paragraph (d) added by Amendment 56, 8 F.R. 11754, effective 8-27-43]

SEC. 3.2 *Consumers may purchase larger quantities of meat at a time from farm slaughterers.* (a) A consumer may buy or "acquire" meat in exchange for "stamps" from his war ration book equal to the point value of the meat "transferred", even though the stamps are not yet good, from:

(1) A primary distributor (other than one who reports or is required to report on OPA Form R-1606) who holds a permit as a farm slaughterer issued by the Food Distribution Administration; or

(2) A person who holds a permit as a farm slaughterer issued by the Food Distribution Administration and who acquired the meat from a primary distributor in the way permitted in section 3.4.

[Paragraph (a) amended by Amendment 22, 8 F.R. 6446, effective 5-20-43 and Amendment 59, 8 F.R. 11955, effective 9-2-43]

SEC. 3.3 *Consumers may arrange to have their food processed or otherwise prepared.* (a) On or after May 24, 1943, any consumer may bring any of his food covered by this order to another person to be processed, cut, ground, boned, frozen, packaged or similarly prepared, and may get the same food back after it is so prepared, without any surrender of points by either person.

(b) If the consumer does not wait to get the food back, a "retailer", "wholesaler" or primary distributor who gets the food for processing or other preparation must keep a record showing the item received, its weight, the date he received it, and the name and address of the consumer. This record must be prepared when he gets the food from the consumer. When he returns the food to the consumer, he must add to this record the date he returned it.

[Sec. 3.3 as amended by Amendment 23, 8 F.R. 6614, effective 5-24-43]

SEC. 3.4 *Livestock producers may have animals slaughtered by primary distributor, primarily for household consumption, and acquire the resulting foods point-free.* (a) A livestock producer, other than an institutional user, may desire to have his animal slaugh-

tered by a primary distributor and acquire the resulting food covered by this order (whether or not it is also processed) from the primary distributor, without giving up points. The livestock producer may do so if he satisfies the conditions of this section, including the conditions stated in the certification required by paragraph (b).

(b) The livestock producer must sign and give up to the primary distributor two copies of a certification. The certification must show:

(1) The date of acquisition of the food from the primary distributor;

(2) The livestock producer's name;

(3) The address of the place where he resides;

(4) That: (i) the animal was kept at the place where he resides whether or not it is a farm, or (ii) the place where he resides is a farm and the animal was kept at another farm of his (in this case, the certification must also show the address of this other farm);

(5) That: (i) he raised the animal from birth to the moment of slaughter, or (ii) he fed it for a period of at least sixty days immediately preceding slaughter, or (iii) he was in possession of the animal for a period immediately preceding slaughter during which he increased its weight by at least thirty-five per cent of the weight it had at the time he acquired it;

(6) That the resulting food is primarily for consumption in his own household or on the farm where he resides or on another farm of his;

(7) Whether he intends to sell or transfer any of the resulting food;

(8) The name and address of the board for the place where he resides.

(c) He must also prove his identity by showing to the primary distributor his permit issued by the Food Distribution Administration. If he certifies that he does not intend to sell or transfer any of the resulting food and that he is a resident operator of a farm, he may prove his identity by showing his Agricultural Adjustment Administration plan, driver's license, automobile ownership registration card, selective service card, bank book or current utility bill, bearing the name and address shown in the certification. The primary distributor must make a notation on the certification of the type of document shown to him and the number designation contained in the document. (For example, in the case of a bank book, the number would be the account number.)

(d) If the primary distributor has received both copies of the required certification, has been shown the required proof of identity, and has made the required entries on the certification, and if he does not know or does not have any reason to believe that the certification is untrue, he may then transfer, without getting any points, the food resulting from the slaughter of the animal furnished by the livestock producer. He must keep one copy of the certification and within five days after the transfer, send the other to the board named in the certification.



(e) If the livestock producer sells or transfers some of the resulting food, he must file a report on OPA Form R-1609 with the board named in the certification and give up with it the points which he received for selling or transferring the food. In giving the information called for by the form, he must treat the food sold or transferred as if he produced it. He must also write on the bottom of the form that it is being filed in accordance with section 3.4 of the order. The report must be filed within fifteen days after the end of the calendar month in which he made the sales or transfers. It must cover all sales or transfers made during that month. The report must be signed by him or by his authorized agent, and is considered filed on time if the envelope in which it is enclosed is postmarked on or before the day it is due. If the livestock producer is a butcher under Food Distribution Order No. 27 of the Food Distribution Administration and has certified that he does not intend to sell or transfer some of the resulting food, he may not sell or transfer any of the food unless he notifies the board named in the certification, in advance, that he intends to sell or transfer some of the food and states the approximate amount he intends to sell or transfer.

[Sec. 3.4 added by Amendment 22, 8 F.R. 6446, effective 5-20-43]

#### Article IV—Primary Distributors

SEC. 4.1 *Explanation of the term primary distributor.* (a) Any "person" who has a "primary distributor establishment" is called a "primary distributor" as to that establishment. If he has more than one such establishment, he is considered a separate primary distributor as to each of them.

SEC. 4.2 *Explanation of the term primary distributor establishment.* (a) There are three main types of primary distributor establishments:

(1) A place where a "food covered by this order" is produced entirely from products not covered by this order (described in section 4.3);

(2) A place where an item or kind of food covered by this order is produced, by a processing operation, wholly or partly from another item or kind of food covered by this order (described in section 4.4);

(3) A place to which foods covered by this order are imported (described in section 4.5).

In certain cases, places at which no production or processing operations are performed are, for reasons of trade convenience, also considered primary distributor establishments. (These establishments are described in sections 4.7 and 4.9). The rules which determine whether a place is a primary distributor establishment are set forth in the sections which follow.

SEC. 4.3 *A place at which a food covered by this order is produced is a primary distributor establishment—(a) Meat; slaughtering.* Any place at which a person slaughters cattle, calves, sheep, lambs or swine, for sale or other "trans-

fer", is a primary distributor establishment.

(1) If a person slaughters livestock himself, the place where he does so is his primary distributor establishment. Even if he has the slaughtering done for him by an agent or employee, the place where it is done is his primary distributor establishment, unless it comes within the following description:

(i) That place is another person's primary distributor establishment (because of other slaughtering done there by or for that other person); and also

(ii) The agent or employee in question is that other person, or someone who works for that other person.

[Paragraph (i) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

(b) *Canning fish.* Any place at which a person produces "canned fish", for sale or other transfer, is a primary distributor establishment. A person produces canned fish if he packs any of the items described in section 1.1 (a) (2) in hermetically sealed containers.

(c) *Production of rationed fats or oils, or rationed cheeses.* Any place at which a person produces a "rationed fat or oil" or "rationed cheeses" for sale or other transfer, is a primary distributor establishment.

(d) *Packing milk.* Any place at which a person produces "canned milk", for sale or other transfer, is a primary distributor establishment. A person produces canned milk if he packs it in hermetically sealed containers.

[Paragraph (d) added by Amendment 34, 8 F.R. 7455, effective 6-2-43]

SEC. 4.4 *A place at which a food covered by this order is converted into another such food, is a primary distributor establishment.* (a) Any place at which a person, by processing, makes any item or kind of food covered by this order, wholly or in part from another item or kind of such food, for sale or other transfer, is a primary distributor establishment.

(1) The term "processing" does not include cutting, grinding, boning, freezing, packaging or repackaging. It does, however, include curing, smoking, cooking, pickling, canning, blending, mixing, rendering, extracting, drying, dehydrating, or any other similar process by which an item or kind of food covered by this order is converted into another item or kind of such food. It also includes the manufacture of sausage, scrapple, souse and similar products.

(b) A place at which a person "acquires" and processes foods covered by this order is, however, not a primary distributor establishment as to any of those foods acquired and processed there if all of the following conditions are met:

[Paragraph (b) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

(1) No foods covered by this order are produced there (other than by processing) and not more than five thousand pounds of foods covered by this order are processed there in any month; and

(2) More than fifty percent, by weight, of the transfers from there of all foods covered by this order are made to "consumers"; and

(3) More than fifty percent, by weight, of the foods covered by this order which were acquired and processed there are transferred from there to consumers, or to that person's own "institutional user establishment".

(For example, a delicatessen store, which buys "meat", cures it and sells most of it to consumers, is not a primary distributor establishment. This would be so even if the owner of the store transfers some of the cured meat to his own restaurant and uses it in meals he serves there. Such a store would not be a primary distributor establishment, even though foods covered by this order are processed there. It would be a "retail establishment".)

SEC. 4.5 *A place to which foods covered by this order are imported is a primary distributor establishment.* (a) Any place (including space in a public warehouse) to which a person imports foods covered by this order into the United States, from any place outside the United States, for sale or transfer, is a primary distributor establishment.

SEC. 4.6 *Place where foods covered by this order are produced or imported may be a primary distributor establishment as to foods not produced or imported there.* (a) A person may produce, process, or import foods covered by this order, at a particular place, for sale or transfer. He may also regularly keep there, for sale or transfer, foods covered by this order which he did not produce, process, or import there. That place is a primary distributor establishment, since foods are produced, processed or imported there. It would also be a retail or a "wholesale establishment" (depending on its operations) since foods not produced, processed, or imported there are regularly kept there for sale or transfer. However, if ninety percent or more, by weight, of all the foods covered by this order which are transferred from there, were produced, processed, or imported there, it is considered to be only a primary distributor establishment, as to all foods covered by this order held there for sale or transfer. In that case, it would not also be a retail or wholesale establishment.

[Paragraph (a) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

SEC. 4.7 *A place where a person keeps foods may be a primary distributor establishment even if he does not produce or import there.* (a) Any place (including space in a public warehouse) at which a person regularly keeps foods covered by this order not produced, processed or imported there, for sale or transfer, is a primary distributor establishment as to those foods even though it does not meet the tests described in section 4.6, if both of the following conditions are met:

(1) He himself produced, processed or imported ninety per cent or more, by weight, of those foods; and



(2) More than fifty per cent, by weight, of the foods covered by this order which he keeps there are transferred from there to persons other than "industrial users", "industrial consumers", "institutional users", "retailers", or consumers.

(b) There is also a general case in which a place where a person regularly keeps foods covered by this order which were produced, processed, or imported by someone else, is a primary distributor establishment as to those foods. If he uses ninety per cent or more, by weight, of those foods to make, by processing, other kinds or items of food covered by this order, the place where he keeps them is a primary distributor establishment. (For reasons of trade convenience, there is, in addition, a special rule covering certain places where "butter" or rationed cheeses are assembled. That rule is covered in section 4.9.)

(c) The rules set forth in this section apply whether or not the person also produces, processes or imports at that place foods covered by this order. The place is a primary distributor establishment as to any foods he produces, processes or imports there. This section, and sections 4.6 and 4.9, show when it is a primary distributor establishment as to foods he did not produce, process or import there.

**SEC. 4.8 A place is a single primary distributor establishment even if a person engages in several operations there.** (a) A place at which a person engages in more than one type of operation any one of which would make it a primary distributor establishment, is a single primary distributor establishment as to all such operations of that person. (Thus, if a person slaughters swine, renders "lard" and cures hams at the same place, that place is treated as a single primary distributor establishment of that person.) The only exception to this rule is covered in section 4.9 (c).

**SEC. 4.9 Butter and cheese assembly plant is a primary distributor establishment.** (a) Any place at which a person regularly keeps, for sale or transfer, stocks of butter or rationed cheeses which he did not produce, process or import there, is a primary distributor establishment, as to those stocks, if more than fifty per cent of them, by weight, is sold or transferred from there to persons other than industrial or institutional users, industrial consumers, retailers or consumers. However, if he keeps the stocks which are not transferred to persons other than the above, just to supply his own establishments, it is a primary distributor establishment only if it supplies:

(1) At least one of his primary distributor establishments; or  
(2) At least four of his wholesale establishments.

(b) This section applies only to a place which would not be a primary distributor establishment as to those stocks under section 4.6 or section 4.7.

(c) A place to which this section applies is, for all the purposes of this order, a separate primary distributor establish-

ment as to those stocks of butter or rationed cheeses.

**SEC. 4.10 A place where foods are produced or imported for use only is not a primary distributor establishment.** (a) A place at which a person produces, processes or imports foods covered by this order only for his personal, institutional or industrial use or for his use as an industrial consumer, (whether or not they will be used at that place), and not for sale or transfer in the form of foods covered by this order, is not a primary distributor establishment. The place does not become a primary distributor establishment because the person lends some of the foods to others, as permitted by section 3.1 (b), unless he lends more than the amount permitted by that section.

**SEC. 4.11 Primary distributors must register and file reports—(a) Registration.** Every primary distributor must register with the Office of Price Administration. A primary distributor who is required to report on OPA Form R-1606 must register by filing an additional copy of his first report, along with that report. A primary distributor who is required to report on OPA Form R-1609 is considered to be registered when he files his first report.

[Paragraph (a) amended by Amendment 12, 8 F.R. 5318, effective 4-27-43]

(b) **Reports.** Every primary distributor must file a report covering the operation of his primary distributor establishment during each reporting period ending on or after April 30, 1943. His first report must include his operations from March 29, 1943, to the end of his reporting period. However, the first report of a primary distributor of an item which is added, after March 29, 1943, to the foods covered by this order, must include his operations with respect to that item from the date it is added, to the end of his reporting period. If he has more than one primary distributor establishment, he must file a separate report for each. A primary distributor who reports on OPA Form R-1609 must file the report within fifteen days after the end of the reporting period it covers. A primary distributor who reports on OPA Form R-1606 must file the report within thirty days after the end of the reporting period it covers, but he may not file the report before the sixteenth day after the end of that period unless he has received all points due him for the transfers reported for that period and has paid all points owed by him for the acquisitions reported for that period. However, reports due in May, 1943, may be filed on or before May 31, 1943. A primary distributor may adopt any one of the following reporting periods:

(1) Calendar months; or  
(2) Consecutive four week periods; or  
(3) A system which divides the fiscal year into either four or five periods of five consecutive weeks and either seven

or eight periods of four consecutive weeks.

The report must be signed by him or by his authorized agent, and is considered filed on time if the envelope in which it is enclosed is postmarked on or before the day it is due.

(c) **Form to be used.** A primary distributor who sold or transferred foods covered by this order worth \$2,000 or more during any of his reporting periods from January 1, 1942 on, or who used points during the reporting period to acquire foods, or who imported such foods during that period, must report on OPA Form R-1606.

Any other primary distributor must report on OPA Form R-1609, but need not file a report for any reporting period during which he made no transfers of foods covered by this order (other than loans permitted by section 3.1 (b)). Once a primary distributor has reported on OPA Form R-1606, he must continue to use that form thereafter.

(d) **Information to be given.** A primary distributor must give all information called for by the form on which he reports. A primary distributor, required to report on OPA Form R-1606, must, among other things, report his inventory of rationed foods at the establishment covered by the report, at the beginning and end of the reporting period.

(e) **Inventory.** A primary distributor's inventory at his primary distributor establishment consists of all foods covered by this order which are physically located there or in transit to it, including foods which he holds there on consignment. If he has any such foods at or in transit to any place which is not an establishment of any type under this order, he must include them in the inventories of his establishments under this order, but he may divide them among those establishments as he chooses. He must, in that case, report the place where those foods are kept and the amount kept there which he is including in the inventory of his establishment. However, the following items are not part of his inventory:

(1) Food stored for a person other than his customer or transferee, or held as security for a loan to someone else (or similar transaction), or in transit for either of these purposes;

(2) Foods included in the inventory of one of his other establishments of any type.

(f) **Place for filing report.** A primary distributor who reports on OPA Form R-1606, must file it with the district office for the place where his establishment is located. If he reports on OPA Form R-1609, he must file it with the "board" for that place.

(g) **Change in reporting period.** A primary distributor who wishes to change his reporting periods, by reason of a change in his accounting periods, may apply to the district office (or to the board) with which he files his reports, for permission to make the change. The application must be made on OPA Form R-315, and must give the reasons for the change desired. The district



office (or the board) shall act on the application according to the circumstances of the case.

SEC. 4.12 *Primary distributor may not do business if he does not file reports.* (a) No primary distributor may transfer or acquire any food covered by this order after any date on which a report is due from him, until he has filed that report.

SEC. 4.13 *A primary distributor must surrender to the Office of Price Administration all points he is not permitted to use.* (a) A primary distributor must give up to the Office of Price Administration, for cancellation, all points he receives for sales or transfers of foods covered by this order, except for points he uses for a purpose permitted by paragraph (c) or (d) of this section. He must attach to his report for each reporting period all points not so used which he received during that period for sales or transfers of such foods. If he has, or is required to have, a ration bank account, he must give them up in the form of a certified ration check (payable to the Office of Price Administration) drawn on his ration bank account. If he has no account, he must give them up in the form he received them.

(b) A primary distributor who has received "stamps" which are not yet valid, in the way permitted by section 3.2, must enclose those stamps with his report for the period in which he received them. He may not use or deposit them.

(c) A primary distributor may use points only for the following purposes:

(1) To acquire foods covered by this order, for the purpose of processing them;

(2) To acquire, for sale or transfer without processing, foods produced, processed or imported by someone else, in an amount up to (but not exceeding) ten per cent by weight of his total transfers from his primary distributor establishment during the reporting period;

(3) To acquire, for his primary distributor establishment, foods which he produced, processed or imported elsewhere;

[NOTE: It is not a primary distributor establishment as to those foods unless it meets the tests described in section 4.6 (a) or 4.7 (a). If it does not meet one of those tests, its points may not be used to acquire such foods, except as permitted by (1), (4) and (5) of this paragraph.]

(4) To return points for under-deliveries of foods, as permitted by section 10.9;

(5) To get back foods he transferred.

[Paragraph (5) as amended by Amendment 26, 8 F.R. 6840, effective 5-27-43]

(d) The points of a primary distributor establishment to which section 4.9 applies may, however, be used only for the following purposes:

(1) To acquire butter or rationed cheeses for that establishment;

(2) To return points for under-deliveries of butter or rationed cheeses as permitted by section 10.9;

No. 192—8

(3) To get back butter or rationed cheeses transferred.

[Paragraph (3) as amended by Amendment 26, 8 F.R. 6840, effective 5-27-43]

SEC. 4.14 *Primary distributors may get points to acquire foods.* (a) A primary distributor who does not have enough points after April 10, 1943, to acquire foods covered by this order for a purpose permitted by section 4.13 (c) or (d), may, before May 1, 1943, deposit in his ration bank account a "credit authorization" on OPA Form R-1608, for the number of points he needs, up to the maximum permitted under the next paragraph. The credit authorization must be signed by him, or by his authorized agent, and he must give all the information it calls for. (Only one credit authorization may be deposited for any primary distributor establishment.)

(b) The maximum number of points for which a primary distributor may issue and deposit a credit authorization is three times the number of pounds of all foods covered by this order which he acquired during the first three months of 1943.

(c) A primary distributor who, after April 18, 1943, needs more points to acquire foods covered by this order, for a purpose permitted by section 4.13 (c) or (d), than he has available may apply for additional points. The application must be made, on OPA Form R-315, to the district office with which his reports must be filed. The application must show the number of points he has, the reason he needs more, the number he needs and the time for which he needs them. If the district office finds that he needs more points for one or more of the purposes described in section 4.13 (c) or (d), it may issue to him a "certificate" (OPA Form R-1201) for the number of points he needs. If it finds that he needs them temporarily only, it may fix a time within which he is to return the points, and he must then return them at or before the time fixed.

SEC. 4.15 *A primary distributor who has more than one establishment must operate them separately.* (a) If a primary distributor has more than one primary distributor establishment, they are treated and must be operated separately, for all the purposes of this order, just as if they were owned by different persons.

SEC. 4.16 *Primary distributors must keep records.* (a) Beginning March 29, 1943, every primary distributor must keep, at his primary distributor establishment, a record showing his production and processing, by weight, and his acquisitions and transfers, by weight and point value, of each of the following foods: meat, canned fish, rationed cheeses, butter, "margarine", lard, "shortening" and "cooking or salad oils." He must also keep a similar record with respect to any item which is added to the foods covered by this order, beginning on the date the item is added.

[Paragraph (a) as amended by Amendment 24, 8 F.R. 7455, effective 6-2-43]

(b) In addition, at the time of any change in the point value of any item of food covered by this order, every primary distributor must make and keep at his establishment, a record of the amount of the item he has in his inventory, and of its point value before and after the change.

SEC. 4.17 *Policy against discrimination.* It is the policy of Ration Order No. 16 that no slaughterer distributing meat through its own branch houses or comparable agencies of distribution, and no branch house or agency of any such slaughterer, shall discriminate in the sale or distribution of meat available for civilian consumption against any independent wholesaler, processor, hotel supplier, fabricator, peddler, purveyor, distributor, or other middleman customarily supplied by such slaughterer, branch house, or agency during the year immediately preceding October 1, 1942.

[Sec. 4.17 added by Amendment 10, 8 F.R. 4967, effective 4-15-43]

#### Article V—Wholesalers

SEC. 5.1 *Explanation of the terms wholesaler and wholesale establishment.*

(a) Any place (including space in a public warehouse) where a "person" who deals in "foods covered by this order" regularly keeps stocks of those foods for sale or "transfer" (other than as a "primary distributor"), is a "wholesale establishment" if fifty per cent 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".

(b) Any person dealing in foods covered by this order who has a wholesale establishment is called a "wholesaler", as to that establishment.

SEC. 5.2 *Wholesalers must register—*

(a) *General.* Every wholesaler must register with the Office of Price Administration by filing two copies of OPA Form R-1602, at any time from May 3, 1943 to May 24, 1943, inclusive. Both copies of the form must be completed and signed by the wholesaler or his authorized agent. He must give all information called for by the form.

(b) *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 May 24, 1943.

[Paragraphs (a) and (b) as amended by Amendment 19, 8 F.R. 6046, effective 5-13-43]

(c) *Registration for single wholesale establishment.* A wholesaler who has only one wholesale establishment must file his registration with the "board" for the place where that establishment is located.

(d) *Registration for two or more wholesale establishments of the same*



person. If a wholesaler has two or more wholesale establishments and has operated them separately under this order, just as if they were owned by different persons, he must either register each establishment separately on a separate OPA Form R-1602 or register all of them together on a single form, as he chooses. If he has not operated them separately under this order, he must register them together on the same form. (For example, he must register all of them together (1) if he has opened a single ration bank account for two or more of them; or (2) if he has drawn a ration check against an account serving one of them to "acquire" foods for another; or (3) if, after April 10, 1943, he transferred points, or foods covered by this order, from one to another without transferring foods or points of equal point value between them; or (4) if he elects to register them together when he files his credit authorization pursuant to section 5.7.)

(e) *Where and how a wholesaler who has two or more wholesale establishments must register.* If a wholesaler who has two or more wholesale establishments registers them together, he must furnish the required information for them on a single registration form and file two copies of that form with the board for the place where his principal business office is located. If he registers each of them separately, he must complete two copies of the form for each establishment and file them with the board for the place where that establishment is located.

(f) *Separately registered establishments are to be treated and operated separately.* If a wholesaler has more than one wholesale establishment and registers or is required to register them separately, each of those establishments is to be treated and operated separately for all the purposes of this order (including computation of allowable inventories), just as if the establishments were owned by different persons.

(g) *Persons who are wholesalers because an item is added to the foods covered by this order.* A person who, at the time an item is added to the foods covered by this order, regularly deals in that item and therefore becomes a wholesaler under this order, is not required to register. If he has more than one wholesale establishment, each of those establishments is to be treated as if it was separately registered.

[Paragraph (g) added by Amendment 34, 8 F.R. 7455, effective 6-2-43]

SEC. 5.3 *Wholesaler may not do business unless he has registered.* (a) No wholesaler may transfer or acquire foods covered by this order after May 24, 1943, until he has registered in the manner required.

[Sec. 5.3 as amended by Amendment 19, 8 F.R. 6046, effective 5-13-43]

SEC. 5.4 *Wholesalers must report their inventories.* (a) As part of his registration, a wholesaler must report, on OPA Form R-1602, the point value of his inventory of foods covered by this order at

the close of business on May 1, 1943. If he has more than one wholesale establishment he must file a separate inventory report for each, whether or not they are registered separately. If any of his sales or transfers of foods covered by this order are not made from a fixed place (for example, if he sells foods from a mobile conveyance such as a truck) he need not file a separate inventory report for that conveyance.

(b) A wholesaler's inventory at his wholesale establishment consists of all foods covered by this order which are physically located at that establishment or in transit to it, including foods which he holds there on consignment. If he has any such foods at or in transit to any place which is not an establishment of any type under this order, he must include them in the inventories of his establishments under this order, but he may divide them among those establishments as he chooses. He must, in that case, report the place where those foods are kept and the amount kept there which he is including in the inventory of his establishment. However, the following items are not part of his inventory:

(1) Foods stored for a person other than his customer or transferee, or held as security for a loan to someone else (or similar transaction), or in transit for either of those purposes;

(2) Foods included in the inventory of one of his other establishments of any type.

SEC. 5.5 *Wholesalers must report their sales and points on hand.*—(a) *Sales and transfers.* A wholesaler must report, as part of his registration, the pounds of all foods covered by this order which were transferred by him from April 25, 1943 to May 1, 1943, inclusive. (If he has more than one wholesale establishment and they are registered together, he must report the total for all.) However, he is not to include in this report any exchanges of such foods, or transfers from one to another of his wholesale establishments, or to any other wholesale establishment. The report must show his sales and transfers separately of each of the following classes of foods covered by this order:

(1) Fresh and frozen "meats";

(2) "Shortening", "lard", "cooking or salad oil", "canned meats", "canned fish";

(3) All other foods covered by this order, including "rationed cheeses", "butter", "margarine", sausage and types of meats not described in (1) or (2).

(b) *Points on hand.* A wholesaler must also report, as part of his registration, the total number of points which he has available for acquiring foods covered by this order at the close of business on May 1, 1943. He must include all points which he has on hand, all in his ration bank account (except those for which ration checks are outstanding), all which he has already given up for foods not yet shipped to him, and all which he has not yet received for foods he has already shipped. However, he is not to include points he has received for foods

which he has not yet shipped, or points he owes for foods already shipped to him.

SEC. 5.6 *A wholesaler is given an allowable inventory.*—(a) *General.* Every wholesaler is entitled to an operating inventory, called an allowable inventory, which is based on his sales and transfers of foods covered by this order from April 25, 1943, to May 1, 1943, inclusive. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a wholesaler's allowable inventory, the number of pounds of foods in each of the three classes specified in section 5.5 (a) transferred by him from April 25, 1943 to May 1, 1943, inclusive, 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 allowable inventory. Exchanges of such foods, and transfers from one to another of his wholesale establishments, or to any other wholesale establishment, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of foods covered by this order, 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 such foods, since he can use these points to get additional stocks. These points include those referred to in section 5.5 (b).

(2) The sum of the above two figures, at a particular time, shows the amount of foods covered by this order he has and can get at that time. That sum is called his point inventory.

(d) *When a wholesaler is entitled to a certificate.* If a wholesaler's point inventory at the close of business on May 1, 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.

(e) *What a wholesaler must do if he has excess inventory.* If a wholesaler's point inventory at the close of business on May 1, 1943, is greater than his allowable inventory, the difference is excess inventory. He must, in that case, give up to the board, for cancellation, points equal to his excess inventory. Points for that amount must be forwarded with his registration. He must give up the points in the form of a certified check drawn on his ration bank account, made payable to the Office of Price Administration. A wholesaler who does not have enough points at the time of registration, may accumulate and forward them later, but he may not buy or acquire foods covered by this order until he has done so.

SEC. 5.7 *Wholesalers may deposit credit authorizations.* (a) A wholesaler who does not have enough points after April 10, 1943 to acquire foods covered by this order in sufficient quantity to give



him an adequate working inventory, may, before May 1, 1943, deposit in his ration bank account a credit authorization on OPA Form R-1608 for the number of points he needs, up to the maximum permitted under the next paragraph. The credit authorization must be signed by him or by his authorized agent, and he must give all the information it calls for. No more than one credit authorization may be deposited for any wholesale establishment, or, if a wholesaler has more than one wholesale establishment and will register or is required to register them together, only one credit authorization may be deposited for all.

(b) The maximum number of points for which a credit authorization may be issued and deposited by a wholesaler is the sum of the following:

(1) The number of pounds of meat (excluding canned meat) sold or transferred by him during any calendar week chosen by him from the week beginning January 3, to the week ending April 3, 1943, multiplied by a factor fixed by the Office of Price Administration in a supplement to this order; and

(2) The number of pounds of all other foods covered by this order (including canned meat) which were sold or transferred by him during the calendar week chosen, multiplied by a factor fixed by the Office of Price Administration in a supplement to this order.

Exchanges of foods covered by this order, and transfers from one to another of his wholesale establishments, or to any other wholesale establishment, are not to be included in this computation.

**Sec. 5.8 Wholesalers must keep records.** (a) Every wholesaler must keep, at his wholesale establishment (or at his principal business office, if he has more than one and registers them together) a copy of his registration on OPA Form R-1602, and of any worksheets used by him in computing his allowable inventory and his inventory.

(b) In addition, at the time of any change in the point value of any item of food covered by this order, every wholesaler must make a record of the amount, in pounds, 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 foods covered by this order, every wholesaler must keep a record of the amount, in pounds and point value, of that item which he has in his inventory. Even if he has more than one wholesale establishment registered together, he must make and keep such a record at each establishment.

[Paragraph (b) as amended by Amendment 34, 8 F.R. 7455, effective 6-2-43]

(c) He must keep a record of his sales or transfers of foods covered by this order from April 25, 1943 to May 1, 1943, inclusive, according to the classes set forth

in section 5.5 (a). The record is to separate from his other transfers, exchanges and transfers to wholesale establishments.

**Sec. 5.9 Wholesalers who sell to consumers must post table of point values.** (a) A wholesaler who makes sales or transfers to consumers at his wholesale establishment of foods covered by this order, must comply at that establishment with the provisions of section 10.4, as to the posting of the point values of the items he carries.

#### Article VI—Retailers

**Sec. 6.1 Explanation of the terms retailer and retail establishment.** (a) Any place (including space in a public warehouse) where a "person" who deals in "foods covered by this order" regularly keeps stocks of those foods for sale or "transfer" (other than as a "primary distributor") is a "retail establishment" if more than fifty percent 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 percent 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 establishment", and not more than three retail establishments, are supplied from there.

(b) Any person dealing in food who has a retail establishment is called a "retailer" as to that establishment.

**Sec. 6.2 Retailers must register—(a) General.** Every retailer must register his retail establishments with the office of Price Administration at any time from May 3, 1943, to May 14, 1943, inclusive, on OPA Form R-1601. 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-1601.

(b) **Mailing.** Where a registration form is filed by mail it is considered filed on time if the envelope is postmarked on or before May 14, 1943.

(c) **Registration for single retail establishment.** A retailer who has only one retail establishment must file his registration with the "board" for the place where that establishment is located.

(d) **Registration for two or more retail establishments of the same person.** If a retailer has two or more retail establishments and has operated them separately under this order, just as if they were owned by different persons, he must either register each establishment separately on a separate OPA Form R-1601, or together on a single form. If he has not operated them separately under this order, he must register them together on the same form. (For example, he must register them together (1) if he has opened a ration bank account for two or more of them; or (2) if he has drawn a ration check against an account serving one of them to "acquire" foods for

another; or (3) if, after April 10, 1943, he transferred points, or foods covered by this order, from one of his retail establishments to another of his retail establishments without transferring foods or points of equal point value between them.)

(e) **Where and how a retailer owning two or more retail establishments must register.** If a retailer who has two or more retail establishments registers them together, he must furnish the required information for them on a single registration form and file that form with the board for the place where his principal business office is located. If he registers each of them separately, he must file a separate registration form for each establishment with the board for the place where that establishment is located.

(f) **Separately registered establishments are to be treated and operated separately.** If a retailer has more than one retail establishment and registers them separately, each of those establishments is to be treated and operated separately for all the purposes of this order (including computation of allowable inventories), just as if the establishments were owned by different persons.

(g) **Persons who are retailers because an item is added to the foods covered by this order.** A person who, at the time an item is added to the foods covered by this order, regularly deals in that item and therefore becomes a retailer under this order, is not required to register. If he has more than one retail establishment, each of those establishments is to be treated as if it was separately registered.

[Paragraph (g) added by Amendment 34, 8 F.R. 7455, effective 6-2-43 and amended by Amendment 37, 8 F.R. 8540, effective 6-24-43]

**Sec. 6.3 A retailer may not do business unless he has registered.** (a) No retailer may transfer or acquire foods covered by this order after May 14, 1943, until he has registered in the manner required.

**Sec. 6.4 Retailers must report their inventories.** (a) As part of his registration, a retailer must report, on OPA Form R-1601, the point value of his inventory of foods covered by this order at the close of business on May 1, 1943.

(b) A retailer's inventory at his retail establishment consists of all foods covered by this order which are physically located at that establishment or in transit to it, including foods which he holds there on consignment. If he has any such foods at or in transit to any place which is not an establishment of any type under this order, he must include them in the inventories of his establishments under this order, but he may divide them among those establishments as he chooses. He must, in that case, report the place where the foods are kept and the amount kept there which he is including in the inventory of his establishment. However, the following items are not part of his inventory:

(1) Foods stored for a person other than his customer or transferee, or held



as security for a loan to someone else (or similar transaction), or in transit for either of those purposes;

(2) Foods included in the inventory of one of his other establishments of any type.

**SEC. 6.5 Retailers must report their sales and points on hand—(a) Sales and transfers.** A retailer must report, as part of his registration:

(1) The point value of all foods covered by this order which were transferred by him from April 25, 1943, to May 1, 1943, inclusive. If he has more than one retail establishment and they are registered together, he must report the total for all. However, he shall not include in his report any exchanges of foods, or transfers of them from one to another of his retail establishments, or to any other retail establishment; and

(2) The total number of points which he has available for acquiring food at the close of business on May 1, 1943. He must include all points 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 food not yet shipped to him, and all points which he has not yet received for foods he has already shipped. However, he is not to include points he has received for foods which he has not yet shipped, or points he owes for foods already shipped to him.

**SEC. 6.6 A retailer is given an allowable inventory—(a) General.** Every retailer is entitled to an operating inventory, called an allowable inventory, which is based on his sales and transfers of foods covered by this order from April 25, 1943 to May 1, 1943, inclusive. This allowable inventory is stated in terms of points.

(b) *Amount of allowable inventory.* To get a retailer's allowable inventory, the points received or receivable for all foods covered by this order transferred from his retail establishment from April 25, 1943 to May 1, 1943, inclusive, are multiplied by three. The result is his allowable inventory. Exchanges of foods, and transfers of them from one to another of his retail establishments, or to any other retail establishment, must not be included in this computation.

(c) *Point inventory.* (1) In order to determine how large a stock of foods covered by this order, 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 food, since he can use those points to get additional stocks. These points include all those referred to in section 6.5 (a) (2).

(2) The sum of the above two figures, at the close of business on May 1, 1943, shows the amount of foods covered by this order he has and can get at that time. That sum is called his point inventory.

(d) *When a retailer is entitled to a certificate.* If a retailer's point inven-

tory at the close of business on May 1, 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.

(e) *What a retailer must do if he has excess inventory.* If a retailer's point inventory at the close of business on May 1, 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, but he may not buy or acquire foods covered by this order, until he has done so.

[Paragraph (e) as amended by Amendment 16, 8 F.R. 5847, effective 5-10-43]

**SEC. 6.7 Retailers may apply for emergency inventory adjustments during April 1943.** (a) Any retailer who finds, during the period from April 11, 1943, to May 1, 1943, inclusive, that he does not have an adequate stock of foods to meet demands under rationing, may apply for an adjustment. A retailer who has only one retail establishment must apply to the board for the place where that establishment is located. If he has more than one retail establishment, he must apply to the board for the place where his principal business office is located. However, if he will register his establishments separately, he may apply, for each establishment for which he requests an emergency adjustment, to the board for the place where that establishment is located. The application is to be made on OPA Form R-315, and must show the approximate point value of his stocks of foods covered by this order, the point value of his sales or transfers, and the size of the inventory which he needs. The board may call upon him for any other information which it finds necessary in order to act upon the application.

(b) If the board finds that he does not have adequate stocks of foods, it may issue to him a certificate for the number of points needed to bring his stocks up to an adequate working level.

(c) An adjustment may be granted under this section only during the period from April 11, 1943 to May 1, 1943, inclusive.

**SEC. 6.8 Retailers must keep records.** (a) Every retailer must keep at his retail establishment a copy of his registration for that establishment. If he has more than one retail establishment and has registered them together, he must keep the copy at his principal business office. He must also keep there any

work sheets used by him in computing his allowable inventory and his inventory.

(b) In addition, at the time of any change in the point value of any item of food covered by this order, every retailer must make a record of the amount, in pounds, 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 foods covered by this order, every wholesaler must keep a record of the amount, in pounds and point value, of that item which he has in his inventory. He must keep this record at the place where he keeps the copy of his registration. Even if he has more than one retail establishment and they are registered together, he must make and keep such a record at each establishment.

[Paragraph (b) as amended by Amendment 34, 8 F.R. 7455, effective 6-2-43]

(c) A retailer who processes foods covered by this order but who is not a primary distributor (because of the provisions of section 4.4 (b)) must keep a record of the amount and type of food covered by this order which he uses for processing, and the amount, point value and type of the item he produces by processing.

(d) Every retailer must also keep a record of the point value of the foods covered by this order transferred from his retail establishment during the week from April 25, 1943 to May 1, 1943, inclusive. The record is to separate from his other transfers, exchanges and transfers to retail establishments.

[Paragraph (d) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

**SEC. 6.9 Retailers must post point prices.** (a) Beginning March 29, 1943, every retailer must post the current Official Tables of Consumer Point Values (OPA Forms R-1313 and R-1611) covering the items he sells, in his retail establishment in such manner that they can be plainly seen and read by consumers. If he sells from a truck or other mobile conveyance, the tables must be posted in it. If a retailer carries any item for sale or transfer in a form in which it appears on the Official Table of Trade Point Values and does not appear on either consumer point value table, he must keep the Official Table of Trade Point Values available for inspection by his purchasers.

[Paragraph (a) amended by Amendment 2, 8 F.R. 3949, effective 3-29-43 and Amendment 61, 8 F.R. 12297, effective 9-8-43]

(b) Every retailer must also post, at the place where he displays the items of foods covered by this order which he sells to his customers, the point value of every item of such food which 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 item itself; or
- (2) On the shelf or other place where the item is kept; or
- (3) On a list attached to, or posted next to, the shelf or other place where the item is kept.

(c) When a change is made in the point value of any food covered by this order, a retailer is allowed one full business day after the change becomes effective in which to correct the point values which he has posted in compliance with paragraph (b) of this section.

[Paragraph (c) added by Amendment 61, 8 F.R. 12297, effective 9-8-43]

SEC. 6.10 *A retailer may sell at lower point value foods in imminent danger of spoilage.* (a) If any foods covered by this order which a retailer has in his inventory are in imminent danger of spoilage and he finds, in good faith, that he cannot dispose of them at their regular point value quickly enough so that they can be used before they spoil, he may sell or transfer them at less than their regular point value. He must, in doing so, comply with the conditions and follow the procedure set forth in this section.

[Paragraph (a) amended by Amendment 2, 8 F.R. 3949, effective 3-29-43, Amendment 32, 8 F.R. 7281, effective 5-29-43 and Amendment 49, 8 F.R. 10432, effective 7-29-43]

(b) A retailer may reduce the point value of a food covered by this order when permitted by this section, only to the extent necessary to dispose of it before it spoils. No retailer may sell or transfer a food covered by this order at less than its regular point value, unless he has reduced the money price of that food in the following way:

(1) No reduction in point value may be made unless the money price of the food has been reduced at least twenty-five per cent below its ceiling price established by applicable orders of the Office of Price Administration;

(2) No reduction in the point value of the food of more than twenty-five per cent below its regular point value may be made unless the money price of the food is reduced below its ceiling price in the same proportion. However, the money price need not be reduced, in any case, more than fifty per cent below its ceiling price.

[Paragraph (b) as amended by Amendment 6, 8 F.R. 4423, effective 4-5-43]

(c) Whenever a retailer sells or transfers an item of food covered by this order at less than its regular point value, he must sell or transfer that item so long as he has it on hand to any person who is willing to buy or acquire it at that reduced point value which he has posted for it. He must also post a notice where it may be clearly seen and read by his customers showing:

- (1) The item that he is selling at the lower point value;
- (2) The point value at which he intends to sell it;

[Paragraph (2) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

(3) That he is selling that item at less than its regular point value to prevent spoilage;

(4) The ceiling price of the item, and the reduced money price at which he intends to sell it.

[Paragraph (4) added by Amendment 6, 8 F.R. 4423, effective 4-5-43]

(d) If a retailer sells or transfers a food covered by this order at less than the regular point value he must make a written report (by postcard or otherwise) within twenty-four hours after he begins to transfer it at the lower point value, to the board for the place where his establishment is located. The report must be signed by the retailer or his authorized agent, and must show:

(1) The name and address of the establishment at which the food is being transferred at less than its regular point value;

(2) The particular reasons why the food is being transferred at less than its regular point value;

(3) The quantity and type of food involved.

(e) (1) Within four days after he began to transfer the food at less than its regular point value he must make a further report in writing (by postcard or otherwise) to that board, showing:

(i) The name and address of the establishment at which the food was transferred at less than its regular point value;

(ii) The types and quantity of food sold or transferred at the lower point value;

(iii) The total point value of the food so transferred.

He must also certify in writing, in this report, that he reduced the money price of the food sold or transferred at the lower point value, in the way required by this section.

[Last sentence added by Amendment 6, 8 F.R. 4423, effective 4-5-43]

(2) If he has made such a sale or transfer to any person other than a consumer, he must also report to the board:

(i) The name and address of the buyer or transferee;

(ii) The type and quantity of food sold or transferred to him;

(iii) The number of points received from him for that food.

(f) Any person other than a consumer who buys or acquires foods covered by this order at less than their regular point value, and who resells or retransfers them at a higher point value than that at which he bought or acquired them, must surrender the excess points to his board.

(g) A retailer who sold or transferred a food covered by this order at less than its regular point value may apply, on OPA Form R-315, for a certificate to replace the points by which his point inventory was reduced as a result of such transfers. The application must be made to the board for the place where his establishment is located, and must be signed by the retailer or his authorized agent. It must show the time when he made such transfers, the regular point value of the foods so transferred,

and the number of points received for them. It must also contain a certification in writing that he reduced the money price of the food sold or transferred at the lower point value, in the way required by this section. If the board finds that his point inventory was reduced by such transfers, it shall issue a certificate for the number of points by which it was reduced. However, no retailer may receive points under this section to replace point losses during any month in excess of two per cent of his allowable inventory. This paragraph does not apply to transfers made between March 29, 1943, and April 10, 1943, inclusive. Application to replace point losses must be made at or after registration. No application to replace point losses may be made after 30 days from the close of the month in which the point losses occurred.

[Paragraph (g) as amended by Amendment 6, 8 F.R. 4423, effective 4-5-43]

(h) If a retailer suffers a point loss because, between April 11, 1943, and May 1, 1943, inclusive, he sold or transferred foods covered by this order at less than their regular point value, he must include the points so lost as part of his point inventory held at the close of business on May 1, 1943.

#### Article VII—Industrial Users and Industrial Consumers

SEC. 7.1 *Explanation of the terms industrial use, industrial user, and industrial user establishment.* (a) Any use by a "person" of "foods covered by this order" in producing or manufacturing, for sale or "transfer", a food for human consumption, which is not covered by this order, or a pharmaceutical to be taken internally by humans or animals, is an "industrial use". (For example, use by a bakery of "shortening" in making bread, is an industrial use.) Industrial use also includes the use of a food covered by this order for experimental purposes. If a food covered by this order is used for a purpose for which the order does not otherwise provide, such use is "industrial consumption". (The way foods covered by this order may be "acquired" for industrial consumption is covered in sections 7.10 and 7.11.) Moreover, the use of foods covered by this order in the preparation of food for service, or in the service of food, to "consumers", is an "institutional use", and not an industrial use. (An "institutional user" may obtain allotments of foods, and may use such foods, only in accordance with the provisions of General Ration Order 5.)

[Paragraph (a) as amended by Amendment 25, 8 F.R. 6687, effective 5-25-43]

(b) Any place where a person makes an industrial use of foods covered by this order is an "industrial user establishment", and any person who has such an establishment is called an "industrial user" as to that establishment. An industrial user who ceases to make an industrial use of foods (other than temporarily) is not regarded as an industrial user after he ceases.



**Sec. 7.2 Industrial users must register—(a) General.** Every industrial user who operated his industrial user establishment at any time from January 1, 1942 to March 19, 1943, inclusive, must register that establishment with the Office of Price Administration, at any time from March 29, 1943, to April 10, 1943, inclusive, on OPA Form R-1605, 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 either register each establishment separately, on a separate form, or he must register them together on a single form. If he has more than one industrial user establishment, and registers them separately, each of those establishments is to be treated and operated separately for all the purposes of this order (including computation of allotments and quarterly period use) just as if the establishments were owned by different persons. If he registers them together, they are treated as a unit, for those purposes.

**(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. However, if he has more than one industrial user establishment, and registers them separately, the registration form for each must be filed with the board for the place where it is located. He must give all information called for by the form.

**Sec. 7.3 Industrial user may not do business unless he has registered.** (a) No industrial user may acquire or use foods covered by this order after April 10, 1943, until he has registered and been given an allotment under this order.

**Sec. 7.4 Industrial users must report their inventories.** (a) As part of his registration, an industrial user must report his inventory of foods covered by this order, at the close of business on March 28, 1943. If he has more than one industrial user establishment and registers them together, he must report his total inventory for all his establishments on the same registration form.

**(b) An industrial user's inventory at his industrial user establishment consists of all foods covered by this order which are physically located at that establishment, or in transit to it.** He may, however, assign to and include in the inventory of one of his industrial user establishments foods physically located at or in transit to another of his industrial user establishments. If he has any such foods at, or in transit to, any place which is not his industrial user establishment, for industrial use at that establishment, he must include them in the inventory of that establishment. If he has any such foods at or in transit to any place which is not an establishment of any type under this order, he must include them in the inventories of his establishments under this order, but he may divide them among those establishments as he chooses. If he includes in the inventory of an industrial user

establishment any foods not physically located at or in transit to it, he must report the place where those foods are kept and the amount kept there which he is including in the inventory of his establishment. However, the following items are not part of his inventory:

(1) Foods stored for a person other than his customer or transferee, or held as security for a loan to someone else (or similar transaction), or in transit for either of those purposes;

(2) Foods included in the inventory of one of his other establishments of any type.

[Paragraph (b) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

**Sec. 7.5 Industrial users must report their use of foods during certain quarterly periods.** (a) As part of his registration, an industrial user must also report the number of pounds of foods covered by this order on March 29, 1943, by groups, of which he made an industrial use at his industrial user establishments during 1942. These groups will be fixed by the Office of Price Administration in a supplement to this order. The report must show the amount he used during each of the following quarters in 1942:

[Paragraph (a) as amended by Amendment 34, 8 F.R. 7455, effective 6-2-43]

(1) *Second quarter:* April to June, inclusive;

(2) *Third quarter:* July to September, inclusive;

(3) *Fourth quarter:* October to December, inclusive;

(4) *First quarter:* January to March, inclusive.

**(b) If an industrial user establishment was not in operation for a full quarter, his industrial use of foods covered by this order at the establishment during that quarter is fixed, for all the purposes of this order, in the following way:**

(1) *If it was in operation during a part of the quarter.* (i) The amount of foods covered by this order so used there by him during that part of the quarter is determined;

(ii) That amount is divided by the number of days it was in operation during the quarter;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(2) *If it was not in operation at all during the quarter but was in operation in any other part of 1942.* (i) The amount of foods covered by this order so 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 quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter.

(3) *If it was not in operation at all during 1942, but was in operation at some time between January 1, 1943 and March 19, 1943, inclusive.* (i) The amount of foods covered by this order so used there by him between January 1, 1943 and March 19, 1943, inclusive, is determined;

(ii) That amount is divided by the number of days it was in operation between January 1, 1943 and March 19, 1943, inclusive;

(iii) The result is multiplied by the number of days the establishment would have been operated during the quarter, if it had been a normal period of operations;

(iv) The resulting figure is treated as the amount so used during the quarter. (If an industrial user's establishment was not in operation at any time from January 1, 1942 to March 19, 1943, inclusive, he is treated as a new industrial user as to that establishment under the provisions of section 13.3).

(c) The rules set forth under (1) and (2) of the last paragraph do not apply where an industrial user's establishment was not in operation during all or part of a quarter 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 industrial use during the quarter.

(d) Notwithstanding the provisions of paragraph (a), if an industrial user, as part of his registration, included the amount of waste cooking waters, meat extracts or bouillon cubes in his report of foods used in each quarter of 1942, he must, at the time he applies for his next allotment, notify the board of these amounts. The board must deduct these amounts from the amounts of foods reported as used in each quarter of 1942. (This paragraph shall not affect his allotment for the period from April 1, 1943, through June 30, 1943.)

[Paragraph (d) added by Amendment 18, 8 F.R. 5819, effective 5-2-43 and amended by Amendment 34, 8 F.R. 7455, effective 6-2-43]

**Sec. 7.6 Allotments for industrial users—(a) General.** An industrial user is given an allotment to enable him to get and use foods covered by this order at his industrial user establishment. Allotments are given for fixed periods, called allotment periods. The allotment periods are: from April 1, 1943 through June 30, 1943; July 1, 1943 through September 30, 1943; October 1, 1943 through December 31, 1943; January 1, 1944 through March 31, 1944.

**(b) Application for allotments.** An industrial user's registration is treated as an application for his first allotment. His application for subsequent allotments 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. The board may permit the application to



be made at any time during the month preceding an allotment period under such circumstances as the "Washington Office" may direct. The board, in its discretion, may also permit an application to be made at any time within the allotment period, but if it is made more than five days after the beginning of the period, the industrial user's allotment shall be reduced in proportion to the part of the allotment period which has elapsed at the time he applies.

[Note: An industrial user is permitted to use foods covered by this order only up to the amount of his allotments. He needs allotments even if his stocks are sufficient, since his allotments establish his right to use these foods—they are 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 industrial use of foods which were covered by this order on March 29, 1943 at his industrial user establishments during the quarter in 1942 corresponding to the allotment period. The Office of Price Administration will fix, in a supplement to this order, a factor for each of several groups of foods covered by this Order. The number of pounds of foods in each group he used during the quarter is multiplied by the factor fixed for that group. The resulting numbers 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 the average point value of the foods covered by this order and the reduction required as a result of the scarcity of those foods.)

[Paragraph (c) as amended by Amendment 34, 8 F.R. 7455, effective 6-2-43]

(d) *Right to a certificate; excess inventory.* (1) An industrial user is entitled to get and use foods covered by this order up to the amount of his allotment. Therefore, he is 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 under his allotment and therefore needs fewer points. For that reason the point value of his inventory at the close of business on March 28, 1943, must be deducted. (The method of determining his inventory at the close of business on March 28, 1943 is covered by section 7.4.)

(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 first allotment, the difference is excess inventory. If an industrial user has excess inventory he is not entitled to receive a certificate until it has been absorbed by his allotments. At that time, he is entitled to get a certificate for the difference.

(e) *Issuance of certificates.* Only one certificate will be issued by the board, for the full number of points to which an industrial user is entitled, except that if he has more than one industrial user

establishment and has registered them separately, he is to get a separate certificate for each, since separately registered establishments are treated separately.

(f) *Report of point-free acquisitions.* An industrial user who acquires foods covered by this order, after March 28, 1943, without giving up points, and who is not required by any other provision of this order to account for or turn over to the Office of Price Administration points for the point value of the foods so acquired, must report such acquisitions and the amount acquired, when applying for his next allotment. The point value of the amounts so acquired shall be treated as excess inventory.

(g) *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.

(h) *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 food covered by this order, 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.

(i) *Report of inventory of canned milk.* An industrial user who has canned milk in his inventory at the close of business on June 1, 1943, must report the amount, in pounds and point value, when applying for his next allotment. The point value is computed by multiplying the total number of pounds by one point per pound. This amount shall be treated as excess inventory.

[Paragraph (i) added by Amendment 34, 8 F.R. 7455, effective 6-2-43]

(j) *Items added to the foods covered by this order.* Except as otherwise provided in paragraph (i) of this section, the point value of an item which an industrial user has in his inventory at the time that item is added (after March 29, 1943) to the foods covered by this order, shall be considered an increase in his allotment for the period in which such addition is made.

[Paragraph (j) added by Amendment 35, 8 F.R. 7491, effective 6-6-43]

Sec. 7.7 *Registration after April 10, 1943—(a) Registration of persons who*

*become industrial users because an item is added to or removed from the foods covered by this order.* (1) Any person who becomes an industrial user because an item of food he uses in his operations is added to the foods covered by this order (or because he uses an item of food covered by this order in making products which are removed from the foods covered by this order) must, if he used that item of food in his operations prior to March 29, 1943, register his industrial user establishment by filing OPA Form R-1605 within twenty days after he becomes an industrial user. If he has more than one such industrial user establishment, he must either register each establishment separately, on a separate form, or he must register them together on a single form. The registration form must be filed, in person or by mail, with the board for the place where his principal business office is located. However, if he has more than one such industrial user establishment, and registers them separately, the registration form for each must be filed with the board for the place where it is located. He must give all the information called for by the form. However, he must report his inventory of foods covered by this order 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 an item of food he uses in his operations is added to the foods covered by this order (or because he uses an item of food covered by this order in products which are removed from the foods covered by this order) may, if he began to use those foods in his operations since March 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 he 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 item of food;
- (vi) His inventory of foods covered by this order;
- (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 upon the application, but must forward it, together with all information received, to the district office. It may attach its recommendation, if any, as to the action to be taken. The district 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.

(b) *Later 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 foods covered by this order 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. 7.7 as amended by Amendment 67, 8 F.R. 12403, effective 9-5-43]

**SEC. 7.8 Restrictions on use of foods by industrial users.** (a) No industrial user may use, during an allotment period, more foods covered by this order than his allotment for that period plus any unused part of his allotments for earlier periods. He may also use foods up to the amount of an allotment for any future period, at any time after he has been granted that allotment. However, if he uses any part of that allotment prior to the beginning of the period for which it was granted he shall, for purposes of this paragraph, be considered to have used it in the period for which it was granted.

[Paragraph (a) as amended by Amendment 57, 8 F.R. 11853, effective 8-28-43]

(b) No industrial user may use, for any purpose except an industrial use, foods covered by this order which are included in his industrial user inventory at the close of business on March 28, 1943, or which he acquired with points he received as an industrial user.

**SEC. 7.9 Industrial users must keep records.** (a) Every industrial user must keep copies of all his industrial user registrations at his principal business office. In addition, if he has more than one industrial user establishment, he must keep, at each establishment, a record of its inventory at the close of business on March 28, 1943. He must also preserve his records showing his use of foods covered by this order during the quarters reported in his registration.

(b) In addition, an industrial user must keep a record of the amount of foods covered by this order which he acquires and the date of acquisition, and the amount of such food used, at each of his industrial user establishments during each allotment period.

(c) In addition, at the time any item is added to or removed from the foods covered by this order, every industrial user must keep a record of the amount, in pounds, of that item which he has in his inventory.

[Paragraph (c) added by Amendment 34, 8 F.R. 7455, effective 6-2-43]

**SEC. 7.10 Explanation of the terms industrial consumption, and industrial consumer.** (a) If a food covered by this order is used for a purpose for which the order does not otherwise provide, such use is industrial consumption. (For example, if a manufacturer uses "lard" in making cold cream, that use is called industrial consumption. It is not industrial use because cold cream is not a food for human consumption or a pharmaceutical to be taken internally by humans or animals. It is not a primary distributor operation because cold cream is not a food covered by this order. Another example of industrial consumption is the use of refined cottonseed oil by a hospital in bathing new-born infants. If a food covered by this order is used by a person as a consumer, primary distributor, industrial user, institutional user, or exempt agency, such use is not industrial consumption.)

[Paragraph (a) as amended by Amendment 25, 8 F.R. 6687, effective 5-25-43]

(b) Any person who engages in industrial consumption (of a food covered by this order) is called an "industrial consumer".

**SEC. 7.11 Industrial consumers may apply for points to acquire foods.** (a) An industrial consumer who needs "rationed fats or oils", (other than for the care and treatment of the sick or for the purpose of making a pharmaceutical which is not taken internally by humans or animals), may apply, in writing, to the Fats and Oils Section, Food Distribution Administration, Washington, D. C., for permission to acquire and use them. If the application is granted, a certificate will be issued to the applicant by the Administrator of the Food Distribution Administration.

[Paragraph (a) as amended by Amendment 52, 8 F.R. 10763, effective 8-7-43]

(b) If an industrial consumer needs any foods covered by this order, other than rationed fats or oils, or if he needs rationed fats or oils to make a pharmaceutical not taken internally by humans or animals, or if he is engaged in the care and treatment of the sick and needs rationed fats or oils for this purpose, he may apply, on OPA Form R-315, to the district office for the place where his principal business office is located, for a certificate with which to acquire them. The application must show the kind and amount of the food needed, and the purpose for which it is to be used. He must also give any additional information the district office may request. The district office will send the application to the "Washington Office," for decision, or take such other action as the Washington Office may authorize or direct.

[Paragraph (b) as amended by Amendment 25, 8 F.R. 6687, effective 5-25-43]

(c) An industrial consumer to whom a certificate is issued for industrial consumption may use it only to acquire the foods for which he applied, and may use those foods only for the purpose for which his application was granted.

**SEC. 7.12 Increase in allotment of rationed fats or oils to make bakery goods—(a) How to apply.** An industrial user may apply for an increase in his allotment to make bakery goods. The application must be made on OPA Form R-315 to the board with which he is registered, but not before he applies for his regular allotment. The industrial user must give the following information in the application:

(1) The number of additional points requested by him for each item of rationed fats and oils to be used in making bakery goods; and

(2) The number of pounds of each item of rationed fats and oils which he used at his industrial user establishments to make bakery goods, either during the corresponding quarter of 1942, or during the three month period of April, May and June of 1943, whichever is greater.

(b) *Action on application.* The board shall grant the application if it complies with the requirements of paragraph (a). The increase in allotment granted to the industrial user for bakery goods, for an allotment period, shall not exceed the sum of the figures obtained when the number of pounds of each item of rationed fats or oils, which he used at his industrial user establishments, during the corresponding quarter of 1942 or during the three month period of April, May and June of 1943 (whichever is greater), to make bakery goods, is multiplied by the factor fixed for that item in a supplement to this order. (Section 7.6 (d) applies in determining whether an industrial user who receives an increase in allotment is entitled to a certificate, and in determining the amount of the certificate.)

(c) *Restriction on use of regular allotment and increase in it.* The increase in allotment provided by this section applies to the use of rationed fats and oils only. If an industrial user gets such an increase he must use it only for the purpose of making bakery goods. Moreover, out of each of his regular allotments he must use only for bakery goods an amount of rationed fats and oils at least equal in point value to the part of that regular allotment which is based on his use of rationed fats and oils for bakery goods during the corresponding base period.

(d) *Effect of application after July 5, 1943.* The amount of the increase in allotment which may be granted for the allotment periods from April 1, 1943 through June 30, 1943, and July 1, 1943 through September 30, 1943, under this section remains the same if application is made (along with application for the regular allotment for the period from July



1, 1943, through September 30, 1943) before October 1, 1943. An industrial user who fails to register before October 1, 1943 may, however, apply for and get the increase on or after October 1, 1943, only if the board permits him to do so pursuant to section 7.7.

(e) *Records.* An industrial user who gets an increase pursuant to this section must keep a record of the amount of rationed fats or oils he uses during each allotment period (starting with the period from April 1, 1943, through June 30, 1943), for the purpose of making bakery goods.

(f) *Bakery goods defined.* When used in this section:

(1) "Bakery goods" means bread, such as white, rye, raisin, wholewheat; white rolls and buns of the semi-bread dough type, such as soft, hamburger, hot-dog, Parkerhouse; hard rolls, such as Vienna, Kaiser; sweet rolls and sweet buns, such as cinnamon, butterfly; cakes; pies; cookies; doughnuts; biscuits; ice cream cones; crackers; pretzels; and similar goods commonly known as bakery products. Bakery goods also includes baking mixes.

(2) "Baking mixes" means any mix prepared for baking use, if the mix includes wheat flour or other edible farinaceous substance, salt, and leavening, and contains rationed fats or oils in an amount not exceeding twelve per cent of the total weight of the mix. (Baking mixes may or may not include other ingredients.)

[Sec. 7.12 added by Amendment 29, 8 F.R. 7115, effective 6-1-43; amended by amendment 69, effective 9-29-43]

**SEC. 7.13 Increase in allotment of rationed fats and oils to make pharmaceuticals—(a) How to apply.** An industrial user may apply for an increase in his allotment to make pharmaceuticals. The application must be made on OPA Form R-315 to the board with which he is registered, but not before he applies for his regular allotment. The industrial user must give the following information in the application:

(1) The number of additional points requested by him for each item of rationed fats and oils to be used in making pharmaceuticals; and

(2) The number of pounds of each item of rationed fats and oils which he used at his industrial user establishments to make pharmaceuticals during the corresponding quarter of 1942.

(b) *Action on application.* The board shall grant the application if it complies with the requirements of paragraph (a). The increase in allotment granted to the industrial user for pharmaceuticals for an allotment period, shall not exceed the sum of the figures obtained when the number of pounds of each item of rationed fats or oils, which he used at his industrial user establishments, during the corresponding quarter of 1942 to make pharmaceuticals is multiplied by

the factor fixed for that item in a supplement to this order. (Section 7.6 (d) applies in determining whether an industrial user who receives an increase in allotment is entitled to a certificate, and in determining the amount of the certificate.)

(c) *Restriction on use of regular allotment and increase in it.* The increase in allotment provided by this section applies to the use of rationed fats and oils only. If an industrial user gets such an increase he must use it only for the purpose of making pharmaceuticals. Moreover, out of each of his regular allotments he must use only for pharmaceuticals an amount of rationed fats and oils at least equal in point value to the part of that regular allotment which is based on his use of rationed fats and oils for pharmaceuticals during the corresponding base period.

(d) *Records.* An industrial user who gets an increase pursuant to this section must keep a record of the amount of rationed fats or oils he uses during each allotment period (starting with the period from October 1, 1943 through December 31, 1943), for the purpose of making pharmaceuticals.

[Sec. 7.13 added by amendment 69, effective 9-29-43]

#### Article VIII—Combined Operations and Combined Establishments

**SEC. 8.1 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" food 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 "primary distributor establishments" 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. 8.2 The same person may be both a wholesaler (or retailer) and an industrial user at the same place.** (a) A person may keep stocks of "foods covered by this order", at a place, for sale or other transfer, and may also use such food at that place for the production of a food which is not rationed by this order. (For example, he may sell "butter" at a particular place and may also operate a bakery there and use butter in baking pies.) In a case of this type, the place is treated as two establishments. If food is 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 food is 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 food, 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. 8.3 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 user establishments in that order.) A place of that type must be registered under General Ration Order 5. Its restaurant activities and its stocks of food held for restaurant use must be included in that registration.

**SEC. 8.4 The same person may be both a primary distributor and a wholesaler (or retailer) at the same place.** (a) A person may produce or import food covered by this order at a particular place, for sale or transfer. He may also regularly keep at that place, for sale or transfer, food which he did not produce or import there. In such a case, that place is a primary distributor establishment, as to the food produced or imported there. If it does not meet the tests of sections 4.6, 4.7 or 4.9, it would also be a retail or wholesale establishment, depending upon the facts, since he regularly keeps there, for sale or transfer foods produced or imported somewhere else.

(b) A place of the type described in the last paragraph must be registered as a primary distributor establishment. It must also be registered as a wholesale



or retail establishment, depending upon which it is. Its production or imports, and its stock and shipments of food produced or imported there, must be included in the primary distributor report. The stocks which were produced or imported elsewhere (to the extent that they do not come within sections 4.6, 4.7 or 4.9) and its sales and transfers of those stocks, must be included in the wholesaler or retailer registration.

SEC. 8.5 *The same place may be more than one establishment.* (a) The situations described in the last four 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 thus covers the operations 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 a single establishment.

#### Article IX—Ration Bank Accounts

SEC. 9.1 *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.)

SEC. 9.2 *Who must open a ration bank account—(a) Primary distributors.* Every "primary distributor" who "transferred" "foods covered by this order" worth \$2,000 or more during any of his reporting periods from January 1, 1942 on, or who uses points to "acquire" foods covered by this order, or who imports such foods, must open a separate ration bank account for each of his "primary distributor establishments." Any other primary distributor may open an account if he wishes, but is not required to do so. No ration bank account may be opened or used for more than one primary distributor establishment.

(b) *Wholesalers.* Every "wholesaler" must open a ration bank account for his "wholesale establishment." If he has more than one wholesale establishment and they are to be registered separately, he must open a separate account for each. If they are to be registered together, he may open one account for all,

or a separate account for each or for any group of them, but all must have an account.

(c) *Retailers.* Every "retailer" whose gross sales of all foods during December 1942, or during any single calendar month since December 1942, were over \$2,500, or who has more than one "retail establishment," must open a ration bank account. If he has more than one retail establishment and they are to be registered separately, he must open a separate account for each. If they are to be registered together, he may open one account for all, or a separate account for each or for any group of them, but all must have an account. Any other retailer may open an account for his retail establishment if he had a ration bank account on March 30, 1943, for foods covered by this order, 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 unless he is required to do so pursuant to paragraphs (d) or (h) (because he makes transfers of foods to "consumers" by mail, or receives stamps or "certificates" from consumers before the time he transfers "butter" or "rationed cheeses" to them from a mobile conveyance).

[Paragraph (c) amended by Amendment 3, 8 F.R. 4137, effective 3-30-43, Amendment 19, 8 F.R. 6046, effective 5-13-43 and Amendment 46, 8 F.R. 9305, effective 7-12-43]

(d) *Mail order houses.* Any primary distributor or retailer who receives points ("stamps", certificates, or endorsed ration checks) from, and makes transfers to, consumers by mail must open a ration bank account.

(e) *Industrial users.* Every "industrial user" who has, or has assigned to him, a quarterly period use of 2,000 pounds or more of foods covered by this order during any quarterly period from January 1, 1942 on, may open an account. If he has more than one "industrial user establishment" and they are registered together, he may open an account if the combined use at all those establishments is 2,000 pounds or more during any quarterly period. If he opens an account, he must either open one account for all, or a separate account for each or for any group of them, and all must have an account. If they are registered separately, he may open accounts only for those establishments which have a quarterly period use of 2,000 pounds or more. He may open separate accounts for any one or more of those establishments without opening accounts for the others. However, he may not use the same account for more than one establishment. No other industrial user may open an account. Any industrial user who has opened a ration bank account and who is not entitled to have it under this section, as amended, must close that account on or before November 1, 1943.

[Paragraph (e) as amended by Amendment 55, 8 F.R. 11513, effective 8-18-43]

(f) *Institutional users.* The opening of ration bank accounts by "institutional

users" is covered by General Ration Order 5.

(g) *Industrial consumers.* "Industrial consumers" may open ration bank accounts if they wish, but are not required to do so. They may open such accounts as they find convenient.

(h) *Certain primary distributors and retailers.* Any primary distributor or retailer who receives points (stamps, certificates, or endorsed ration checks) from consumers before the time when butter or rationed cheeses are transferred from his mobile conveyance operated on a regular delivery route, must open a ration bank account.

[Paragraph (h) added by Amendment 2, 8 F.R. 3949, effective 3-29-43, and amended by Amendment 16, 8 F.R. 5847, effective 5-10-43]

(i) *Certain airplane operators.* An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may open one ration bank account for each of his offices at which he regularly purchases foods covered by this order for use as planes' stores.

[Paragraph (i) added by Amendment 62, 8 F.R. 12485, effective 9-14-43]

SEC. 9.3 *All points must be deposited in the account.* (a) Every primary distributor, 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, certificates, or ration checks. Industrial consumers who have accounts may deposit their certificates in them. However, any person who sells or transfers foods covered by this order to consumers may retain and need not deposit in his ration bank account enough loose one-point stamps for use in returning excess points to consumers pursuant to section 2.3 (c). (Section 3.2 (a) states another exception to this paragraph.)

[Paragraph (a) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

SEC. 9.4 *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

<sup>6</sup> For the purposes of General Ration Order 3A, red stamps from War Ration Book Two, certificates (on OPA Form R-1201) or ration coupons and ration checks are to be regarded as "evidences" valid for deposit. The term "evidences" is not, however, used in this order. Credit authorizations (OPA Form R-1608) are also valid for deposit.

[Footnote as amended by Amendment 55, 8 F.R. 11513, effective 8-18-43]

<sup>8</sup> 8 F.R. 1130, 1449, 1963, 3520, 4627, 5843, 11669.



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 20, 8 F.R. 6138, effective 5-10-43 and Amendment 59, 8 F.R. 11955, effective 9-2-43]

(b) *Certificates.* He may not deposit a certificate later than twenty (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.) Ration coupons may be deposited at any time.

[Paragraph (b) as amended by Amendment 55, 8 F.R. 11513, effective 8-18-43]

(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 X—Sales and Transfers of Foods Covered by This Order

SEC. 10.1 *Only retailers, wholesalers, and primary distributors may transfer foods covered by this order.* (a) Beginning March 29, 1943, only "retailers," "wholesalers," and "primary distributors" may sell or "transfer" foods covered by this order. (Certain transactions between "consumers," covered in section 2.2, are excepted from this rule. Certain other exceptions are covered in Article III and Article XI.)

(b) An "industrial" or "institutional user" may, however, sell or transfer foods covered by this order which he has for use in his "industrial user" or "institutional user establishment," in the same way that a retailer is permitted to sell or transfer those foods, if he is not able to use those foods in his establishment before they spoil. He must, immediately after selling or transferring them, account to his "board" for points equal to their point value, and must give up to the board at that time any points received for them. The board shall credit him with those points by deducting that number from his excess inventory (if any), and by giving him a "certificate" for the amount by which the number of points given up exceeds his excess inventory (if any).

[Paragraph (b) as amended by Amendment 50, 8 F.R. 10511, effective 7-31-43]

(c) An industrial user or "industrial consumer" may also sell or transfer any residue of foods covered by this order which he has and is no longer able to use for his purposes in his industrial user establishment or for "industrial consumption," in the same way that a retailer is permitted to sell or transfer those foods. He must, immediately after selling or transferring them, account to his board for foods he transferred, and must give up at that time all points received for them.

(d) An industrial user who has an excess inventory of foods covered by this order 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 foods covered by this order which 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 foods covered by this order must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer such foods, and within five (5) days after the sale or transfer, the transferor must give up to the board all points which he received for the sale or transfer. The board shall reduce his excess inventory by an amount equal to the number of points given up.

(e) Institutional users may sell or transfer foods covered by this order in the way permitted by General Ration Order 5.

(f) Any "person" not covered by paragraphs (a), (b), (c), (d), or (e) may apply for permission to sell or transfer foods covered by this order. 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 foods covered by this order which 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 the board requests. The board shall grant the application if good cause is shown. If the application is granted, the foods covered by this order must be sold or transferred for points in the same way that a retailer is permitted to sell or transfer such foods, and within five (5) days after the sale or transfer the transferor must give up to the board all points which he received for the foods sold or transferred.

[Paragraphs (d), (e) and (f) added by Amendment 50, 8 F.R. 10511, effective 7-31-43]

SEC. 10.2 *Transfers to certain persons after March 28, 1943 may be made only for points.* (a) Beginning March 29, 1943, no person may sell or transfer foods covered by this order to anyone other than a retailer, wholesaler, or primary distributor, and no person other than a retailer, wholesaler, or primary distributor may buy or "acquire" those foods, regardless of any contract or other agreement, unless points are given up in the way this order requires.

(b) No points may be given up by, or accepted from, a retailer, wholesaler, or primary distributor for any foods covered by this order transferred to or acquired by him before April 11, 1943.

[Paragraph (b) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

SEC. 10.3 *Transfers to retailers, wholesalers and primary distributors after April 10, 1943 may be made only for points.* (a) Beginning April 11, 1943, no person may sell or transfer foods covered by this order to a retailer, wholesaler, or primary distributor, and no retailer, wholesaler or primary distributor may buy or acquire those foods, 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. 10.4 *How foods covered by this order are transferred to consumers—(a) General.* Foods covered by this order may be transferred to a consumer, and may be acquired by him, only if he gives up to the seller or transferor, points exactly equal to the point value of the foods transferred, except that transfers of farm butter may be made at the point values fixed under section 22.9 and that fractional amounts are to be handled in the way described in section 10.6. (Certain transactions between consumers covered in section 2.2 are excepted from this rule. Certain other exceptions are covered in Article III and Article XI.) If the consumer is unable to give up points exactly equal to the point value of the foods transferred, because he does not have "stamps" of sufficiently small value to make up the proper amount, the transferor may accept stamps of the nearest higher value which the consumer has, and the transferor must return the excess points to the consumer in the form of loose one-point stamps.

[Paragraph (a) as amended by Amendment 21, effective 5-11-43]

(b) *How transfer may be made.* A food covered by this order may be transferred to consumers only in a form in which it appears on the Official Tables of Consumer Point Values (OPA Forms R-1313 and R-1611) or the Official Table of Trade Point Values.

(c) *Point values must be posted.* (1) Beginning March 29, 1943, every retailer, wholesaler or primary distributor who displays his stocks of food covered by this order to consumers, must post at the place where he displays the stocks, the current Official Tables of Consumer Point Values (OPA Forms R-1313 and R-1611) showing the items he carries, in such manner that they can be plainly seen and read by consumers. If he sells from a truck or other mobile conveyance, the tables must be posted on it. If he carries any item for sale or transfer to consumers in a form in which it appears on the Official Table of Trade Point Values, and does not appear on the consumer point value tables, he must keep the Official Table of Trade Point Values available for inspection.

[Paragraph (1) amended by Amendment 2, 8 F.R. 3949, effective 3-29-43 and Amendment 61, 8 F.R. 12297, effective 9-8-43]



(2) Every retailer, wholesaler, or primary distributor who has an establishment at which the foods covered by this order which he carries are displayed to consumers must post there the point value of every item of such food 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:

- (i) On the item itself; or
- (ii) On the shelf or other place where the item is kept; or
- (iii) On a list attached to, or posted next to, the shelf or other place where the item is kept.

(3) When a change is made in the point value of any food covered by this order, a retailer, wholesaler, or primary distributor is allowed one full business day after the change becomes effective in which to correct the point values which he has posted in compliance with subparagraph (2) of this section.

[Paragraph (3) added by Amendment 61, 8 F.R. 12297, effective 9-8-43]

(d) *How points are given up.* Points may be given up by, and taken from a consumer only in the form of stamps from his war ration book, a certificate issued for him, a ration check issued to him and endorsed by him, or loose one-point stamps.

[Paragraph (d) amended by Amendment 16, 8 F.R. 5847, effective 5-10-43 and Amendment 59, 8 F.R. 11955, effective 9-2-43]

(e) *When points must be given up.* The seller or transferor must take the points from the consumer at the time when the foods are transferred. (Exceptions to this rule are covered in paragraphs (h), (i) and (j) of this section.)

[Paragraph (e) as amended by Amendment 64, 8 F.R. 12549, effective 9-15-43]

(f) *When stamps must be detached.* The seller or transferor may accept a stamp only if it is torn out of a war ration book 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. However, a transferor may accept loose one-point stamps from a consumer unless he knows or has reason to believe those stamps were not acquired by the consumer in the way permitted by paragraph (a) of this section.

[Paragraph (f) as amended by Amendment 59, 8 F.R. 11955, effective 9-2-43]

(g) *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. Red stamps lettered A, B, C and D, may be accepted from a consumer only during the following periods:

Time when they may be used (inclusive)	
A.....	March 29, 1943 to April 30, 1943.
B.....	April 4, 1943 to April 30, 1943.
C.....	April 11, 1943 to April 30, 1943.
D.....	April 18, 1943 to April 30, 1943.

The periods during which other stamps may be accepted from a consumer will be fixed by the Office of Price Administration in a supplement to this order. (Transfers of "meat" by farm slaughterers to consumers, covered in section 3.2, are excepted from this rule.)

[Paragraph (g) amended by Amendment 22, 8 F.R. 6446 effective 5-20-43 and Amendment 59, 8 F.R. 11955, effective 9-2-43]

(h) *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 expiration date shown on its face, and may not be used or accepted for such a transfer after that date. A certificate may be accepted from a consumer at or before the time when the foods are transferred.

[Paragraph (h) as amended by Amendment 64, 8 F.R. 12549, effective 9-15-43]

(i) *Mail order sales.* (1) Foods covered by this order 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 date on which they are good in the hands of the person who sent them may be accepted if the envelope in which they are enclosed is postmarked on or before that date.

[Paragraph (i) as amended by Amendment 16, 8 F.R. 5847, effective 5-10-43]

(2) If the transferor fails to deliver 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 primary distributor who wishes to do so, must notify, in writing, the district office for the place where his principal business office is located. 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 to consumers during 1942 of foods covered by this order. He may not make any such transfers until he has given this notice. Beginning March 29, 1943 he must keep a record of the dollar volume or the point value of his transfers to consumers by mail of foods covered by this order.

[Paragraph (3) as amended by Amendment 15, 8 F.R. 5679, effective 5-5-43]

(4) No primary distributor or 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 16, 8 F.R. 5847, effective 5-10-43]

(j) *Transfers of butter and rationed cheeses from mobile conveyances.* (1) "Butter" or "rationed cheeses" may also be transferred to consumers from mobile

conveyances operated on a regular delivery route if a certificate, stamps, or a ration check payable to, and endorsed by the consumer, are received before the time the foods are transferred.

(2) If the transferor fails to deliver foods equal in point value to the points received, he shall issue and return to the consumer a ration check for the balance.

(3) No primary distributor or retailer may receive points from and make transfers to consumers under this paragraph unless he has a ration bank account.

[Paragraph (j) added by Amendment 2, 8 F.R. 3949, effective 3-29-43, and amended by Amendment 16, 8 F.R. 5847, effective 5-10-43]

(k) *Ration checks.* A ration check may be accepted from a consumer only if it has been endorsed by him (or by someone authorized to act for him, if he cannot write).

[Paragraph (k) added by Amendment 16, 8 F.R. 5847, effective 5-10-43]

(l) *Ration coupons.* A ration coupon may be accepted from a consumer at any time.

[Paragraph (l) added by Amendment 55, 8 F.R. 11513, effective 8-18-43]

SEC. 10.5 *How foods covered by this order are transferred to persons other than consumers—(a) General.* Foods covered by this order may be transferred to and acquired by a retailer, wholesaler or a primary distributor after April 10, 1943, or transferred to and acquired by an industrial or institutional user or industrial consumer after March 28, 1943, only if he gives up to the seller or transferor points exactly equal to the point value of the foods transferred, except that transfers of farm butter may be made at the point values fixed under section 22.9 and that fractional amounts are to be handled in the way described in section 10.6.<sup>7</sup> (Certain exceptions to this rule are covered in Article XI.)

[Paragraph (a) as amended by Amendment 21, effective 5-11-43]

(b) *How transfer may be made.* A food covered by this order may be transferred only in a form in which it appears on the Official Table of Trade Point Values or the Official Tables of Consumer Point Values (OPA Forms R-1313 and R-1611).

(c) *Point value.* The number of points which must be given up for a transfer of these foods is determined by their point value at the time of the transfer.

(d) *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 pub-

<sup>7</sup> For convenience, the retailer, wholesaler, primary distributor, industrial or institutional user, or industrial consumer, to whom the transfer is made, will sometimes be called "the transferee" in the paragraphs which follow.



the 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 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 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 foods transferred. The transferor must, at or before the time he transfers the foods to the transferee, prepare and keep a memorandum showing the name of the transferee, the date of transfer of the 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 his establishment is located, of the default. As long as the transferee is in default, he must not acquire any foods covered by this order, and no transferor who has knowledge of the default may transfer such foods to him. (However, he may continue to acquire foods covered by this order, and transferors may continue to transfer such foods to him, pursuant to Article XI.) If the District Director is satisfied that the transferee is in default, he may take any steps which he deems reasonably necessary to inform the transferee's present and prospective suppliers of the default so that they will know that his right to acquire foods covered by this order is restricted as provided in this subparagraph. When the transferee is no longer in default, the District Director shall so inform all persons whom he informed of the default.

[Paragraph (d) amended by Amendment 8, 8 F.R. 4893, effective 4-13-43, Amendment 41, 8 F.R. 9025, effective 7-6-43 and Amendment 54, 8 F.R. 11563, effective 8-24-43]

(4) Points which are mailed are considered given up when the envelope containing them is postmarked.

[Paragraph (4) added by Amendment 23, 8 F.R. 6614, effective 5-24-43]

(e) *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.

(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 be 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\* for the use of such envelopes.

[Paragraph (1) amended by Amendment 20, 8 F.R. 6138, effective 5-10-43, Amendment 37, 8 F.R. 8540, effective 6-24-43 and Amendment 59, 8 F.R. 11955, effective 9-2-43]

(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 (e) as amended by Amendment 16, 8 F.R. 5847, effective 5-10-43]

(4) *Ration coupons.* A ration coupon may be accepted at any time.

[Paragraph (4) added by Amendment 55, 8 F.R. 11513, effective 8-18-43]

(f) *Form in which transferee must give up points—(1) Primary distributors.* A primary distributor who has, or is required to have, a ration bank account, must give up points only in the form of a ration check drawn on his ration bank account. Other primary distributors may give up points in the form of stamps, certificates or ration checks endorsed by them.

(2) *Wholesalers.* A wholesaler may give up points only in the form of a ration check drawn on his ration bank account.

(3) *Retailers.* A retailer who has, or 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 in the form of stamps, certificates or ration checks endorsed by them.

\* 8 F.R. 2858, 2997, 4840, 6965, 11738.

(4) *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. Other industrial or institutional users may give up points only in the form of certificates or ration checks endorsed by them.

(5) *Industrial consumers.* An industrial consumer may give up points either in the form of a certificate or a ration check.

(6) *General.* Points may be transferred freely between establishments of the same type, other than primary distributor establishments, operated by the same person, which are or will be registered together, and points of one of those establishments may be used to get foods covered by this order 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 (f) as amended by Amendment 16, 8 F.R. 5847, effective 5-10-43]

SEC. 10.6 *Point fractions are to be computed to nearest full point.* (a) In any case in which the point value of an item of food transferred under this order is not a whole number, the number of points which must be given up is to be computed in the following ways:

(1) If the fraction is less than one-half point, the fraction is to be dropped;

(2) If the fraction is one-half point or more, a full point must be given up;

(3) If more than one item of food covered by this order is transferred by a retailer at the same time, and the point value of the amount of two or more of those items transferred comes to a fraction of exactly one-half point, the fractions are to be added;

(4) No foods covered by this order may be transferred for less than one point, except in accordance with the provisions of section 6.10 or except if it is an item having a point value of zero per pound.

[Paragraph (a) amended by Amendment 18, 8 F.R. 5819, effective 5-2-43 and amendment 51, 8 F.R. 10665, effective 8-1-43]

SEC. 10.7 *Transfers between establishments of different types or between separately registered establishments of the same type 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 foods covered by this order 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.)

(b) The rules set forth above which apply to transfers from one person to another also apply to transfers between establishments of the same type which



are operated by the same person but which are registered or are to be registered separately under this order.

[Paragraph (b) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

**Sec. 10.8 Transferor may not use points he receives in advance until foods are transferred.** (a) A transferor may receive points from his transferee before he actually transfers the foods covered by this order. In that case, he may not use points so received, to get other such foods, until he has actually transferred to the transferee foods worth that number of points.

**Sec. 10.9 Points may be returned for underdeliveries of foods covered by this order.** (a) If a retailer, wholesaler, or primary distributor receives points in advance for a transfer of foods covered by this order, 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 such foods. (For example, a wholesaler can give up points only in the form of a ration check. He would, therefore, have to return points only in the form of a check drawn on his account.) However, since points may not be accepted in advance from consumers, this section does not apply to consumers, except in connection with mail order transactions and transfers of butter and rationed cheeses from mobile conveyances.

[Paragraph (a) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

**Sec. 10.10 Points must be given up for imports of foods.** (a) Any person who imports foods covered by this order (other than in accordance with section 11.11) must give up points equal to the point value of those foods to the Collector of Customs (or his deputy) at or before the time the foods are released or delivered to him by the Collector. However, notwithstanding the provisions of section 10.4 (a) and (b), any consumer who brings in with him from Mexico meat (other than ready-to-eat meat, sausage, or meat in tin or glass containers), whether or not in a form which appears on the Official Tables of Point Values, must give up to the Collector of Customs (or his deputy) seven points per pound.

[Paragraph (a) amended by Amendment 5, 8 F.R. 4721, effective 4-14-43 and Amendment 36, 8 F.R. 8357, effective 6-22-43]

(b) The Collector of Customs shall turn over, each month, to the District Office for the area in which the point of entry is located, all points received by him in this way during the preceding month.

[Paragraph (b) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

#### Article XI—Point-Free Transfers

**Sec. 11.1 Foods in transit to industrial or institutional users or industrial consumers on March 28, 1943, may be acquired point-free.** (a) No points need be given up for a delivery of "foods covered

by this order" to an "industrial" or "institutional user," or to an "industrial consumer" if those foods were in transit to him on March 28, 1943.

(NOTE: Foods which were in transit to an industrial or institutional user at the close of business on March 28, 1943, must be included in the inventory which he reports in his registration.)

**Sec. 11.2 Foods in transit to primary distributors, wholesalers, or retailers on April 10, 1943, may be acquired point-free.** (a) No points need be given up for a delivery of foods covered by this order to a "primary distributor," "wholesaler," or "retailer," if those foods were in transit to him on April 10, 1943.

**Sec. 11.3 Foods may be moved to establishment in whose inventory they are included, point-free.** (a) No points need be given up for a movement of foods covered by this order to the establishment in the inventory of which those foods were included immediately before the movement started.

**Sec. 11.4 Foods covered by this order may be exchanged for other such foods.**

(a) Any "person" may exchange foods covered by this order with any other person, for such 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 foods exchanged.)

**Sec. 11.5 Lost or stolen foods may be returned, point-free.** (a) No points need be given up for a return of lost or stolen foods to the person who lost them or from whom they were stolen.

**Sec. 11.6 Stocks of foods may be moved point-free between establishments of the same person which are registered together.** (a) No points need be given up where a person moves stocks of foods covered by this order from one of his establishments to any other of his establishments of the same kind, if those establishments are, or will be, registered together. For example, a person who has two "retail establishments" which are, or will be, registered together, may move foods covered by this order 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" foods covered by this order 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.

**Sec. 11.7 Foods may be stored and returned from storage, point-free.** (a) No points need be given up for a delivery of foods covered by this order for storage purposes only.

(b) No points need be given up for a delivery of such 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. 11.8 Security interests in foods may be created and released, point-free.**

(a) No points need be given up for a transfer of foods covered by this order, or of any interest in them, for security purposes only. (For example, if such 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 such foods, or for a return of those foods to the person who originally transferred them for security purposes. (For example, a person who pledged those foods may get them back without giving up points. Similarly, a person who gave a chattel mortgage on them need not give up points when the mortgage is ended.)

**Sec. 11.9 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 foods covered by this order to a person who gets them for liquidation only. Also, no points need be given up for a transfer of foods covered by this order as part of a judicial proceeding, or by operation of law, or for a transfer made under the direction of or pursuant to an order of a court, or by judicial process. (For example, foods may be taken over by a creditor, under a court order, without any surrender of points. If such 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 such foods or "acquires" them by will.)

[Paragraph (a) as amended by Amendment 58, 8 F.R. 11813, effective 8-28-43]

(b) **How transferee may dispose of the foods.** A person who acquires foods covered by this order in this way must, within five (5) days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and the point value of the 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 foods unless he gives up to the district 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 such foods. He must immediately after selling or transferring them, account to the district office for points equal to their point value.

(If he transfers the foods to another person who is also entitled under this or any other section of this order to



acquire them point-free he need not, of course, get points from the transferee, and he need not give up any to the district or State office.)

[Paragraph (3) as amended by Amendment 58, 8 F.R. 11813, effective 8-28-43]

(c) *Consumer inheritance.* A "consumer" who gets foods covered by this order from another consumer, by inheritance or by will, may use them without giving up points.

SEC. 11.10 *Foods may be acquired, point-free, by insurers or for salvage—*

(a) *Acquisition of damaged foods.* Damaged foods covered by this order and undamaged foods covered by this order 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 engaged principally and primarily in the business of adjusting losses or of reconditioning or selling damaged articles.

[Paragraph (2) as amended by Amendment 2, 8 F.R. 3949, effective 3-20-43]

(b) *Disposal of the foods.* The person acquiring the foods must, within five days after acquiring them, report to the district office for the place where his principal business office is located:

(1) The kinds and point value of the 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 foods only by a sale or transfer in the same way that a retailer is permitted to sell or transfer such foods. He must, immediately after selling or transferring them, account to the district office for points equal to their point value. If he cannot dispose of them all, he must report to the district office the amount which was not salable.

SEC. 11.11 *Foods may be delivered to importer by customs official, point-free.* (a) No points need be given up for a release or delivery of foods covered by this order by an authorized customs official to a primary distributor who imported them, if the primary distributor submits a written statement to the official showing:

(1) His name;

(2) His principal business address;

(3) The name and address of his primary distributor establishment at which the foods will be kept;

(4) The name and address of the district office with which that establishment is registered; and

(5) The amount and kinds of foods imported at that time.

(b) The Collector of Customs shall turn over, each month, to the district

offices named thereon, all statements received from primary distributors during the preceding month.

(c) No points need be given up for a release or delivery of foods covered by this order 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 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 foods are consigned or addressed to them.

[Paragraph (c) added by Amendment 5, 8 F.R. 4721, effective 4-14-43]

(d) No points need be given up for a release or delivery of foods covered by this order by an authorized customs official to the person who produced them in a way described in section 3.1, if the person submits a written statement to the official showing:

(1) His name and address;

(2) The place where the foods were produced;

(3) The amount and kinds of foods being imported;

(4) A statement showing that he produced the foods in a way described in section 3.1.

The Collector of Customs shall turn over, each month, to the district office for the area in which the point of entry is located, all statements received by him in this way during the preceding month.

[Paragraph (d) added by Amendment 56, 8 F.R. 11754, effective 8-27-43]

SEC. 11.12 *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 foods covered by this order which are 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 such 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 XII.)

SEC. 11.13 *Foods may be transferred, point-free, in the way permitted by section 3.4.* (a) A primary distributor who slaughters an animal for a livestock producer may transfer the resulting food to the livestock producer point-free, in the way permitted by section 3.4.

[Sec. 11.13 added by Amendment 22, 8 F.R. 6446, effective 5-20-43]

SEC. 11.14 *Foods may be transferred by and to consumers, point-free, for custom processing or other preparation.*

(a) On or after May 24, 1943, any consumer may bring any of his food covered by this order to another person to be processed, cut, ground, boned, frozen, packaged or similarly prepared and may get the same food back after it is so prepared, without any surrender of points by either person.

[Sec. 11.14 added by Amendment 23, 8 F.R. 6614, effective 5-24-43]

SEC. 11.15 *Items in transit on the day before they are added to the foods covered by the order, may be acquired point-free.* (a) No points need be given up for a delivery to any person other than a consumer, of an item which is added to the foods covered by this order, if the item was in transit to him on the day preceding such addition.

[Sec. 11.15 added by Amendment 34, 8 F.R. 7455, effective 6-2-43]

## Article XII—Sale of business

SEC. 12.1 *Sale or transfer of retail wholesale, or primary distributor establishment—*(a) *General.* (1) When any "person" sells or "transfers" to any other person the business and inventory of his "retail", "wholesale" or "primary distributor establishment", for continued operation, they must both notify the "board" at which the establishment is registered, or the district office, if it is registered there. The notice must be given in writing, within five 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 "foods covered by this order" 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 establishment 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 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 foods covered by this order.)

[Paragraph (b) as amended by Amendment 16, 8 F.R. 5847, effective 5-10-43]

(c) *Seller of primary distributor establishment must give up all points to the Office of Price Administration.* A person who sells or transfers a primary distributor establishment must, within five days after the transfer, turn over to the board (or to the district office, if it is registered there), 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 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, whether or not the establishments were registered together. 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, if the transferor's establishments were registered together, the purchaser or transferee may acquire the inventory of the transferred establishment, but 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 establishments of the same kind as the transferred establishment. If he is a "primary distributor" he must give up to the board or district office, the points received for sales and transfers of foods covered by this order from that establishment at the time that he is required to give up points received by his other primary distributor establishments.

SEC. 12.2 *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 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 foods covered by this order 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 foods covered by this order which are 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 the establishment was registered, and must state facts showing whether:

(1) The entire establishment, including substantially all the equipment, the good will, and the inventory of foods covered by this order 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; and

(3) 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.

(d) *Granting of allotment.* If the district 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 quarterly 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 foods covered by this order 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, whether or not they were registered separately.

(f) *Sale of part of a chain.* (1) When the seller or transferor has more than one industrial user establishment which

he registered separately, and sells or transfers one or more, but not all of them, the procedure described in paragraphs (a), (b), (c) and (d) of this section must be followed separately, as to each of the establishments transferred.

(2) When the seller or transferor has more than one industrial user establishment which he registered together, and sells or transfers one or more, but not all of them, 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 quarterly use. The board shall send the application and notices of both parties, and the transferor's registration, to the district office. If the district office finds that the tests described in paragraph (c) are satisfied, it shall grant an allotment to the transferee and assign to him a quarterly use. It shall first determine the amount of the transferor's allotment and quarterly use allocable to the transferred establishment. That quarterly 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 quarterly use and the allotment assigned to the transferee shall be deducted from the quarterly 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 foods covered by this order which is 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 office assigns an allotment and quarterly 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).

SEC. 12.3 *Where and how the transferee registers the establishments acquired by him.* (a) A person who buys or otherwise acquires an establishment of any type, other than a primary distributor establishment, and who already has two or more establishments of the same type as the one acquired by him, which are registered together, must register the new establishment together with his other establishments and at the same board. If he already has his other establishments of the same type registered separately, the new establishment must be registered separately with the board for the place where it is located. If he has only one other establishment of the same type he may elect whether his establishments will be registered to-



gether or separately. If he registers them together, registration shall be at the board for the place where his principal office is located. If he registers them separately, registration shall be at the board for the place where the establishment is located. (Primary distributor establishments must always be registered separately.)

[Paragraph (a) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

(b) *The same rules apply to industrial user establishments.* If a person who acquires more than one industrial user establishment is entitled to or is required to, register them separately, the district office must compute separately the portion of the transferor's allotment and quarterly use allocable to each of the establishments acquired, in the way described in section 12.2 (f) (2).

#### Article XIII—New Businesses

SEC. 13.1 *New retail and wholesale establishments may be opened—*(a) *How stocks are obtained.* A "person" who wishes to open a "retail establishment" or a "wholesale establishment", after April 25, 1943, may apply for a "certificate" to get stocks of "foods covered by this order." The application must be made on OPA Form R-315 to the "board" for the place where the establishment will be located. 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 and type of the establishment;
- (4) The number of points he needs in order to get adequate stocks;
- (5) The point value of any stocks of foods covered by this order which he may have for that establishment.

(b) *Issuance of certificate.* The board 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 week of operation, he must register that establishment, on OPA Form R-1601 or OPA Form R-1602, whichever is applicable, in the same way that "retailers" and "wholesalers" register between May 3 and May 14, 1943. He must give all information called for by the form. However, he must show his sales and "transfers" of foods covered by this order from that establishment during his first full week of operation, instead of during the period from April 25, 1943 to May 1, 1943, and must report his point inventory at the end of that week, instead of at the close of business on May 1, 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 or wholesalers who register between May 3 and May 14, 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 or wholesale 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 foods covered by this order from the establishment after May 14, 1943, he must notify the board for the place where the establishment is located. 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 week of operation, he must register the establishment and follow the procedure described in the last paragraph.

SEC. 13.2 *New primary distributor establishments may be opened.* (a) A person who opens a "primary distributor establishment" which was not in operation before April 30, 1943, must notify the district office for the place where the establishment will be located, before making sales or transfers of foods covered by this order from that establishment. The notice must be in writing and must show:

- (1) The name and address of the establishment;
- (2) The type of foods covered by this order 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-1606 or OPA Form R-1609, beginning for the reporting period in which he started operations there.

SEC. 13.3 *In special cases, allotments may be granted for new industrial user establishments.* (a) A person who wishes to open an "industrial user establishment" which he did not operate at any time between January 1, 1942, and March 19, 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 foods covered by this order he may have on hand 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 in-

formation received, to the district office. It may attach its recommendation, if any, as to the action to be taken. The district 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.

SEC. 13.4 *Where a person who opens a new establishment registers if he already has other establishments of the same type.* (a) If a person who opens a new establishment of any type, other than a primary distributor establishment, already has two or more establishments of the same type which are registered together, he must register the new establishment together with his other establishments and at the same board. If he already has establishments of the same type registered separately, the new establishment must be registered separately with the board for the place where it is or will be located. If he has only one other establishment of the same type, he may elect whether his establishments will be registered together or separately. If he registers them together, registration must be at the board for the place where his principal business office is located. If he registers them separately, registration must be at the board for the place where the establishment is or will be located.

#### Article XIV—Closing of Business

SEC. 14.1 *What a person who closes his establishment must do—*(a) *General.* (1) Any "retailer," "wholesaler," "primary distributor," or "industrial user" who goes out of the business of dealing in or using "foods covered by this order" at his establishment must notify the "board" at which it is registered, or the district office, if it is registered there. The notice must be given in writing, within five 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 he stopped doing business there; 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 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).

(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 foods covered by this order 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 foods covered by this order 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, whether or not they were registered separately. 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, primary distributor, or industrial user establishments, which are registered separately, may go out of business at one or more, but may continue to operate the others. In that case, he must follow the procedure set forth in paragraph (a) of this section as to each of the establishments at which he goes out of business.

(2) A person who has several retail or wholesale establishments which are registered together 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. He must notify the board at which it is registered within five days after he closes it. The notice must be in writing and must give the name and address of the establishment closed.

(3) A person who has several industrial user establishments which are registered together 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. The district 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 quarterly 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 XV—Adjustments

SEC. 15.1 *Adjustments for lost, destroyed, or stolen foods*—(a) *How to apply.* Any "person" who had "foods covered by this order" which were lost, destroyed (other than by rotting or decaying), 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 district office, if he is registered there). The application must give:

(1) A description of the foods he wishes to replace, showing their point value;

(2) 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 district office) may request.

(b) *Action on application.* If the board (or the district 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.

(c) *Recovery of lost or stolen foods.* If the applicant gets back any of the 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.

SEC. 15.2 *Applications may be made for other adjustments*—(a) *How to apply.* Any "retailer," "wholesaler," "primary distributor" 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 district 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 district office) requests.

(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. It may attach its recommendation as to the action to be taken. The district 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. 15.3 *Wholesalers may receive points to replace inventory losses due to shrinkage (evaporation) or cutting.* (a) Any wholesaler who suffers a loss in his inventory of "meat" (except canned meat) because of shrinkage (evaporation or dehydration), or who suffers a loss in his inventory of "rationed cheeses" (except process cheese, cheese foods, bottled cheeses or grated cheese) because of shrinkage or cutting, may apply to his board on OPA Form R-315 for a certificate to replace such losses. The application may be made at any time within one month after each three month period, beginning with April 1, 1943, during which he incurred such losses. The application must be signed by the wholesaler or his authorized agent, and must show:

(1) His name and principal business address;

(2) The three month period during which losses of inventory by shrinkage (or cutting, in the case of rationed cheeses) were incurred;

(3) The point value of his sales and "transfers" (other than exchanges, or transfers from one to another of his "wholesale establishments"), during that period, of these foods;

(4) The number of pounds of these foods lost by shrinkage (or cutting, in the case of rationed cheeses) during that period;

(5) The point value of his inventory losses, during that period due to shrinkage (or cutting, in the case of rationed cheeses) of these foods. He must also give any other information which the board may request.

(b) If the board finds that the wholesaler suffered an inventory loss because of the shrinkage (or cutting, in the case of rationed cheeses) of these foods held by him for sale or transfer, it shall issue a certificate for the number of points necessary to replace the losses. However, no certificate may be issued to allow more than one percent in the case of meat, and two percent in the case of rationed cheeses, of the point value of his sales and transfers (other than exchanges, or transfers from one to another of his wholesale establishments) of these foods during the three months in which the losses were incurred.

[Sec. 15.3 as amended by Amendment 38, 8 F.R. 8614, 9024, effective 6-26-43]

SEC. 15.4 *Wholesalers may apply for inventory adjustments at or after registration*—(a) *How to apply.* A wholesaler who finds that his allowable inventory is inadequate may apply for an adjustment. The application may be made at or after the time he registers, and must be made on OPA Form R-315, to the board with which he is registering or is registered. The wholesaler must, in the application:

(1) State the sum of:

(i) The amount of his allowable inventory; and

(ii) The point value of his inventory of any item added after March 29, 1943, to the foods covered by this order as of the date that item was added. (This need not be stated if his allowable inventory was obtained under section 15.5.)

[Paragraph (1) as amended by Amendment 40, 8 F.R. 8844, effective 6-28-43]

(2) State the reasons why he claims that it is inadequate;

(3) State the number of pounds of foods, in each of the three classes specified in paragraph (c) of this section, transferred by him in the first or the last six months of 1942;

(4) Multiply the number of pounds of foods in each class by the factor fixed for that class in paragraph (c) of this section;

(5) Add the resulting numbers;

(6) Subtract the number in subparagraph (1) from the number in subparagraph (5);



(7) State the amount of the adjustment which he needs. He must also give any other information that the board may request.

(b) *Action on application.* If the board finds that the wholesaler's allowable inventory is inadequate, the board may grant the application. The amount determined by subparagraph (6) of paragraph (a) is the maximum adjustment which the board may grant pursuant to this section. (If a greater adjustment is applied for, the procedure set forth in section 15.2 must be followed.) If the wholesaler does not have any excess inventory, the board shall issue to him a certificate for the amount of the adjustment granted. If the wholesaler has an excess inventory which is less than the adjustment, the board shall cancel the excess inventory and issue a certificate for the difference. If the wholesaler's excess inventory is equal to or greater than the adjustment, the board shall reduce the excess inventory by the amount of the adjustment.

(c) *Classes of foods and factors.* The three classes of foods and the factor for each class, referred to in paragraph (a) of this section, are as follows:

- |  |     |
|--|-----|
| (1) Fresh and frozen meats, "canned milk," cheeses added to this order on June 6, 1943.....  | 0.4 |
| (2) "Shortening," "lard," "cooking and salad oils," "canned meats," "canned fish".....   | 1.0 |
| (3) All other foods covered by this order on March 29, 1943, including cheese, "butter," "margarine," sausage and types of meat not described in (1) or (2) above..... | 0.8 |

[Sec. 15.4 added by Amendment 17, 8 F.R. 5739, effective 4-30-43. Paragraph (c) amended by Amendment 34, 8 F.R. 7455, effective 6-2-43 and Amendment 40, 8 F.R. 8844, effective 6-28-43]

SEC. 15.5 *Wholesalers and retailers of canned milk or soft cheeses may obtain adequate working inventories—(a) How stocks are obtained.* A person who becomes a wholesaler or retailer under this order because he deals in canned milk or in the cheeses added by Amendment 35\* to the foods covered by the order, and who wishes points in order to get an adequate working inventory, may apply for a certificate for that purpose. The application must be made before August 1, 1943 on OPA Form R-315 to the board with which he will register his establishment. The application must show:

- (1) The name and address of the establishment;
- (2) The number of points he needs in order to get adequate stocks;
- (3) The point value of any stocks of canned milk or of the cheeses mentioned above which he may have for that establishment at the time the application is made.

[Paragraph (a) as amended by Amendment 48, 8 F.R. 10085, effective 7-24-43]

(b) *Issuance of certificate.* The board will issue to him a certificate for the

\* 8 F.R. 7491.

number of points he needs to get an adequate working inventory.

(c) *Registration.* At the end of his first full week of operation after the date on which the certificate is issued to him, he must register his establishment, on OPA Form R-1601 or OPA Form R-1602, whichever is applicable, in the same way that retailers and wholesalers registered in accordance with this order. He must give all information called for by the form. However, he must show the point value of his sales and transfers of canned milk and of the cheeses above-mentioned from his establishment during that full week of operation, instead of during the period from April 25, 1943 to May 1, 1943. (He must not include exchanges, or transfers between his own establishments of the same type, but may include all other transfers.) He must report his point inventory at the end of that week, instead of at the close of business on May 1, 1943. If he is a wholesaler, his allowable inventory is determined by multiplying the point value of the canned milk transferred by him during that week of operation by the factor eight (8) and the point value of the above-mentioned cheeses so transferred by him by the factor four (4). If he is a retailer, his allowable inventory is determined by multiplying the point value of his transfers of these foods during that week by three (3). 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 or wholesalers who registered in accordance with this order. 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) *A person may register his establishments separately or together.* Notwithstanding the provisions of sections 5.2 (g) and 6.2 (g) of this order, if a person who registers an establishment under this section has two or more other establishments of the same type which are already registered together under this order, he must register the additional establishment together with his other establishments and at the same board. If he has other establishments of the same type which have already been registered separately, the additional establishment must be registered separately with the board for the place where it is located. If he has only one other establishment of the same type, he may elect whether his establishments will be registered together or separately. If he registers them together, registration must be at the board for the place where his principal business office is located. If he registers them separately, registration must be at the board for the place where the establishment is located.

[Sec. 15.5 added by Amendment 40, 8 F.R. 8844, effective 6-28-43]

#### Article XVI—Issuance and Use of Certificates and Ration Coupons

SEC. 16.1 *How certificates are issued—(a) By whom issued.* "Certificates"

(OPA Form R-1201) may be issued by the "Washington Office", by a "board", by a district office, 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 "Meats and Fats" 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 foods and may not be used or accepted for that purpose.

(c) *Certificates not to be issued for fractional amounts.* Certificates may not be issued for points in fractional amounts.

SEC. 16.2 *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" "foods covered by this order" for a certificate may use it to acquire such 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 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. 16.3 *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 "primary distributor" who has transferred foods for a certificate must sign his name on the back of the certificate before he can deposit or use it.

SEC. 16.4 [Revoked.]

[Sec. 16.4 revoked by Amendment 16, 8 F.R. 5847, effective 5-10-43]

SEC. 16.5 *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. 16.6 *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 Ad-



ministration, 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. 16.7 *Sugar purchase certificates may be corrected and used instead of certificates on OPA Form R-1201.* (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 "meats and fats", 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 meats and fats." 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. 16.7 added by Amendment 11, 8 F.R. 5172, effective 4-23-43]

SEC. 16.8 *How ration coupons are issued—(a) General.* Whenever a local board, district or State office, or the Washington Office of the Office of Price Administration, or any other person, is authorized to issue one or more certificates to any person, it shall, unless otherwise directed by the Office of Price Administration, issue ration coupons instead, if he is not entitled to have a ration bank account. (Ration coupons may not be issued to a person who is entitled to have an account, even though he does not actually have one.)

(b) *How ration coupons are issued and used.* Ration coupons are coupons designated "ration coupons" which are issued in denominations of 1, 5, 20, 100 and 1,000 points by the Office of Price Administration. Red ration coupons may be used for the acquisition of all foods covered by this order. They need not be endorsed, and are good at any time. In all other respects they may be used in the same way as stamps, certificates and ration checks. However, a person who does not have and is not required to have a ration bank account may use ration coupons to give change to any person other than a consumer, but he may use for this purpose only ration coupons having denominations of 1, 5, or 20 points. (This does not affect the rule that a person who has or is required to have a ration bank account may give up or return points only in the form of a check. The only exception to that rule is in the use of one point stamps to give change to consumers.)

(c) *Ration coupons are the property of the Office of Price Administration and may be revoked.* (1) All ration coupons are the property of the Office of Price Administration, whether or not they have been issued.

(2) The Office of Price Administration may suspend, cancel, or revoke any ration

coupon if it finds it in the public interest to do so.

[Sec. 16.8 added and Article heading amended by Amendment 55, 8 F.R. 11513, effective 8-18-43]

#### Article XVII—Records, Reports and Inspections

SEC. 17.1 *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. 17.2 *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. 17.3 *Places where foods covered by this order are kept may be inspected.* (a) The Office of Price Administration, through any authorized representative, may at any reasonable time inspect any place where "foods covered by this order" are produced, imported, processed or kept. Any person who produces, imports, processes, or has foods covered by this order must permit such inspection of the place where he produces, imports, processes or keeps them. This section does not apply to a place if the only foods covered by this order which are produced or kept at that place are produced or kept by a person for his use as a "consumer."

SEC. 17.4 *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. 17.5 *District office may extend time for registration and reports.—*

(a) The district office (or State office) for the place where a person is registered, or is required to be registered, may, for good cause, give him 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 district office (or State office). He must explain, in his application, why he needs more time. The district office (or State office) may impose any conditions it finds proper, when it grants such an extension of time.

[Sec. 17.5 as amended by Amendment 7, 8 F.R. 4784, effective 4-16-43]

SEC. 17.6 *Office of Price Administration may require applicants to give information.* (a) The "Washington Office,"

a "board", or a district 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. 17.6 added by Amendment 2, 8 F.R. 3949, effective 3-29-43]

SEC. 17.7 *Records, reports and registrations required by this order.* (a) The following records are required by this order:

1. Primary distributors must keep records of production, processing, acquisitions, and transfers and of changes in point values. (Section 4.16)
2. Wholesalers must keep records of computations used in determining allowable inventories, and of changes in point values. (Section 5.8)
3. Retailers must keep records of computations used in determining allowable inventories, of production, and of changes in point values. (Section 6.8)
4. Retailers, wholesalers, or primary distributors who custom process foods for consumers, must keep records of such transactions. (Section 3.3 (b))
5. Persons who transfer foods in advance of receiving points, must keep records of each such transfer. (Section 10.5 (d))
6. Industrial users must keep records of registration, use, inventories, and acquisitions. (Sections 7.9, 7.12 (e))
7. Chains must keep records of transfers of stocks and points among establishments. (Section 18.1)
8. Suppliers must keep records of foods transferred to certain Mexican residents. (Sections 25.3, 25.4)

(b) The following reports and registrations are required by this order:

1. Primary distributors must register. (Section 4.11 (a))
2. Primary distributors must file reports of production. (Section 4.11 (b), and following paragraphs)
3. Primary distributors who custom slaughter livestock must report the transactions to the board. (Section 3.4 (d))
4. Livestock producer who transfers food acquired by him through custom slaughtering, must report the transfers. (Section 3.4 (e))
5. Registration and reports by new primary distributor establishment. (Sections 13.2, 13.4)
6. Wholesalers must register. (Section 5.2)
7. Wholesalers must report their inventories. (Section 5.4)
8. Wholesalers must report their sales and points on hand. (Section 5.5)
9. Retailers must register. (Section 6.2)
10. Retailers must report their inventories. (Section 6.4)
11. Retailers must report their sales and points on hand. (Section 6.5)
12. Retailers who sell foods in imminent danger of spoilage, at lower point values, must report sales to the board. (Section 6.10 (d), (e))
13. Persons other than retailers, wholesalers, and primary distributors must account for points received for transfer of foods covered by this order. (Section 10.1 (b), (c))
14. Retailer, wholesaler, or primary distributor who wishes to accept points from and make transfers of foods to consumers by mail must notify the district office. (Section 10.4 (1))
15. Persons who transfer foods before receiving points must notify district office of defaults. (Section 10.5 (d))



16. Registration of new retail or wholesale establishment. (Sections 13.1 (c), 13.4)  
 17. Registration of wholesalers and retailers of canned milk or soft cheeses. (Section 15.5 (c), (d))

18. Notice to board upon closing establishment. (Section 14.1)

19. Reports upon sale of business. (Sections 12.1 (a), 12.2 (a))

20. Purchaser of an establishment must register the establishment acquired by him. (Section 12.3)

21. Industrial users must register. (Section 7.2)

22. Industrial users must report their inventories. (Section 7.4)

23. Industrial users must report their past use of foods. (Section 7.5)

24. Industrial users report their point-free acquisitions. (Section 7.6 (f))

25. Industrial users report their inventories of canned milk. (Section 7.6 (i))

26. Industrial users who register late. (Section 7.7)

27. Person who acquires foods point-free for liquidation by operation of law, or in judicial proceedings must report the acquisition to the district office. (Section 11.9 (b))

28. Insurers or salvagers who acquire foods point-free must report the acquisition to the district office. (Section 11.10 (b))

29. Federal, state, or local institutions which receive foods point-free from governmental investigatory agencies, must report such acquisitions. (Section 22.8 (c))

30. Exporter must account for all foods exported. (Section 21.3)

31. Reports by persons who transfer foods to certain Mexican residents. (Sections 25.3, 25.4)

[Sec. 17.7 added by Amendment 68, 8 F.R. 12479, effective 9-16-43]

#### Article XVIII—Additional Records To Be Kept By Chains

Sec. 18.1 *Chains must keep records of transfers of stocks and points between establishments.* (a) Every "person" who has more than one "retail" or "wholesale establishment" must, if they are registered together, 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 "foods covered by this order" "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 foods were transferred, or from which they were acquired. The record must show the amount of 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 such foods to "consumers"); and

(2) The number of points received for transfers of foods covered by this order 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 30, 8 F.R. 7268, effective 8-4-43]

(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 XIX—Appeals

SEC. 19.1 *Persons directly affected by action taken under this order can appeal.* (a) Any "person" directly affected by the action of a "board", district director or regional administrator, on any application or other matter, may appeal from that action in the way permitted by Procedural Regulation No. 9<sup>10</sup> of the Office of Price Administration.

(b) This section shall not apply to action taken on any application made under section 15.2.

[Paragraph (a) as amended by Amendment 66, 8 F.R. 12560, effective 9-16-43]

#### Article XX—Miscellaneous Rules and Prohibitions

SEC. 20.1 *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 "foods covered by this order" 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 foods covered by this order 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, credit authorization, or ration check, and no person shall transfer, acquire, possess or use a counterfeited, forged or altered stamp, certificate, credit authorization or ration check.

(h) No person may transfer foods covered by this order in violation of any applicable order of an agency of the United States.

(i) No person shall offer, solicit, attempt or agree to do, or assist in doing any act in violation of this order.

<sup>10</sup> 7 F.R. 8796; 8 F.R. 856, 1838, 2030, 2595, 2941, 4350, 4929, 7381, 11480.

(j) Paragraphs (b), (c), (e), (f), (g) and (h) of this section do not apply to public officials who do any of those acts in the performance of their public duties.

(k) 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.

(l) No person shall, after demand, withhold a stamp, certificate or ration check from the person who is entitled to have it.

(m) No person shall sell or transfer any item of foods covered by this order at a price in excess of the applicable maximum price established for that item by the Office of Price Administration.

(n) No person shall sell or transfer any item of food covered by this order except in a form in which it appears on the Official Tables of Consumer Point Values or Official Table of Trade Point Values.

SEC. 20.2 *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 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.

[Paragraph (a) as amended by Amendment 59, 8 F.R. 11955, effective 9-2-43]

(b) No stamp or certificate, or any interest in it, may be transferred or acquired by inheritance or by will.

SEC. 20.3 *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. 20.4 *Definition of meat in price order or regulation governs under this order.* (a) If any item of "meat" shown on the Official Tables of Consumer Point Values (OPA Form R-1313 or OPA Form R-1611) or the Official Table of Trade Point Values has the same name as the name used for that item in any price order or regulation issued by the Office of Price Administration, the description of that item, or the definition of its name, in the price order or regulation shall be its description or definition for all purposes of this order.

SEC. 20.5 *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. 20.5 added by Amendment 37, 8 F.R. 8540, effective 6-24-43]



## Article XXI—Exports

**SEC. 21.1 Foods covered by this order may be exported point-free.** (a) Any "person" who exports "foods covered by this order" 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. 21.2 Points may be obtained to acquire foods covered by this order for export.** (a) A person who needs points with which to "acquire" foods covered by this order 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 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 office may request. However, military or naval information which is secret in nature need not be disclosed.

(b) If the district office finds that the foods will be acquired for export, it shall issue a "certificate" for the number of points needed.

(c) No person may use 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 office all points received for them.

**SEC. 21.3 Exporter must account for all foods covered by this order exported.** (a) Any person who exports foods covered by this order (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 foods exported and must contain a signed statement by an authorized customs official that, to the best of his knowledge and belief, those foods were exported by such person. The person who exported the foods must, if he received an advance of points under section 21.2, send the declaration to the district office from which he received the advance. If he did not receive an advance of points, he must send it to the "board" (or district office) with which he is registered or will register. If he is not required to register, he must send it to the "Washington Office."

(b) If the foods were consigned to an agency of the United States and no Ship-

pers' 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 21.2 must account to the district 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 foods covered by this order for export. If, within that time, he exported all the 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 foods covered by this order and who did not receive an advance of points under section 21.2 may, when he submits the declaration or other evidence of export, apply to his board on OPA Form R-315, for points equal to the point value of the foods he exported. If the board finds that the stated amount of 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 needed to replace the foods which he exported.

(e) An agency of the United States which has exported foods covered by this order need not submit a declaration or other evidence of export, and need not account for an advance of points under section 21.2.

## Article XXII—Exempt Agencies and Other Special Cases

**SEC. 22.1. Exempt agencies may acquire foods covered by this order.** (a) Nothing in this order restricts the amount of "foods covered by this order" which may be "acquired" by the Army, Navy, Marine Corps or Coast Guard of the United States or by the Maritime Commission, 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 such 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 such foods without restriction as to quantity.

[Paragraph (a) as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

**SEC. 22.2 How exempt agencies acquire foods covered by this order.** (a) Each of the agencies listed in section 22.1 is authorized to open one or more exempt ration bank accounts of the type described in General Ration Order 3B. Foods covered by this order may be

28 F.R. 2665, 9457.

"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 foods transferred. However, such foods may be transferred between or within these agencies without the surrender of points.

(b) Any "person" who transfers foods covered by this order 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 41, 8 F.R. 9025, effective 7-6-43]

(c) If for any reason a ration check cannot be used when one of these agencies acquires foods covered by this order, 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 for which the 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 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 foods covered by this order, but must send it to the agency activity designated thereon, and a ration check for the amount of foods transferred is to be given to him in exchange for it.

**SEC. 22.3 Post exchanges and ships' service departments ashore may acquire foods for points.** (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 cov-



ered by this order for institutional use is covered by General Ration Order 5.)

[Paragraph (a) amended by Amendment 42, 8 F.R. 9014, effective 7-1-43 and Amendment 53, 8 F.R. 11080, effective 8-13-43]

(b) Points may be transferred freely without a transfer of foods covered by this order among ration bank accounts maintained for Army exchanges, among accounts maintained for Marine Corps 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 53, 8 F.R. 11080, effective 8-13-43]

(c) On or before April 30, 1943, Army exchanges, post exchanges, ships' service departments ashore, and similar designated activities, may, if ration checks are unavailable, use emergency acknowledgments to acquire foods covered by this order, in the way described in section 22.2 (c). An emergency acknowledgment issued under this section may not be used by the person to whom it was issued to acquire foods covered by this order, but must be exchanged for a ration check at the activity designated thereon.

SEC. 22.4 *Sales commissaries, post exchanges and ships' service departments ashore may transfer 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 foods covered by this order 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 "primary distributors."

(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 Coast 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 foods covered by this order.

[Paragraphs (a) and (b) as amended by Amendment 53, 8 F.R. 11080, effective 8-13-43]

SEC. 22.5 *Veterans' Administration and Coast and Geodetic Survey may apply for allotments under General Ration Order 5.* (a) Allotments of foods covered by this order for the Veterans' Administration and the Coast and Geodetic Survey will be granted in accordance with the provisions of General Ration Order 5.

[Sec. 22.5 as amended by Amendment 47, 8 F.R. 9886, effective 7-22-43]

SEC. 22.6 *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 March 28, 1943, in the manufacture of which he used foods covered by this order, may apply to and obtain from his board a "certificate" equal in point value to the 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 foods covered by this order 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 food covered by this order 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 foods under the conditions and in accordance with the procedure set forth in General Ration Order 11.

[Sec. 22.6 as amended by Amendment 42, 8 F.R. 9014, effective 7-1-43]

SEC. 22.7 *Ships' and planes' stores.*

(a) Foods covered by this order may be acquired for use as ships' and planes' stores under the provisions of General Ration Order 5.

(b) Any operator of a vessel or plane to whom a statement has been issued by a Collector of Customs (or Military Officer) under section 21.2 or 21.3 of General Ration Order 5 may acquire foods covered by this order up to the amount authorized thereon without surrendering points. Any retailer, wholesaler or primary distributor may, in exchange for the statement, transfer to the operator of the vessel or plane, without getting points, foods covered by this order up to the amount specified on the statement.

(c) A retailer or wholesaler may exchange such 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 foods covered by this order. If the board is satisfied that the foods were transferred as ships' or planes' stores, it shall issue a certificate to the retailer or wholesaler for the number of points needed to replace the foods transferred. A primary distributor must send the Customs Collector's (or Military Officer's) statement and the attached receipt or other evidence to the board or district office to which he reports, along with his report (on OPA Form R-1606 or OPA Form R-1609) for the reporting period in which he made the transfer.

" 8 F.R. 9008, 9625, 10419, 11671.

(d) An airplane operator who has been allowed an operating inventory under section 21.4 of General Ration Order 5 may exchange for a certificate a statement issued by a Collector of Customs (or Military Officer) under section 21.3 of that order at a board covering any area where the operator maintains an office.

[Sec. 22.7 as amended by Amendment 62, 8 F.R. 12485, effective 9-14-43]

SEC. 22.8 *Governmental investigatory agencies may acquire foods needed in their investigations.*

(a) An investigatory agency of the United States or of any State or local government which needs foods covered by this order 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 bank accounts of the type described in General Ration Order 3B. However, it may issue ration checks against those accounts only to acquire foods covered by this order which are needed for inspection or investigation.

(c) Any government agency which acquires foods covered by this order 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 foods shall report in writing the amount received and the date on which they were received to the board with which it is registered under General Ration Order 5, or, if it is not registered, to the board for the area in which it is located. Its allotment shall not be regarded as increased by such acquisition, and the foods so acquired shall be treated as excess inventory.

[Paragraph (c) as amended by Amendment 33, 8 F.R. 7589, effective 6-10-43]

SEC. 22.9 *Emergency reduction in point value of farm butter to prevent waste or spoilage.*

(a) In some localized areas there may be cases of emergency where "farm butter", although it is offered for sale at a price at least low enough to continue the customary flush season differential between it and "creamery butter", cannot be disposed of



at the regular point value. The Director of the Food Rationing Division may, in these cases, authorize a temporary reduction in the point value of the farm butter, but only to the extent necessary to prevent waste or spoilage.

(b) The Director shall exercise this authority through the Regional Offices which he designates. He may authorize the designated Regional Offices to act through appropriate District Offices or boards.

(c) The reductions shall be allowed, and farm butter shall be sold or transferred at the reduced point value, only under the conditions fixed by the Director and any further conditions fixed by the appropriate Regional Office, District Office, or board.

[Sec. 22.9 added by Amendment 21, effective 5-11-43]

**SEC. 22.10 Acquisition of meat for guide dogs.** (a) Any blind person, who has a seeing-eye dog or other dog which has been specially trained to guide blind persons, may, if he needs "meat" for it, apply for a ration for that purpose. The application must be made on OPA Form R-315, by the person or by someone acting for him and may be made in person or by mail. Each application made by or for the person must be for a period not to exceed three months. The applicant must show:

(1) That he requires the assistance of and has a seeing-eye dog or other dog which has been specially trained to guide blind persons;

(2) That the dog has been fed a diet composed entirely or in substantial part of meat;

(3) That the applicant has not been able to obtain horsemeat as a substitute for the meat in that diet;

(4) That if the diet of the dog does not include meat, its efficiency as a guide dog will be materially impaired during the period required to adjust it to a meatless diet; and

(5) The amount of meat per week required by the dog and the length of time such ration will be required.

The application may be made only to the board for the place where the applicant lives. If the first application is not made in person it must be accompanied by a certificate from a state board or commission for the blind (or similar agency) showing that the dog has been specially trained as a guide dog, or by such other proof as the board may require.

(b) If the board finds that all the requirements of the previous paragraph are satisfied, it may issue to the applicant one or more certificates covering the needs of the dog, but in an amount not to exceed twelve points per week and for a period not to exceed three months.

[Sec. 22.10 added by Amendment 24, 8 F.R. 6620, effective 5-24-43]

**SEC. 22.11 Issuance of checks by Food Distribution Administration for demonstrations.** (a) The Food Distribution Administration may issue checks on its

ration bank account or accounts to persons it designates. These persons may use the points to acquire foods covered by the order and they may use these foods for demonstrations sponsored by the Food Distribution Administration. The total number of points which may be issued pursuant to this section, in any period specified by the Office of Price Administration, shall not exceed the amount authorized, for the purposes of this section, by the Office of Price Administration, for such period.

[Sec. 22.11 added by Amendment 28, 8 F.R. 6961, effective 5-29-43]

#### Article XXIII—Suspension Orders

**SEC. 23.1 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 "foods covered by this order" 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 XXIV—Definitions

**SEC. 24.1 Definitions.** (a) When used in this order:

"Acquire" means to accept a "transfer" or to get possession or title in any other way.

"Board" means a war price and rationing board established by the Office of Price Administration.

"Butter" means edible "fat" extracted from cow's milk, cream, or whey, or such fat mixed with any cheeses, if the cheese is less than twenty-five per cent by weight of the mixture. It includes any substance the manufacture of which is taxable as the manufacture of process (renovated) or adulterated butter as defined by Chapter 840, section 1, Act of August 2, 1886 (24 Stat. 209), as amended by Chapter 784, section 4, Act of May 9, 1902 (32 Stat. 193). It also includes "creamery butter" and "farm butter."

[Above definition amended by Amendment 18, 8 F.R. 5819, effective 5-2-43; Amendment 45, 8 F.R. 9217, effective 7-4-43, and Amendment 65, 8 F.R. 12296, effective 9-5-43]

"Canned fish" means any of the following heat-treated items, if packed in hermetically sealed containers: mackerel, oyster, salmon, sardine (including California pilchard), shrimp, tuna (including bonito and yellowtail), and any other edible product containing more than twenty percent, by weight, of the above.

[Above definition amended by Amendment 18, 8 F.R. 5819, effective 5-2-43 and Amendment 35, 8 F.R. 7491, effective 6-6-43]

"Canned milk" means "concentrated milk" packed in hermetically sealed containers.

[Above definition added by Amendment 34, 8 F.R. 7455, effective 6-2-43]

"Certificate" means a certificate on OPA Form R-1201, or on OPA Form R-306 revised in accordance with section 16.7.

[Above definition as amended by Amendment 11, 8 F.R. 5172, effective 4-23-43]

"Cheddar cheese" (frequently called American cheese) means cheddar cheese as defined in "Standards of Identity for Cheddar Cheese, Cheese, Washed Curd Cheese, Colby Cheese" promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of January 9, 1941 (6 F.R. 195).

"Concentrated milk" means the milk of a cow in liquid form, containing not less than 6 per cent of milk fat and not less than 16 per cent of total milk solids, whether or not sweetening, coloring matter, vitamins, disodium phosphate, sodium citrate, calcium chloride, or other stabilizers or flavoring or preservative agents have been added. Concentrated milk includes evaporated milk and condensed milk. (The quantity of milk fat is to be determined by the method prescribed under "Fat—Official", on page 280, and the quantity of total milk solids is to be determined by the method prescribed under "Total Solids—Official", on page 279, of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935.)

[Above definition added by Amendment 34, 8 F.R. 7455, effective 6-2-43]

"Consumer" means any person who "acquires" "foods covered by this order" for personal use, or for use at a table at which he eats.

"Cooking or salad oil" means a "rationed fat or oil," liquid at seventy degrees Fahrenheit, composed only of unhydrogenated vegetable "fats and oils", and to which no stearin has been added.

"Cottage cheese" (and "creamed cottage cheese") has the meaning assigned in "Cream Cheese, Neufchatel Cheese, Cottage Cheese, and Creamed Cottage Cheese: Definitions and Standards of Identity," promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of December 23, 1942 (7 F.R. 10759, §§ 19.525 and 19.530).

"Cream cheese" (and "Neufchatel cheese") has the meaning assigned in "Cream Cheese, Neufchatel Cheese, Cottage Cheese, and Creamed Cottage Cheese: Definitions and Standards of Identity," promulgated by the Food and Drug Administration and published in the FEDERAL REGISTER of December 23, 1942 (7 F.R. 10758, § 19.515, and 7 F.R. 10759, § 19.520).

"Creamery butter" means any butter other than "farm butter" or "process butter."

[Above definition added by Amendment 65, 8 F.R. 12296, effective 9-5-43]

"District office" means a district office established by the Office of Price Administration or, where there is none for a particular area, the State office having jurisdiction over that area.



"Family unit" has the meaning given to that term in section 1.3 of General Ration Order 6.

"Farm butter" ("country butter") means butter produced on a farm from milk produced on that farm, if the milk or cream from which it is produced has not been neutralized or pasteurized, and if it is to be sold or transferred as "farm butter," the package or other container is to be marked "farm butter" or "country butter".

[Above definition added by Amendment 65, 8 F.R. 12296, effective 9-5-43]

"Fat" (or "oil") means glycerides of the higher fatty acids.

"Foods covered by this order" (or "foods" where the context indicates) means "meat", "canned fish", "rationed cheeses", "rationed fats or oils", or "canned milk". It does not include any item which is a processed food covered by Ration Order 13,<sup>11</sup> or which is a pharmaceutical product, and no such item is included in any of the above terms even if it comes within the definition of that term.

[Above definition as amended by Amendment 34, 8 F.R. 7455, effective 6-2-43]

"Industrial consumer" means any "person" who engages in "industrial consumption."

"Industrial consumption" means the use of a "food covered by this order" for a purpose for which the order does not otherwise provide.

[Above definition as amended by Amendment 25, 8 F.R. 6687, effective 5-25-43]

"Industrial use" means any use of "foods covered by this order" in producing or manufacturing, for sale or "transfer," a food for human consumption, which is not covered by this order, or a pharmaceutical to be taken internally by humans or animals, or for experimental purposes.

"Industrial user" means any "person" who has an "industrial user establishment."

"Industrial user establishment" means any place where a "person" makes an "industrial use" (of a "food covered by this order").

"Institutional user" means any person who has an "institutional user establishment."

"Institutional user establishment" means an institutional user establishment as defined in General Ration Order No. 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.)

"Lard" means a "rationed fat" containing no "fat" other than the fat extracted from any part of the carcass of a swine, and not including any form of "margarine."

"Margarine" means any substance the manufacture of which is taxable as oleomargarine, under and as defined in chapter 840, section 2, Act of August 2, 1886 (24 Stat. 209), as amended by chap-

ter 882, section 1, Act of July 10, 1930 (46 Stat. 1022).

[Above definition as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

"Meat" means the carcass or any edible part of the carcass of cattle, calves, sheep, lambs or swine, including edible offal, bones and skins. It includes any other edible product containing more than twenty per cent, by weight, of the above items. Meat does not include gelatin or glue. Neither does it include casings or visceral parts acquired by a person to be used by him in making casings. (Casings are visceral parts specially prepared for use in holding sausage or other foods.)

Meat does not include rendering fats and bones (produced in disassembling a carcass, or in cutting a carcass or primal cut into smaller cuts, or in boning a carcass or cut) and lean trimmings commingled with these rendering fats and bones, if these parts of the carcass are acquired by a person to be used by him for animal feed, for rendering into inedible products or for other inedible purposes or if acquired by a primary distributor to be used by him in the production of foods covered by this order. Neither does meat include cracklings containing no more than fifteen per cent, by weight, of fat. (Cracklings containing more than fifteen per cent, by weight, of fat are considered rendering fats.) Meat does not include the items listed in section 30.2. Neither does meat include waste cooking waters, meat extracts, or bouillon cubes. (Waste cooking waters are produced in the cooking of meat. Meat extracts are produced by the evaporation of these cooking waters. Bouillon cubes are produced from such meat extracts.)

Meat does not include a carcass, or any part of a carcass, which is condemned as unfit for human food by an authorized federal, State or local government inspector, and which is either plainly marked to indicate that it has been so condemned or is denatured or otherwise destroyed for food purposes as may be required by law.

[Above definition amended by Amendment 4, 8 F.R. 4350 effective 4-9-43, Amendment 9, 8 F.R. 4893, effective 4-12-43, Amendment 13, 8 F.R. 5679, effective 5-5-43, Amendment 18, 8 F.R. 5819, effective 5-2-43 and Amendment 39, 8 F.R. 8869, effective 7-2-43]

"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.

"Pre-packaged cheese" means "rationed cheese" in an original package of a "primary distributor" or "wholesaler," whether or not that package is contained in any other package.

[Above definition added by Amendment 35, 8 F.R. 7491, effective 6-6-43]

"Primary distributor" means any "person" who has a "primary distributor establishment."

"Primary distributor establishment" has the meaning given to that term in sections 4.3 to 4.10, inclusive.

"Process butter" means process or renovated "butter" as defined by Chapter 840, section 1, Act of August 2, 1886 (24 Stat. 209), as amended by Chapter 734, section 4, Act of May 9, 1902 (32 Stat. 195).

[Above definition added by Amendment 45, 8 F.R. 9217, effective 7-4-43]

"Rationed cheeses" means all cheeses of any kind, variety or description (but not including "cottage cheese", or "creamed cottage cheese" containing five percent or less butterfat by weight) and any other edible product containing thirty percent or more, by weight, of such cheeses (other than cottage cheese, or creamed cottage cheese containing five percent or less butterfat by weight). It does not include "whey product", nor does it include any cheese in the manufacture of which neither cow's milk nor milk solids derived from cow's milk are used.

[Above definition amended by Amendment 35, 8 F.R. 7491, effective 6-6-43 and Amendment 52, 8 F.R. 10763, effective 8-7-43]

"Rationed fats or oils" (or "rationed fats") means any of the following substances, whether or not water, coloring matter, vitamins, or a preservative or flavoring agent has been added to it, and even if it has been bleached, hydrogenated, winterized, or deodorized:

- (1) Any edible "fat" extracted from cows' milk, cream, or whey;
- (2) Any edible fat extracted from the carcasses of cattle, sheep, calves, lambs, or swine;
- (3) Any fat extracted from cottonseed, corn germs, peanuts or soy beans, and "refined";
- (4) "Margarine";
- (5) Any fat extracted from fish, marine mammals or flaxseed, and refined and deodorized, but not including any which is refined and deodorized in the process of producing an inedible product and used therefor;
- (6) Any edible substance which is composed of a mixture of any of the above, or of a mixture of any of the above with any other fat;
- (7) "Butter".

However, "rationed fats or oils" does not include mayonnaise, salad dressing, USP vitamin oils, fish liver oil, sperm oil, or fat resulting from cooking done by a "consumer" or "institutional user."

"Refine" means to treat with caustic soda, soda ash, or otherwise reduce the free fatty acid content.

[Above definition as amended by Amendment 2, 8 F.R. 3949, effective 3-29-43]

"Retail establishment" means any place where a "person" who deals in foods covered by this order regularly keeps stocks of those foods for sale or "transfer" (other than as a "primary distributor"), 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

<sup>11</sup> 8 F.R. 11048, 11383, 11483, 11563, 11513.



from there directly to consumers is fifty per cent or less, it is still a retail establishment in the following case:

(1) If some of those stocks are transferred directly to consumers; and

(2) If he keeps the rest of the stocks there just to supply his own establishments of any type; and

(3) If no "wholesale establishment" and not more than three retail establishments are supplied from there.

"Retailer" means any "person" who has a "retail establishment."

"Shortening" means any "rationed fat or oil" other than "butter," "lard," "margarine" or "cooking or salad oil."

"Stamp" means a red stamp in, or taken from, a War Ration Book Two or a brown stamp in, or taken from, a War Ration Book Three.

[Above definition as amended by Amendment 59, 8 F.R. 11955, effective 9-2-43]

"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 foods covered by this order 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.

"Washington office" means the national headquarters of the Office of Price Administration, in Washington, D. C.

"Whey product" means a product containing not more than 25 per cent butterfat in the dry matter, made from whey or from whey and other ingredients by coagulating or concentrating the solids, if the whey is at least 90 per cent of the total volume. It includes the products known as primost, mysost, gjetost and ricotta.

[Above definition added by Amendment 52, 8 F.R. 10763, effective 8-7-43]

"Wholesale establishment" means any place where a "person" who deals in "foods covered by this order" keeps stocks of those foods for sale or transfer (other than as a "primary distributor"), if fifty per cent 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."

"Wholesaler" means any "person" who has a "wholesale establishment."

"Weight" means pounds or equivalent fluid volume units.

#### Article XXV—Acquisition of Foods Covered by This Order by Residents of Mexico

Sec. 25.1 Residents of Mexico may acquire foods covered by this order 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" "foods covered by this order" 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 foods covered by this order. 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 foods covered by this order;

(3) The name and address of the "retailer", "wholesaler", or "primary distributor" from whom the foods covered by this order 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 Officer may request.

[Paragraph (4) as amended by Amendment 43, 8 F.R. 9014, 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 foods covered by this order in the United States, it shall grant the application and shall issue green punch cards (OPA Form R-185) as provided in this Article. (Applicants who have received "certificates" for a period prior to July 1, 1943, may obtain green 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)).

[Paragraph (c) as amended by Amendment 43, 8 F.R. 9014, effective 7-1-43]

(d) The monthly ration of all foods covered by this order for each of the persons for whom the application is granted shall be 16 points, unless an application for additional points under paragraph (o) has been granted. In that case, the monthly ration for each such person shall be 64 points. Green 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.

[Paragraph (d) amended by Amendment 43, 8 F.R. 9014, effective 7-1-43 and Amendment 60, 8 F.R. 12094, effective 9-4-43]

(e) One green punch card shall be issued for all persons included in the application. However, if there are more than 5 such persons, one additional green 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 64 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.

[Paragraph (e) as amended by Amendment 43, 8 F.R. 9014, effective 7-1-43]

(f) The board (or Customs Officer) shall indicate the period for which the green punch card is valid by perforating the appropriate boxes under the words "Ration for". It shall also indicate that the card provides a monthly ration of 16 points for each of the persons for whom it is issued, by perforating the square on the card containing the words "Ration is for fats alone if this square is punched." However, it shall not perforate that square if an application for additional points under paragraph (o) has been granted, thus indicating that the card provides a monthly ration of 64 points for each person for whom it was issued. The name and address of the applicant and of the retailer, wholesaler or primary distributor from whom the foods covered by this order 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 green



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 green punch card issued.

[Paragraph (f) amended by Amendment 43, 8 F.R. 9014, effective 7-1-43, and Amendment 60, 8 F.R. 12094, effective 9-4-43]

(g) If the board (or Customs Officer) which issues a green 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 green 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 or primary distributor within its area entitled thereto, who has been designated on green 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 green 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 foods covered by this order transferred by him to residents of Mexico, prior to July 1, 1943.

[Paragraphs (g), (h), and (i) as amended by Amendment 43, 8 F.R. 9014, 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 green 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 foods covered by this order 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 green 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 green 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 foods covered by this order 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.

[Paragraphs (j), (k) and (l) added by Amendment 43, 8 F.R. 9014, effective 7-1-43]

(m) Upon the expiration of a certificate issued under section 25.1 (c) as it read prior to July 1, 1943, or of any green punch card, or after the full number of points provided by such certificate or card have been used by the applicant or members of his family unit to acquire foods covered by this order, the board (or Customs Officer) shall issue a green punch card for a subsequent period, but only if the applicant returns the expired duplicate certificate or card to it. The applicant shall, not later than five days after the expiration of any certificate or green 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 green 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 Office) 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 green punch card to replace an expired green 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 foods covered by this order. Acceptance by applicant of a green 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.

[Paragraph (m) added by Amendment 43, 8 F.R. 9014, effective 7-1-43, and amended by Amendment 60, 8 F.R. 12094, effective 9-4-43]

(n) An applicant may apply to the board (or Customs Officer) where his original application was made, to change the retailer, wholesaler or primary distributor from whom he acquires foods covered by this order. However, no application for such a change shall be made with respect to any currently valid green punch card unless the supplier designated on the card refuses to transfer foods covered by this order against it under section 25.2. Any green 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.

[Paragraph (n) added by Amendment 43, 8 F.R. 9014, effective 7-1-43]

(o) An applicant, at or after the time he makes an application on OPA Form R-183 under paragraph (a) may apply for a monthly ration of 64 instead of 16 points for each person for whom the ration is allowed. The application for additional points shall be made on OPA Form R-315. It shall state facts showing that the applicant and the members of his family unit are unable to obtain meat in Mexico because they live an unusually long distance from their nearest market in that country. It shall be made to the board (or Customs Officer) to which the applicant is required to apply under section 25.1 (a). However, if it is made to a Customs Officer, the Customs Officer shall not pass upon the application, but shall send it to the nearest board. If the board to which the application is made or to which it is sent by a Customs Officer finds that the facts stated in the application are true, it may grant the application. If the board is one to which the application for additional points was sent by a Customs Officer, it shall, if it grants the application, notify the Customs Officer of that fact and he shall issue the card. The Customs Officer or the board which issues the card, either for the first time or upon the expiration of a card or certificate previously issued pursuant to this section, shall give the applicant a card providing a monthly ration of 64 points for each person for whom it is issued.

[Paragraph (o) added by Amendment 60, 8 F.R. 12094, effective 9-4-43]

SEC. 25.2. *How foods covered by this order may be transferred to residents of Mexico.* (a) Each supplier who has been designated by an applicant as the person from whom foods covered by this order are to be acquired, may transfer to the applicant to whom a green punch card has been issued, or to his authorized agent, and the applicant (or his agent) may acquire from the supplier, foods covered by this order up to the number of points allowed by the green punch card, at any time during the valid period



indicated on the card. The card allows 16 points per month for each person for whom it is issued. However, if the applicant has been granted additional points under paragraph (c) of section 25.1, a card issued thereafter shall allow 64 points per month for each person for whom it was issued. If the card allows 16 points per month for each person for whom it was issued, no numbers above 16 on any horizontal strip on the card are deemed to authorize the transfer of any foods and all such numbers are to be ignored.

[Paragraph (a) amended by Amendment 43, 8 F.R. 9014, effective 7-1-43 and Amendment 60, 8 F.R. 12094, effective 9-4-43]

(b) A supplier who transfers foods covered by this order against a green 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.

[Paragraph (b) added by Amendment 43, 8 F.R. 9014, effective 7-1-43]

(c) Each time a supplier transfers foods covered by this order against a green punch card he shall indicate, on the transferee's green punch card and upon the duplicate white punch card made out by the supplier, the point value of the foods covered by this order 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. In addition, if the card allows 16 points per month for each person for whom it was issued, one strip is to be removed for each 16 points of foods covered by this order transferred; if the card allows 64 points per month per person, one strip is to be removed for each 64 points of such foods transferred. (For example, if the foods covered by this order first transferred have a point value of 14 points, the supplier is required to perforate the box in the first horizontal strip containing the number 14 or to cross out that number. If the second transfer is for 8 points, and if the card allows 16 points for each person for whom it was issued, the supplier is required to remove the first horizontal strip and to perforate the box in the second horizontal strip containing the number 6 or to cross out that number. If the card allows 64 points per person, he would, in that case, perforate the box in the first horizontal strip containing the number 22 or cross out that number. Then, if a third transfer is made for 50 points, he would remove the first horizontal strip and perforate or cross out the box in the second horizontal strip containing the number 8.)

[Paragraph (c) added by Amendment 43, 8 F.R. 9014, effective 7-1-43 and amended by Amendment 60, 8 F.R. 12094, effective 9-4-43]

(d) No transfer may be made unless the green punch card is presented to the transferor. However, if the applicant or his agent fails to present the green 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 green punch card.

[Paragraph (d) added by Amendment 43, 8 F.R. 9014, effective 7-1-43]

SEC. 25.3. *Records and reports by supplier from whom foods covered by this order are to be acquired.* (a) Any retailer, wholesaler or primary distributor who has been designated by an applicant as the supplier from whom foods covered by this order 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 green punch cards valid for those months, on which he has been designated as supplier.

[Sec. 25.3 as amended by Amendment 43, 8 F.R. 9014, effective 7-1-43]

SEC. 25.4. *Records and reports by suppliers who transferred foods covered by this order to residents of Mexico before July 1, 1943.* (a) Any retailer, wholesaler or primary distributor 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 a certificate, the point value of each certificate and of all foods covered by this order transferred against it and the dates of such transfers. Before the 10th 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 foods covered by this order made under such certificates during that month.

[Sec. 25.4 as amended by Amendment 43, 8 F.R. 9014, effective 7-1-43]

[Article XXV added by Amendment 14, 8 F.R. 5567, effective 4-26-43]

#### Article XXX—Appendix

##### SEC. 30.1 [Revoked.]

[Section 30.1 added by Amendment 1, 8 F.R. 3715, effective 3-29-43 and revoked by Amendment 35, 8 F.R. 7491, effective 6-6-43]

SEC. 30.2 *Items excluded from the definition of meat.* The following items are not "meat" as that term is used in this order:

Adrenal glands	Parathyroid glands
Bile	Pineal glands
Epididymes	Pituitary glands
Gullets, closely trimmed	Placentas
Hog lungs	Prostate glands
Lymph glands	Salivary glands
Ovaries	Thyroid glands
	Tonsils

[Sec. 30.2 added by Amendment 13, 8 F.R. 5679, effective 5-5-43, and amended by

Amendment 39, 8 F.R. 8869, effective 7-2-43 and Amendment 52, 8 F.R. 10763, effective 8-7-43]

#### Effective Date

This ration order shall become effective at 12:01 a. m. on March 29, 1943.

[Issued March 29, 1943]

[Effective dates of amendments are shown in notes following the parts affected]

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 24th day of September, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15619; Filed, September 24, 1943; 4:48 p. m.]

#### PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16; Amdt. 17 to Supp. 1]

##### MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (h) is amended to read as follows:

(h) The industrial user factors for determining increases in allotment, referred to in sections 7.12 (b) and 7.13 (b) of Ration Order 16, are as follows:

Items	Factors
(1) For the allotment period from April 1, 1943 through June 30, 1943:	
(i) Butter	2.4
(ii) Margarine	1.5
(iii) Lard	1.5
(iv) Shortening	1.5
(v) Cooking and Salad Oils	1.8
(2) For the allotment period from July 1, 1943, through September 30, 1943:	
(i) Butter	2.4
(ii) Margarine	1.5
(iii) Lard	1.5
(iv) Shortening	1.5
(v) Cooking and Salad Oils	1.5
(3) For the allotment period from October 1, 1943 through December 31, 1943:	
(i) Butter	1.8
(ii) Margarine	.8
(iii) Lard	.6
(iv) Shortening	.8
(v) Cooking and Salad Oils	.8

This amendment shall become effective September 29, 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. 1-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 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15607; Filed, September 24, 1943; 4:58 p. m.]

8 F.R. 3591, 3714, 4892, 5408, 5758, 6840, 7264, 7456, 7492, 8869, 9203, 10090, 10728, 11688, 1229.



## PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 18 to Supp. 1]

## MEATS, FATS, FISH AND CHEESES

Section 1407.3027 (f) is amended by adding the following validity dates for Brown Stamps:

G..... October 24, 1943, to December 4, 1943.  
H..... October 31, 1943, to December 4, 1943.  
J..... November 7, 1943, to December 4, 1943.  
K..... November 14, 1943, to December 4, 1943.

This amendment shall become effective September 29, 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. 1-M, 7 F.R. 8324; Food Dir. 1, 8 F.R. 837; 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 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15595; Filed, September 24, 1943; 4:55 p. m.]

## PART 1418—TERRITORIES AND POSSESSIONS

[Rev. MPR 183, Amdt. 7]

## PUERTO RICO

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 183 is amended in the following respects:

1. Section 24 Table 9 is amended by adding a new brand to the category "Canned tomato juice", to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned tomato juice: Fame (Fancy)	Case of 45-10 1/2-ounce cans (Picnic)	\$3.75	\$4.30	Per container \$0.12

2. Section 25 Table 10 is amended by adding new brands to the categories "Canned asparagus tips", "Canned carrots", "Canned corn" and "Canned tomatoes", to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Canned asparagus tips: Santa Cruz (green) Rialto (green) Rialto (white) Rialto (green) Rialto (white)	Case of 54-No. 1 square cans Case of 24-No. 1 square cans Case of 24-No. 1 square cans Case of 24-No. 1 square cans Case of 48-Picnic	\$5.00 7.80 8.20 7.80 8.30	\$9.20 8.90 9.40 9.00 9.55	Per container \$0.50 .40 .51 .24 .20
Canned carrots: Shoestring Exquisite	Case of 24-No. 2 cans	3.05	3.50	.19
Canned corn: Niblets Mexican Niblets	Case of 24-12 ounce tins Case of 24-12 ounce tins	3.70 3.25	4.20 3.70	.22 .19
Canned tomatoes: Cock Robin (Grade C)	Case of 24-No. 2 1/2 cans	3.50	3.95	.21

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

18 F.R. 3591, 3714, 4892, 5408, 5759, 6840, 7264, 7453, 7492, 8669, 9203, 10090, 10728, 11688, 12292.

28 F.R. 9532, 10763, 10906, 10937, 11437, 11847, 12519.

## 3. Section 32 Table 18a is added to read as follows:

TABLE 18a—MAXIMUM PRICES FOR EDIBLE OILS

Brand	Container—Size and Unit	To wholesaler	At wholesale	At retail
Olive oils:				Per unit
Ehmann	Bottles 45-4 1/2 ounces	\$14.45	\$15.90	\$0.41
Ehmann	Bottles 24-2 1/2 pint	11.55	13.10	0.68
Ehmann	Bottles 12-1 quart	18.55	20.40	2.12
Ehmann	Bottles 6-1/2 gallon	22.85	25.15	7.85
Iberia	Tins 12-1 1/2 gallon	30.60	43.55	4.53
Iberia	Tins 24-3 gallon	40.25	44.25	2.30
Iberia	Tins 48-6 gallon	42.15	46.35	0.60
Romania	Tins 24-1 1/2 pint	20.10	22.10	1.15
Wrestler	Glass 6-1/2 gallon	17.80	19.60	4.07
Wrestler	Glass 12-1 quart	18.30	20.10	2.09
Wrestler	Glass 24-1/2 pint	10.40	11.45	1.19
Ibarr	Tins 24-1 1/2 liters	75.20	82.70	4.30
Ibarr	Tins 8-5 liters	81.45	89.55	14.00
Vegetable oils:				
AFPO	Bottles 4-1 gallon	7.75	8.20	2.66
La Sultana	Bottles 6-1 gallon	13.00	14.35	3.00
La Sultana	Bottles 12-1/2 gallon	8.75	9.60	1.32
La Sultana	Bottles 24-3 quart	7.55	8.10	0.35
La Sultana	Bottles 48-6 ounces	4.35	4.70	.24
La Sultana	Bottles 24-12 ounces	4.35	4.70	.16
La Sultana	Bottles 12-24 ounces	13.00	14.35	3.00
La Campaña	Bottles 6-1 gallon	8.75	9.60	1.32
La Campaña	Bottles 12-1/2 gallon	7.55	8.10	.85
La Campaña	Bottles 24-3 quart	5.65	6.55	.34
La Campaña	Bottles 48-6 ounces	4.25	4.70	.24
La Campaña	Bottles 24-12 ounces	2.85	3.15	.16
La Campaña	Bottles 12-24 ounces	7.00	7.70	2.45
Marola	Jugs 4-1 gallon			

4. Section 36 Table 23 is amended by adding new brands to the categories "General Foods" and "Quaker" and by adding the category "Aunt Jemima" to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Quaker:				
Yellow cornmeal	Case of 24-24 ounce	\$2.35	\$2.65	\$0.14
White cornmeal	Case of 24-24 ounce (tins)	5.70	6.45	.23
General Foods	Case of 12-24 ounce	1.15	1.30	.14
Grape Nut Flakes	Case of 24-7 ounce	2.60	2.95	.16
Post Toasties	Case of 120-1 ounce	3.00	3.40	.04
Post Toasties	Case of 36-6 ounce	2.60	2.95	.10
Aunt Jemima	Case of 24-30 ounce	2.80	3.15	.17
Panakea Flour	Case of 24-20 ounce	1.55	1.75	.19
Buckwheat Flour	Case of 12-20 ounce			



## 5. Section 47 Table 39 is amended to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price
Laundry soap	Per pound	\$0.0775	\$0.084	Per unit \$0.10
Tuilet soap	Per 144-3 1/2 ounce bars	6.88	7.60	0.07
Victory Brand				
Soap chips:				
Case of 8-4 pound, 10 ounce packages				
Lux Flakes (regular)	100 pkgs.—5 ounces	4.20	4.85	0.75
Lux Flakes (large)	20 pkgs.—12 1/2 ounces	8.80	9.65	0.12
Rinso (regular)	24 pkgs.—9 ounces	4.35	4.80	0.12
Rinso (large)	24 pkgs.—1 pound, 8 ounces	4.75	5.20	0.29
Easy Task	8 pkgs.—4 pound, 5 ounces	5.30	5.80	0.12
Powdered soap:				
Snowboy	100-7 ounces	2.90	3.10	0.04
Gold Dust	100-7 ounces	3.40	3.75	0.06 or 2 for \$0.09
Cleaner:				
Babbitt Cleaner (fiber tops and bottoms)	48-14 ounces	2.25	2.50	0.06
Bab-O (metal tops and bottoms)	48-14 ounces	5.10	5.60	0.14
Palcio	48-16 ounces	2.70	3.00	0.08

This amendment shall become effective as of September 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15597; Filed, September 24, 1943; 4:54 p. m.]

## PART 1418—TERRITORIES AND POSSESSIONS

[MPR 288; Amdt. 9]

## SPECIFIC MAXIMUM PRICES IN ALASKA

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

\*Copies may be obtained from the Office of Price Administration.  
7 F.R. 10581, 11012; 8 F.R. 23, 567, 2158, 2445, 6964, 3944, 8184, 12549.

Bulk (less than five pounds)	1 lb. carton or bag	2 lb. carton or bag	5 lb. carton bag or bulk	10 lb. carton bag or bulk	25 lb. bale, bulk, bag, or sack	50 lb. bale, bulk, bag, or sack	100 lb. bale, bulk, bag, or sack
<i>Per pound</i>							
Ketchikan	\$0.11	\$0.20	\$0.45	\$0.85	\$2.10	\$4.20	\$8.20
Wrangell	.11	.20	.45	.85	2.10	4.20	8.20
Petersburg	.11	.20	.45	.85	2.10	4.20	8.20
Juneau	.11	.20	.45	.85	2.10	4.20	8.20
Douglas	.11	.20	.45	.85	2.10	4.20	8.20
Sitka	.11	.20	.45	.85	2.10	4.20	8.20
Skagway	.11	.20	.45	.85	2.10	4.20	8.20
Haines	.11	.20	.45	.85	2.10	4.20	8.20
Cordova	.10	.20	.45	.85	2.10	4.20	8.20
Valdez	.12	.21	.50	.95	2.38	4.75	9.45
Seward	.10	.20	.45	.85	2.10	4.20	8.20
Kodiak	.10	.20	.45	.85	2.10	4.20	8.20
Anchorage	.11	.20	.45	.85	2.10	4.20	8.20
Palmer	.12	.23	.53	1.05	2.60	5.10	9.75
Points on Alaska Railroad north of Anchorage and south of Chitina	.12	.23	.53	1.05	2.60	5.10	9.75
City and all points north of Chitina	.12	.23	.53	1.05	2.60	5.10	9.75
City of Alaska R. R. ex-clusive of Fairbanks	.11	.24	.55	1.10	2.75	5.50	10.40
Fairbanks	.12	.25	.60	1.15	2.75	5.50	10.40
None							

(2) For an amount other than that specified in Table V above, the maximum retail selling price per pound shall be the maximum price per pound for the nearest amount in bale, bulk, bag, or sack specified in Table V.

(3) The maximum retail price for refined beet or cane granulated sugar sold in places other than those enumerated above shall continue to be established by Maximum Price Regulation 194.

3. Section 1418.363 (f), Table VI, is added to read as follows:

(f) Table VI: Maximum retail prices for edible fats and oils—(1) Definitions. When used in this Table VI the term:

\* 7 F.R. 5909, 6268, 5744, 8023, 8358, 8947, 9195, 10231, 10790, 11012; 8 F.R. 856, 8615.

(i) "Standard shortening" means shortening not hydrogenated made from vegetable oils such as corn, soybean, cottonseed, or peanut oils, refined to produce a creamy solid.

(ii) "Hydrogenated shortening" means shortening made from oils, such as cottonseed, soybean, or peanut oils, which are refined and processed to make the flavor blend and then hydrogenated to solidify the product. Hydrogenation is the process by which hydrogen is added to the unsaturated carbon bonds of oils, thus forming fats which may be plastic, hard or brittle, depending upon the completeness of hydrogenation.

(iii) "Lard" means the edible rendered fat from hogs.

(2) The maximum prices for certain edible fats and oils sold at retail in the Territory of Alaska shall be:



	Standard shortening		Hydrogenated shortening			Lard		
	Fluffo and Fluffo Jewel		Crisco, Spry, and Snowdrift			Armour's, Swift's, Carsten's, and Gibson's		
	Carton		Container			Unit		
	1 pound	3 pounds	1 pound	3 pounds	6 pounds	1 pound	4 pounds	8 pounds
Ketchikan.....	\$0.28	\$0.83	\$0.35	\$1.00	\$1.85	\$0.28	\$1.10	\$2.10
Wrangell.....	0.28	0.83	0.35	0.95	1.85	0.25	1.00	2.00
Petersburg.....	0.28	0.83	0.35	0.95	1.85	0.25	1.00	2.00
Juneau.....	0.28	0.83	0.35	0.95	1.85	0.28	1.10	2.10
Douglas.....	0.28	0.83	0.35	0.95	1.85	0.28	1.10	2.10
Sitka.....	0.28	0.83	0.35	0.95	1.85	0.25	1.00	2.00
Skagway.....	0.28	0.83	0.35	0.95	1.85	0.25	1.00	2.00
Haines.....	0.28	0.83	0.35	0.95	1.85	0.25	1.00	2.00
Cordova.....	0.29	0.85	0.36	1.00	1.90	0.29	1.15	2.25
Valdez.....	0.29	0.85	0.36	1.00	1.90	0.29	1.15	2.25
Seward.....	0.29	0.85	0.36	1.00	1.90	0.29	1.15	2.25
Kodiak.....	0.29	0.85	0.36	1.00	1.90	0.29	1.15	2.25
Anchorage.....	0.30	0.90	0.36	1.05	1.95	0.30	1.20	2.25
Palmer.....	0.31	0.90	0.37	1.05	2.00	0.31	1.20	2.30
Points on Alaska Railroad north of Anchorage and south of Curry.....	0.31	0.90	0.37	1.05	2.00	0.31	1.20	2.30
Curry and all points on Alaska Railroad north of Curry and south of Fairbanks.....	0.33	0.98	0.40	1.19	2.15	0.33	1.30	2.50
Fairbanks.....	0.33	0.98	0.40	1.19	2.15	0.33	1.30	2.50
Name.....	0.30	0.90	0.35	1.05	2.00	0.30	1.20	2.40

(2) The maximum retail price for all other varieties of edible fats and oils sold in the places specified herein, and for all varieties of edible fats and oils sold in places other than those specified herein shall continue to be established by Maximum Price Regulation 194.

This amendment shall become effective September 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15596; Filed, September 24, 1943; 4:53 p. m.]

#### PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 5-9]

#### FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN NEW ORLEANS DISTRICT

In the judgment of the District Director of the New Orleans District Office of Region No. 5, the prices of food and beverages sold for immediate consumption in the Parishes of Orleans, Jefferson, St. Bernard, Washington, East Baton Rouge, Lafayette, Calcasieu, Beauregard, Vernon and Rapides in the State of Louisiana, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

In the judgment of the District Director of the New Orleans District Office of Region No. 5, the maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the Act. So far as practicable, the District Director of the New Orleans District Office of Region No. 5, gave due

consideration to prices prevailing between October 1 and 15, 1941, and consulted with the representatives of those affected by this regulation.

A statement of the considerations involved in the issuance of this regulation is issued simultaneously herewith.\*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living, and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living" (F. R. 7565), 77th Congress, Second Session, and under the authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the District Director of the New Orleans District Office of Region No. 5 hereby issues this Restaurant Maximum Price Regulation No. 5-9, establishing as maximum prices for food and drink sold for immediate consumption in the Parishes of Louisiana mentioned above, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.409 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the District Director of the New Orleans District Office of Region No. 5 by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, Executive Order 9328, General Order No. 50 issued by the Office of Price Administration, and Region 5 Order of Delegation of Authority under General Order No. 50, Restaurant Maximum Price Regulation No. 5-9 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made part hereof, is issued.

AUTHORITY: § 1448.409 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

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

#### RESTAURANT MAXIMUM PRICE REGULATION NO. 5-9—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

##### CONTENTS

##### Sec.

1. Sales at higher than ceiling prices prohibited.
2. How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943, to April 10, 1943.
3. How you figure ceiling prices for food items and meals you did not offer in the seven-day period.
4. How you figure your prices for seasonal items.
5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.
6. Substitution of food items in meals.
7. Prohibition against manipulation of meal offerings.
8. Evasion.
9. Rules for new proprietors.
10. Seasonal eating and drinking places.
11. Taxes.
12. Records.
13. Posting.
14. Operation of several places.
15. Relation to other maximum price regulations.
16. Geographical application.
17. Enforcement.
18. Exempt sales.
19. Adjustments.
20. Definitions and explanations.
21. Classes of food items and meals.
22. Special orders.
23. Licensing.
24. Revocation.

SECTION 1. *Sales at higher than ceiling prices prohibited.* If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking place, you must not offer or sell any "food item" (including any beverage) or "meal" at a price higher than the ceiling price which you figure according to the directions in the next two sections (sections 2 and 3). You may, of course, sell at lower than ceiling prices.

SEC. 2. *How you figure ceiling prices for food items and meals you offered in the seven-day period from April 4, 1943 to April 10, 1943.* Your ceiling price for any food item or meal which you offered in the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943, is the highest price at which you offered the same food item or meal in that seven-day period.

SEC. 3. *How you figure ceiling prices for food items and meals you did not offer in the seven-day period.* You must figure your ceiling price for a food item or meal which you did not offer during the seven-day period as follows:

(a) If you offered the same food item or meal at any time during the four weeks from March 7 to April 3, 1943, inclusive, and if you have adequate records of the prices you then charged, take as your ceiling price the highest price at which you offered that food item or meal during that four-week period.

(b) If you did not offer the food item or meal during the five-week period from March 7 to April 10, 1943, inclusive, or if you do not have adequate records of prices charged prior to the seven-day period you must proceed as follows:



(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which currently has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal. "Currently" as used herein means current on the day you figure your price.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed except as provided in section 4.

**SEC. 4. How you figure your prices for seasonal items.** First, determine your ceiling price for a "seasonal food item" (defined in section 20 (e)) in accordance with the appropriate rule of sections 2 and 3 of this regulation. Thereafter, this price must be varied in proportion to any seasonal change in the raw food cost of the item, provided that in no event shall the price be higher than the ceiling price as originally determined. If in the past it has been your practice to maintain one price throughout the season, you need not vary your ceiling price according to this rule provided the ceiling price was based upon estimated average raw food cost of the item for the entire season.

**SEC. 5. No ceiling price for any food item or meal to be higher than the highest ceiling price for a food item or meal of the same class in the base period.** Under no circumstances are you permitted to charge a higher price for a food item or a meal than:

(a) Your highest ceiling price for food items or meals of the same class offered in the seven-day period; or

(b) The last price at which you sold the same food item or meal prior to April 4, 1943, provided you first file with the appropriate War Price and Rationing Board a menu or certified copy of a record showing the last price charged.

The provisions of this section shall not apply to seasonal dessert specialties specified in section 21A, Class 24a.

*Example 1.* If your highest ceiling price for any soup offered by you during the seven-day period is 15 cents, you may not offer any other soup at a higher price than 15 cents.

*Example 2.* You served sirloin steak in March at \$1.50. You did not serve sirloin steak during the base period. The highest price at which you can now serve sirloin steak is \$1.50.

**SEC. 6. Substitution of food items in meals.** If you have already determined your ceiling price for a meal you may substitute for any food item other than the entree (or main dish) in that meal any other food item of the same class

without refiguring your ceiling price, provided the new food item costs you approximately as much and offers customers about the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by section 3.

**SEC. 7. Prohibition against manipulation of meal offerings.** You must not manipulate your meal offerings in a manner which will force your customers to pay more than they did during the seven-day period. Among other things you must not

(a) Reduce the number of meals offered at prices equal to or below your "middle price" for meals of the same class without making a corresponding reduction in the number of meals offered at prices above that middle price. By "middle price" is meant the price most nearly at the midpoint of your price range for meals of the same class.

(b) Cease to offer at least as many different meals at or below the lowest price charged by you for meals of the same class on any day you select in the seven-day period, as you did on that day.

*Example:* If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85¢, and one each at 90¢, \$1.00, \$1.10, \$1.15, you must continue to offer two week-day dinners at 85¢. Note that Sunday meals and week-day meals are meals of a different class.

**SEC. 8. Evasion.** (a) You must not evade or avoid the provisions of this regulation by any scheme or device whatsoever. Some, but not all, practices which will be regarded as evasive are:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction;

(2) Withdrawing the offer, or increasing the price, of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal;

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking or other special charges, or making such charges when they were not in effect in the seven-day period except that a cover or minimum charge in effect during the base period may be increased in accordance with customary practice, where it was the practice to vary the charge in accordance with the type of entertainment offered and the increase does not cause the charge to go above the highest charge made during the last twelve-month period;

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals when such condition was not in effect during the base period;

(5) Reducing the selection of meals offered at table d'hôte prices when the food items which you customarily offered in such meals are being offered at a la carte prices which when added together total more than the table d'hôte price for the complete meal or give your customers less value for their money.

*Example 1.* If you customarily offered fish on table d'hôte dinners at \$1.10 you may not now offer fish a la carte and refuse to offer it on a table d'hôte dinner priced at \$1.10.

*Example 2.* If you offered table d'hôte dinners during the base period at 85¢ to \$1.25, which included dessert and beverage, you may now offer the same food item excluding dessert and beverage at 65¢ to \$1.05, providing you also offer dessert and beverage to be served with the meals at prices which do not total more than 20¢.

(b) However, doing any of the following things will not be considered evading the provisions of this regulation, even though you did not do any of these things during the seven-day period:

(1) You may limit your customers to one pat of butter per meal.

(2) You may reduce the quantity, or eliminate altogether, condiments (such as catchup, chili sauce, etc.) which you may have customarily placed at the disposal of your customers and which now are, or may hereafter be, subject to any rationing order or rationing regulation of the Office of Price Administration.

(3) You may reduce the amount of sugar served with each cup of coffee or tea, or each bowl of cereal, fruit, or other similar food items with which sugar is served, to, but not less than, one teaspoonful, except that less may be given if required by your available supply.

You may not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these curtailed items at an additional charge. For example, if during the seven-day period you furnished catchup, you may not now discontinue furnishing this item free, and at the same time offer to furnish it for an additional charge.

**SEC. 9. Rules for new proprietors.** (a) If you acquire another's business after the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. However, before acquiring another's business, you may apply to the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the price of food or drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 12 and the posting requirements of section 13 immediately upon the opening of your place.



**Sec. 10. Seasonal eating and drinking places—(a) Exempt places.** If you are the proprietor of a seasonal eating or drinking place that

(1) Was not open during the base period from April 4 to 10, 1943;

(2) Receives 90 per cent or more of its total annual revenue during four calendar months of the year;

(3) Is located in an area for which no maximum rent regulation has been issued;

the prices for food items and meals offered by you in that place are exempt from control.

You must not regard this exemption as relieving you from the obligations imposed upon you by General Order No. 50, and you are still subject to the provisions of section 22 of this regulation. Pursuant to this latter section the District Director will by special order establish maximum prices for any seasonal eating or drinking place which takes undue advantage of the exemption.

**(b) Non-exempt places.** If you are the proprietor of a seasonal eating or drinking place which is not exempt under the terms of paragraph (a) you must figure your ceiling prices as follows:

(1) If the place was in operation during the base period from April 4 to April 10, 1943, use the rules set forth in sections 2, 3 and 4.

(2) If the place was not in operation during the base period from April 4 to April 10, 1943, but another place of the same type and within a reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the terms of section 9 (b).

(3) If you cannot price under subparagraphs (1) or (2) above, you must apply for a price to the New Orleans District Office of the Office of Price Administration, 703 Canal Building, New Orleans, Louisiana. Your application must be filed ten days before the date you plan to commence operations and present the following information:

(i) Your name and address.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season, as well as the prices you propose to charge during the coming season.

(iv) The date when you plan to commence operations.

(v) The names of two establishments similar to yours.

You may charge the prices listed if they are not disapproved by the Office of Price Administration before the date specified for the commencement of operations. That Office may at any time, after proper investigation and hearing, establish such maximum prices for your business as it deems proper.

**Sec. 11. Taxes.** If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or of any increase in the amount of a

previous tax on the sale of food or drink or on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

**Sec. 12. Records.** (a) You must observe all the record keeping and filing requirements of General Order No. 50 which are hereby made a part of this regulation by reference.

(b) *Customary records.* You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(c) *Records of the seven-day period.* You must make available for examination by any person during ordinary business hours a copy of each menu used by you in the seven-day period. If you did not use menus, you must make available for such examination a list of the highest prices you charged in the seven-day period.

(d) *Filing by new proprietors.* The proprietor of an eating or drinking place which was not open during the seven-day period (including newly-opened places), shall file menus or a price list in accordance with paragraph (a), (General Order No. 50), except that (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(e) *Future records.* Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two each of the menus used by you each day. If you do not use menus you must prepare in duplicate and preserve for such examination a record of the prices charged by you each day, except that you need not record prices which are the same as, or less than, prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city, which have customarily been subject to central control, may keep the records required by this paragraph for these places at a central office or the principal place of business within the city.

**Sec. 13. Posting.** (a) Beginning October 5th, 1943, each menu must have clearly written on or attached to it the following statement:

All prices listed are our ceiling prices or below. By Office of Price Administration regulation, our ceiling prices are based on our highest prices from April 4, 1943, to April 10, 1943. Records of these prices are available for your inspection.

(b) If you made menus available in the seven-day period, you shall continue to make them available.

(c) In addition to the requirements in (a) and (b) you must post in a conspicuous place, preferably at or near the cash register, a sign or poster when furnished by the Office of Price Administration. You must enter after each meal or food item on this list your ceiling price for such meal or food item.

**Sec. 14. Operation of several places.** If you own or operate more than one

eating or drinking place, you must do everything required by this regulation for each place separately.

**Sec. 15. Relation to other maximum price regulations.** The provisions of this regulation shall supersede other regulations, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration, in so far as they establish maximum prices for meals and food items sold by eating and drinking places. However, where a price charged during the base period of this regulation exceeded the maximum price established by another regulation applicable at that time, the maximum price under this regulation shall be the maximum price established by the regulation which was applicable at that time.

**Sec. 16. Geographical application.** This Restaurant Maximum Price Regulation No. 5-9 applies to the Parishes of Orleans, Jefferson, St. Bernard, Washington, East Baton Rouge, Lafayette, Calcasieu, Beauregard, Vernon and Rapides, in the State of Louisiana.

**Sec. 17. Enforcement.** Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses, provided for by the Emergency Price Control Act of 1942, as amended.

**Sec. 18. Exempt sales.** Sales by the following eating or drinking places are specifically exempt from the provisions of this regulation:

(a) Eating and drinking places located on church premises and operated in connection with special church, Sunday School and other religious occasions.

(b) Hospitals, except for food items and meals served to persons other than the patients when a separate charge is made for such food items and meals.

(c) 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.

(d) Eating and drinking places owned and operated by charitable, religious or cultural organizations such as the United Service Organization, Red Cross or similar organizations selling food items or meals on a non-profit basis primarily to members of the Armed Forces.

(e) Bona fide fraternity or sorority houses located at a recognized school, college or university in so far as such houses sell only to members and bona fide guests of members. Whenever such houses sell to persons other than members or bona fide guests of members, such houses shall be considered for all sales an eating or drinking place within the meaning of this regulation. No such house shall be considered to be exempt within the meaning of this subparagraph, unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and it otherwise is operated as a fraternity or sorority house.



(f) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual), which sells food items or meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to students, faculty members and employees of such institution. For purposes of this subparagraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or Department of the Navy shall be considered students.

(g) Eating and drinking places operated on a non-profit basis by the school department of any city or town and serving food items or meals exclusively to pupils and teachers.

(h) Eating cooperatives formed by officers in the Armed Forces (as, for example, officers' mess) operated as a non-profit cooperative (where no part of the net earnings inures to the benefit of any individual), which sells food items or meals on a cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to officers who are members of the cooperative.

(i) Bona fide private clubs in so far as such clubs sell only to members and bona fide guests of members. Whenever such clubs sell to persons other than members or bona fide guests of members, such clubs shall be considered for all sales an eating or drinking place within the meaning of this regulation. No club shall be considered to be exempt as a private club, within the meaning of this subparagraph, unless its members pay dues (more than merely nominal in amount), are elected to membership by a governing board, membership committee or other body, and it otherwise is operated as a private club.

No club organized after the effective date of this regulation shall be exempt unless and until it has filed a request for exemption with the New Orleans District Office of the Office of Price Administration, furnishing such information as may be required, and has received communication from such office authorizing exemption as a private club.

SEC. 19. *Adjustments.* (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establish-

ment as much or more than the proposed adjusted prices.

(b) If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to the New Orleans District Office of the Office of Price Administration, 708 Canal Building, New Orleans, Louisiana, a statement setting forth:

(1) Your name and address.

(2) A description of your eating establishment including: type of service rendered (such as cafeteria, table service, etc.), classes of meals offered (such as breakfast, lunch and dinner), number of persons served per day during the most recent thirty-day period,<sup>1</sup> and such other information that may be useful in classifying your establishment.

(3) The reasons why your customers will be seriously inconvenienced if you discontinue operations.

(4) The names and addresses of the three nearest eating places of the same type as yours.

(5) A list showing your present maximum prices and your requested, adjusted prices.

(6) A profit and loss statement for your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

SEC. 20. *Definitions and explanations.* (a) "Persons" means individual, corporation, partnership, 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 other government, or any of its political subdivisions, and any agencies of any of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blueplate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: Ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese.

(e) "Seasonal food item" means a food item (including beverage) not generally offered for sale throughout the

<sup>1</sup> In counting the number of persons served, any one who was served more than once is to be counted separately for each occasion he was served.

year and normally available in quantity only during certain seasonal production periods of each year. Examples are: certain shell-fish such as oysters; certain fresh fish such as salmon, trout and shad; certain vegetables such as summer squash, and certain fruits such as berries and melons.

(f) 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. 21. *Classes of food items and meals.* (See definition of "food item" and "meal" contained in section 20.)

(a) *The classes of food items.*

#### BREAKFAST ITEMS

1. Fruits, fruit juices and vegetable juices.
2. Cereals.
3. Entrees: egg and combination egg dishes served at breakfast.
4. Entrees: meat and meat combination dishes served at breakfast.
5. Entrees: all other dishes served at breakfast.
6. Breads, rolls, buns, Danish-pastries, etc., served at breakfast.
7. All other breakfast dishes, including jams, jellies and preserves.

#### OTHER ITEMS

8. Appetizers, except alcoholic cocktails.
9. Soups, including soups in jelly.
10. Beef, steaks and roasts.
11. Veal; steaks, chops and roasts.
12. Pork; loins, chops, steaks, roasts.
13. Lamb or mutton; chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Prepared dishes, such as stews, casseroles, ragouts, curries, etc.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes, such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, etc.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts: cakes, cookies, pies, pastries and other baked goods.
24. Desserts: ice creams, sherberts, water ices, including combinations with syrups, creams, fruits and nuts.
- 24a. Desserts: seasonal dessert specialties such as watermelon and cantaloupe.
25. Desserts: all others, including fruits, puddings and cheese.
26. Cold sandwiches, including garnishes, salads and vegetables.
27. Hot sandwiches, including garnishings, salads and vegetables.
28. All other food items served in a meal, including mints and preserves.
29. Beverage foods, including coffee, cocoa, chocolate, tea and milk.

#### BEVERAGES

30. Non-alcoholic beverages, including sparkling and mineral waters.
31. Alcoholic malt beverages, including beer and ale.
32. Wines, including sparkling wines.
33. Liquors, including whiskeys, gins and brandies.
34. Cordials, including fruit liqueurs.
35. All other alcoholic beverages.



(b) *The classes of meals.* For purposes of this regulation there shall be thirteen classes of meals, namely, breakfast, lunch, tea, dinner and supper during week days, and breakfast, lunch, tea, dinner and supper on Sundays, children's breakfast, lunch and dinner.

Sec. 22. *Special orders.* The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may, from time to time, issue special orders providing for the establishment or reduction of the maximum price of any food item or items or meal or meals sold or offered by any seller or sellers when, in the judgment of the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

Sec. 23. *Licensing.* The licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation shall apply to all persons whose maximum prices are regulated by this regulation.

Sec. 24. *Revocation and amendment.* (a) This regulation may be revoked, amended or corrected at any time.

(b) You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

This regulation shall become effective October 5th, 1943.

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

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

Issued this 14th day of September 1943.

L. E. FRAZAR,  
District Director,  
New Orleans, La., District.

[F. R. Doc. 43-15616; Filed, September 24, 1943; 4:59 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Rev. SR 1 to GMPR, Amdt. 30]

##### NATURAL OILS OF PEPPERMINT AND SPEARMINT

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 2.5 (c) is amended by adding after the period the following sentence:

However, maximum prices for the natural oils of peppermint and spearmint are established by Maximum Price Regulation No. 472.

This amendment shall become effective September 30, 1943.

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

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

Issued this 24th day of September 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-15599; Filed, September 24, 1943; 4:56 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14<sup>1</sup> to GMPR,<sup>2</sup> Amdt. 32]

##### CRACKER MEAL

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 1.24 is added to read as follows:

SEC. 1.24 *Cracker meal*—(a) *Maximum prices.* Maximum prices for sales of cracker meal shall be the maximum prices determined in accordance with the provisions of § 1499.2 and other applicable sections of the General Maximum Price Regulation, or, in containers of 5 pounds or more:

(1) 6.55 cents per pound delivered at any point within the District of Columbia or any state other than California, Oregon and Washington; and

(2) 7.35 cents per pound delivered at any point within the states of California, Oregon and Washington.

(b) *Notification in change of maximum prices.* With the first delivery after September 29, 1943, of cracker meal in any case where the seller determines a new maximum price pursuant to this amendment, he shall:

(1) Supply each wholesaler and retailer who purchases from him with written notice as set forth below:

[Insert date]

##### NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for \_\_\_\_\_  
(Describe item)

by kind, variety, brand and container type \_\_\_\_\_ has been changed by the Office of and size)

Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulation No. 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier containing this notification on or after September 30, 1943. You must refigure your ceiling price following the rules in Section 6 of Maximum Price Regulation No. 421, 422, or 423, whichever is applicable to you.

For a period of 60 days after making such change in the maximum price of an item, and with the first shipment after the 60 day period to each person who has not made a purchase within that

<sup>1</sup> 8 F.R. 9787, 9880, 10432, 10566, 10433, 10668, 10731, 10759, 10763, 10939, 10674, 10994, 10753, 11174, 11182, 11247, 11215, 11479, 11572, 11554, 11873, 12325, 12406, 12159.

<sup>2</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

time, the processor shall include in each case or carton containing the item the written notice set forth above.

(2) Notify each purchaser of the item from him who is a distributor other than a wholesaler and retailer of such change in maximum price by written notice attached to or written on the invoice issued in connection with his first transaction with such purchaser after September 29, 1943, as follows:

-----  
(Insert date)

Notice to Distributors other than Wholesalers and Retailers

Our OPA ceiling price for \_\_\_\_\_  
[describe item]

by kind, variety, brand and container type \_\_\_\_\_ has been changed from \$----- to and size]

\$----- under the provisions of Amendment 32 to Rev. SR 14. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier, purchasing the item from you after September 29, 1943, of any allowable change in your maximum price. This notice must be made in the manner prescribed in Section 1 (b) (1) of Amendment 32 to Rev. SR 14.

This amendment shall become effective September 30, 1943.

(56 Stat. 23,765; Pub. Laws 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15598; Filed, September 24, 1943; 4:53 p. m.]

#### PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 33]

##### NATURAL OILS OF PEPPERMINT AND SPEARMINT

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 4.3 of Revised Supplementary Regulation No. 14 is hereby revoked.

This amendment shall become effective September 30, 1943

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

Issued this 24th day of September 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-15600; Filed, September 24, 1943; 4:56 p. m.]

#### PART 1305—ADMINISTRATION

[Gen. RO 11,<sup>1</sup> Amdt. 6]

##### REPLACEMENT OF RATIONED FOODS USED IN PRODUCTS ACQUIRED BY DESIGNATED AGENCIES

A rationale for this amendment has been issued simultaneously herewith, and

<sup>1</sup> 8 F.R. 9008, 9625, 10419, 11671, 12558.



has been filed with the Division of the Federal Register.\*

General Ration Order 11 is amended in the following respects:

1. Section 2.4 (c) (3) is added to read as follows:

(3) Notwithstanding any other provision of this paragraph, military or naval information which is secret in nature need not be disclosed.

2. Section 3.3 (c) is amended by adding the following sentence at the end thereof:

However, military or naval information which is secret in nature need not be disclosed.

This amendment shall become effective September 24, 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; WPB Supp. Dir. 1-E, 7 F.R. 2965; WPB Supp. Dir. 1-M, 7 F.R. 8234; WPB Supp. Dir. 1-R, 7 F.R. 9684; Food Directive 1, 8 F.R. 827; Food Dir. 3, 7 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 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15646; Filed, September 25, 1943; 11:57 a. m.]

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

[RO 1A, Amdt. 52]

##### TIRES, TUBES, RECAPPING AND CAMELBACK

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

Ration Order No. 1A is amended in the following respects:

1. Section 1315.503 (c) (1) is amended by deleting the number "241" wherever it appears and inserting in lieu thereof the number "601".

2. Section 1315.503 (c) (2) is amended to read as follows:

(2) Outside the gasoline shortage area as defined in § 1394.7551 (a) (44) of Ration Order No. 5C.

(i) An applicant whose total rationed mileage is more than 240 miles but less than 601 miles per month may be issued a certificate for a new tube or for a Grade III tire;

(ii) An applicant whose total rationed mileage is 240 miles per month or less may be issued a certificate for a new tube but may only be issued a certificate for a Grade III tire if any of the purposes for which his vehicle is used constitute occupational mileage, as defined

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

7 F.R. 9160, 9392, 9724, 8 F.R. 10079, 10085, 10284, 10430, 10733, 11480, 11481, 11952, 11846, 12013.

in § 1394.7551 (a) (27) of Ration Order No. 5C, and if the Board would be entitled to allow him such mileage under the provisions of Section 1394.7704 of Ration Order No. 5C.

3. Section 1315.503 (c) (3) is amended by deleting the number "241" and inserting in lieu thereof the number "601".

4. Section 1315.503 (c) (4) is amended by deleting the number "241" and inserting in lieu thereof the number "601".

This amendment shall become effective October 1, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15648; Filed, September 25, 1943; 11:57 a. m.]

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

[MPR 149, Amdt. 14]

##### MECHANICAL RUBBER GOODS

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 149 is amended in the following respects:

1. The preamble is amended by adding a paragraph thereto to read as follows:

Such specifications as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

2. Section 1315.37 (b) is amended to read as follows:

(b) *Maximum manufacturers' prices for V-belts made in whole or in part of neoprene—*(1) *Applicability of this paragraph.* This paragraph is applicable to any V-belts made in whole or in part of neoprene for which the manufacturer had a price stated in his price list in effect on October 1, 1941.

(2) *How the manufacturer calculates his maximum price.* The manufacturer shall calculate the maximum price of the V-belts covered by this paragraph as follows: The manufacturer shall first deduct from the list price he had in effect on October 1, 1941, an amount determined by multiplying that list price by the following percentages:

Solid neoprene multiple V-belts.....	8.1%
Neoprene cover multiple V-belts.....	2.9%
Solid neoprene FHP V-belts (A and B sections only).....	9.4%
Neoprene cover FHP V-belts.....	3.8%
Automotive equipment solid neoprene fan belts.....	12.2%

The manufacturer shall then deduct from the resulting figure all discounts,

\* 8 F. R. 10813

allowances and other deductions from the list price that he had in effect to a purchaser of the same class on October 1, 1941.

3. Section 1315.37 (c) is added to read as follows:

(c) *Maximum manufacturers' prices for certain types of neoprene and Buna-N hose used in the production of aircraft.* This paragraph is applicable to hose made in whole or in part of neoprene or Buna-N which is used in the production of aircraft and is of a type listed in Table II-D. However, this paragraph is applicable only to those sizes and constructions of that hose listed in that table. The maximum manufacturers' price for the sale of any of that hose to aircraft manufacturers is the price listed in Table II-D. The manufacturer shall determine his maximum price for the sale of that hose to other classes of purchasers by adjusting the price listed in that table to reflect his October 1, 1941, differential between aircraft manufacturers and the class of purchasers to which the sale is made. If the manufacturer cuts the hose into exact lengths or seals or caps the hose, he may add to the maximum price, determined in the manner just set forth, his October 1, 1941, charge for this service.

TABLE II-D

MAXIMUM MANUFACTURERS' PRICES FOR SALES TO AIRCRAFT MANUFACTURERS OF CERTAIN TYPES OF SYNTHETIC RUBBER HOSE

Type of hose	Size	Braid	Unit of sale	Maximum prices
			<i>Feet</i>	
Army-Navy Aeronautical Specification AN-H-6a Hydraulic, Medium Pressure.	1/8	3	100	\$19.11
	3/16	3	100	19.84
	1/4	3	100	20.76
	5/16	3	100	23.56
	3/8	3	100	26.40
	1/2	3	100	29.38
Army-Navy Aeronautical Specification AN-ZZ-H-456a Fuel-Oil-and-Coolant.	5/8	3	100	34.66
	3/4	-----	100	14.85
	1	-----	100	15.90
	1 1/4	-----	100	16.97
	1 1/2	-----	100	18.90
	1 3/4	-----	100	19.90
	2	-----	100	21.78
	2 1/4	-----	100	23.09
	2 1/2	-----	100	24.57
	2 3/4	-----	100	27.19
	3	-----	100	29.76
	3 1/4	-----	100	31.63
Army-Navy Aeronautical Specification AN-ZZ-H-456a Fuel-Oil-and-Coolant.	1 1/4	-----	100	36.10
	1 1/2	-----	100	40.67
	1 3/4	-----	100	44.99
	1 1/2	-----	100	48.11
	1 3/4	-----	100	50.84
	1 1/2	-----	100	54.53
Army Air Force Specification number 26577-A, Aircraft, Oil and Coolant.	2	-----	100	60.62
	2 1/4	-----	100	64.49
	2 1/2	-----	100	68.61
	2 3/4	-----	100	73.73
	3 1/4	-----	100	13.78
	3 1/2	-----	100	15.09
	3 3/4	-----	100	16.26
	4	-----	100	17.85
	4 1/4	-----	100	19.35
	4 1/2	-----	100	20.44
	4 3/4	-----	100	21.50
	5	-----	100	22.57
Solid neoprene multiple V-belts.....	5 1/4	-----	100	25.85
	5 1/2	-----	100	29.03
	5 3/4	-----	100	32.48
	6	-----	100	35.55
	6 1/4	-----	100	38.35
	6 1/2	-----	100	41.68
	6 3/4	-----	100	44.87
	7	-----	100	47.50
	7 1/4	-----	100	50.00
	7 1/2	-----	100	55.00
	7 3/4	-----	100	58.00
	8	-----	100	61.00
Automotive equipment solid neoprene fan belts.....	2 1/4	-----	100	67.00
	2 1/2	-----	100	67.00



4. Section 1315.37 (d) is added to read as follows:

(d) *Maximum manufacturers' prices for sales of Buna-N low pressure hose assemblies to hose assembly manufacturers.* This paragraph is applicable to low pressure hose assemblies, made in whole or in part of Buna-N, which can meet Army-Navy Aeronautical Specification AN-ZZ-H-626 Hose Assemblies, Low Pressure. However, this paragraph is only applicable to the sizes of those hose assemblies listed in Table III-D. The maximum manufacturers' price for the sale to hose assembly manufacturers of any of the hose assemblies covered by this paragraph shall be the price listed in Table III-D.

TABLE III-D

MAXIMUM MANUFACTURERS' PRICES FOR SALES OF SYNTHETIC LOW PRESSURE HOSE ASSEMBLIES TO HOSE ASSEMBLY MANUFACTURERS

Type of hose	Size	Unit of sale	Maximum prices
Army-Navy Aeronautical Specification AN-ZZ-H-626 Hose Assemblies, Low Pressure.	1/4"	100	\$11.37
	3/16"	100	12.28
	1/4"	100	13.52
	5/16"	100	14.67
Army-Navy Aeronautical Specification AN-ZZ-H-626 Hose Assemblies, Low Pressure.	3/8"	100	16.38
	1/2"	100	18.76
	3/4"	100	21.14
	1"	100	23.10
	1 1/4"	100	26.48
	1 1/2"	100	29.65
	1"	100	32.81

5. Section 1315.37 (e) is added to read as follows:

(e) *Maximum manufacturers' prices for AAR, EM-601-42, air signal and air brake hose with a neoprene cover and either a Buna-S (GR-S) or a neoprene tube and carcass.* This paragraph is applicable to AAR, EM-601-42, air signal and air brake hose, with a neoprene cover and either a Buna-S (GR-S) or a neoprene tube and carcass. The maximum manufacturers' price for the sale of that hose to railroads in lengths of 22 inches shall be the price listed in Table IV-D.

TABLE IV-D

MAXIMUM MANUFACTURERS' PRICES FOR SALES OF SYNTHETIC AAR, EM-601-42, AIR SIGNAL AND AIR BRAKE HOSE TO RAILROAD BUYERS

Type of hose	Size	Unit of sale	Maximum prices	
			Neoprene cover Buna-S tube and carcass	All Neoprene
AAR Air Signal...	1 1/4" x 22"	Feet...	\$0.40	\$0.44
AAR Air Brake...	1 3/4" x 22"	Feet...	.45	.49

The maximum manufacturers' price for the sale of that hose to railroads in

lengths of more than 22 inches shall be determined by deducting from the prices listed in Table IV-D, the differential that the manufacturer had in effect on October 1, 1941, for the lengths of hose being sold. The manufacturer shall determine the maximum price for sales of that hose to persons other than railroads by adjusting the maximum price for the sale of the hose to railroads to reflect his October 1, 1941, differential between railroads and the class of purchasers to which the sale is made.

6. Section 1315.37 (f) is added to read as follows:

(f) *Maximum manufacturers' prices for Grade 1 neoprene conveyor belting.* This paragraph is applicable to Grade 1 conveyor belting made in whole or in part of neoprene which is made with either a 28 or a 32 ounce duck. Grade 1 means belting having a minimum range of 1700 to 2200 pounds per square inch in the tensile strength of the covers and a minimum range of 16 to 19 pounds per square inch in the friction between plies. The maximum manufacturers' price for the sale of that conveyor belting to consumers shall be the price listed in Table V-D. If the belting has a skim coat in addition to the friction coat, the maximum price for that conveyor belting may be increased by an amount equal to 10% of the carcass price listed in that table.

TABLE V-D

CONSUMERS' MAXIMUM PRICES FOR GRADE 1 NEOPRENE CONVEYOR BELTING

Price per inch of width per foot

Tensile strength of the covers, minimum range—1700-2200 lbs. per sq. in.  
Friction between plies, minimum range—16-19 lbs. per sq. in.

Covers	Ply	Weight of duck	
		28 oz.	32 oz.
Carcass only.....	4	0.0764	0.0814
	5	.0956	.0994
	6	.1147	.1193
1/16" Top by 1/32" Bottom....	4	.1292	.1342
	5	.1484	.1522
	6	.1675	.1721
1/8" Top by 1/16" Bottom.....	4	.1844	.1894
	5	.1836	.1874
	6	.2027	.2073
3/16" Top by 1/8" Bottom.....	4	.2172	.2222
	5	.2364	.2402
	6	.2555	.2601
For each 1/32" additional cover stock.....		.0176	.0176

The manufacturer shall determine his maximum price for the sale of belting covered by this paragraph to persons other than consumers by deducting from his maximum price for sales to consumers all discounts, allowances and any other deductions from the consumers' net price that he had in effect to a purchaser of the same class on October 1, 1941.

This amendment shall become effective October 1, 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 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15649; Filed, September 25, 1943; 11:56 a. m.]

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

[MPR 300, Amdt. 11]

## MAXIMUM MANUFACTURERS' PRICES FOR RUBBER DRUG SUNDRIES

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 300 is amended in the following respects:

1. In § 1315.1753 (c) the first sentence is amended to read as follows: "This paragraph is applicable to rubber drug sundries covered by this section which contain the same type of synthetic or substitute rubber that they contained on December 1, 1941."

2. Section 1315.1754 is amended by redesignating paragraphs (b) to (e), inclusive, paragraphs (c), (d), (e) and (f), respectively.

3. Section 1315.1754 (b) is added to read as follows:

(b) *Rubber drug sundries which are the same as those dealt in by the manufacturer on December 1, 1941, except for the substitution of buna-S (GR-S) or butyl (GR-I) for natural rubber.* This paragraph is applicable to any rubber drug sundry covered by this section which differs from a rubber drug sundry covered by the preceding section (§ 1315.1753) only by reason of the changes made necessary by the substitution of buna-S (GR-S) or butyl (GR-I) for natural rubber. "Natural rubber" means crude rubber, natural latex, reclaimed rubber or scrap rubber. The maximum price for any rubber drug sundry covered by this paragraph shall be the maximum price established by § 1315.1753 for the rubber drug sundry when made of natural rubber.

4. In § 1315.1754 the designated (c) the headnote and the text preceding subparagraph (1) are amended to read as follows:

(c) *Rubber drug sundries not covered by paragraph (b).* This paragraph is applicable to any rubber drug sundry

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

† 8 F.R. 9203, 11.251.



covered by this section which is not covered by the preceding paragraph (b). The maximum price of any rubber drug sundry covered by this section shall be determined as follows:

5. Section 1315.1754 the designated (f) is amended to read as follows:

(f) *Reports of maximum prices determined under paragraph (c).* A report must be filed by the manufacturer for the first order of \$25 or more that he receives after January 31, 1943, for every rubber drug sundry that must be priced under paragraph (c) of this section. This report shall be filed with the Office of Price Administration, Washington, D. C., within five days after the manufacturer receives the first order of \$25 or more. The report shall contain:

(1) The maximum price as computed by the manufacturer and his selling price;

(2) A full description of the rubber drug sundry being priced and of any innovation in manufacturing processes involved;

(3) A detailed explanation of the computation of factory costs and of the maximum price; and

(4) A description of the rubber drug sundry used in determining the maximum price of the rubber drug sundry being priced, and the maximum price, factory costs and an explanation of the reasons for the selection of that rubber drug sundry.

The manufacturer may not accept payment for the rubber drug sundry, mark the maximum retail price on the rubber drug sundry or the unit of sale container, or notify any person of the maximum wholesale or retail price until the price so reported is approved in writing by the Office of Price Administration or fifteen days have elapsed after the mailing of the report. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

6. In § 1315.1755c (a) (1) the date December 31, 1943, is substituted for the date September 30, 1943.

7. In § 1315.1755c (a) (2) the table is amended to read as follows:

Size of bulbs (in ounces):	Price differential
Less than 3.....	\$0.03
3.....	.04
4.....	.05
5.....	.06
6.....	.07
7.....	.08
8.....	.09
9.....	.10
10.....	.11

8. Section 1315.1755c (b) (1) is amended to read as follows:

(1) *Applicability of this paragraph.* This paragraph is applicable to sales by manufacturers of neoprene glass molded surgical tubing which can meet Federal Specifications E-ZZ-C-101a and is made in one of the sizes listed in the table contained in subparagraph (2) of this para-

graph. Since the term "manufacturer" is defined in the regulation as including distributors, this paragraph is also applicable to distributors.

9. In § 1315.1755c (b) (2) the table is amended to read as follows:

Item	French size	Manufacturers' maximum prices per dozen
Catheters, 16" long, funnel, solid tip, one velvet eye.....	10 to 22	\$2.16
Female catheters, 7" long, funnel, solid tip, one velvet eye.....	24 to 30	2.40
Robinson catheters, 16" long, funnel, hollow tip, two eyes.....	10 to 22	2.16
Whistle tip catheters, 16" long, funnel, open end, one eye.....	24 to 30	2.40
Rectal tubes, 20" long, funnel, open end, one eye.....	8 to 22	2.75
Colon tubes, 30" long, funnel, open end, one eye.....	8 to 22	2.75
Colonic irrigator tubes, 52" long, funnel, one depressed eye, one cut eye, solid bullet tip.....	22 to 28	3.20
Stomach tubes, 60" long, funnel, open end, one eye.....	38 to 32	3.60
Nasal feeding tubes, with funnel, open end only.....	22 or 28	3.85
Malecot catheters, funnel, self-retaining, four-wing.....	30 or 32	4.20
Conde catheters (Tiemann type).....	36 or 40	8.20
Glass finished tubing, 5' lengths, for stethoscope.....	44 or 48	9.95
Levine tubes, 48" long, 4 side eyes, 4 ring markings, tube only, no fittings.....	22	5.88
Rehfuß tubes, 48" long, marking: 1 ring 19", 2 rings 26", 3 rings 31" from end of tube, tube only—no fittings.....	28	6.78
Black tip Levine tube (Wangenstein type), weighted tip, 4 rings, 9 eyes, tube only—no fittings.....	30	7.18
Small funnels—1½ oz., for use with sizes 16 to 26, stomach tubes—with hard rubber connections.....	32	7.50
Large funnels—3½ oz., for use with sizes 27 to 40, stomach tubes—with hard rubber connections.....	16-20"	6.92
Stomach tubes, 60" long, with funnel only, open end, one eye.....	22-36"	8.68
Stomach tubes, 60" long, with bulb and funnel, open end, one eye.....	12 to 20	6.55
	22 to 30	7.18
	32 to 40	8.40
	12 to 20	3.92
	22 to 30	4.48
	26	6.20
	10 to 16	8.28
	12 to 16	4.20
	14 or 16	12.30
		2.28
		2.47
	22	Each .68
	28	.86
	30	.89
	32	.94
	22	1.08
	28	1.25
	30	1.30
	32	1.34

10. Section 1315.1763 (b) is amended to read as follows:

(b) Every manufacturer who produces victory line hot water bottles shall report to the Office of Price Administration, Washington, D. C., each brand name which he uses for Consumer Grade I and Consumer Grade II hot water bottles, respectively, within fifteen days after he starts production of a bottle bearing that brand name. Consumer Grade I and Consumer Grade II hot water bottles are distinguished in footnotes five and six to Table I in § 1315.1772.

11. In § 1315.1764 (b) (1) (i) the table is amended by revoking the line reading "Dental, surgical or hospital supply houses..... 142."

12. In § 1315.1764 (b) (2) the last sentence of the text preceding subdivision (i) is amended to read as follows: "The notification required by this subparagraph shall also be given to dental, surgical and hospital supply houses."

13. In § 1315.1772 Table I is amended by revoking the words "colored" and "black" wherever they appear and amending footnotes 5 and 6 thereto to read as follows:

\* A Consumer Grade I hot water bottle is one that bears a brand name which the manufacturer placed on bottles that he sold on December 1, 1941, at a net price of \$0.36 or more and which the manufacturer has not reported for use on Consumer Grade II bottles. Also a Consumer Grade I hot water bottle must not, without written permission from the Office of Price Administration, bear a brand name which was placed on it by a mold which either bore a different brand name on January 16, 1943, or which was not used by the manufacturer on December 1, 1941. "Net price" as used in this footnote, means the lowest price arrived at after deducting the federal excise tax on rubber products and all discounts except cash discount. The term "Consumer Grade II hot water bottle" is defined in footnote 6. The manufacturer is required to report the brand names he uses for Consumer Grade I hot water bottles in accordance with the provisions of paragraph (b) of § 1315.1763.

\* A Consumer Grade II hot water bottle is one which cannot meet the requirements for a Consumer Grade I hot water bottle set forth in the preceding footnote 5. The manufacturer is required to report the brand names he uses for Consumer Grade II bottles in accordance with the provisions of paragraph (b) of § 1315.1763. Once a brand name has been reported for use on a Consumer Grade II bottle, bottles bearing that brand name may not be sold at a price in excess of the Consumer Grade II maximum price.

This amendment shall become effective October 1, 1943.

NOTE: All report 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.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15647; Filed, September 25, 1943; 11:56 a. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MPR 296, Amdt. 8]

#### FLOUR FROM WHEAT, SEMOLINA, AND FARINA SOLD BY MILLERS AND BLENDERS

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

Maximum Price Regulation No. 296 is amended in the following respects:

1. In § 1351.1666, Appendix A, VII the text of paragraph (c) (i) is amended to read as follows:

(i) The maximum prices for flour from wheat enriched in accordance with the specifications for enriched flour as pro-

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

<sup>1</sup> 8 F.R. 158, 612, 2598, 3703, 7567, 7599, 8544, 9159, 10362, 10758, 11563.



vided in subparagraph (a) of § 15.010 of the definition and standard of identity, as now or hereafter promulgated by the Federal Security Administrator, delivered at specified destinations shall be the applicable maximum price as set forth in this Appendix A, plus an increase at the rate of 17 cents per hundredweight.

2. In § 1351.1666 Appendix A, VII the text of paragraph (c) (ii) is amended to read as follows:

(ii) The maximum prices for flour from wheat enriched in accordance with sub-paragraphs (a), (b), (c), and (d) of § 15.010 of the definition and standard of identity, as now or hereafter promulgated by the Federal Security Administrator, delivered at specified destinations shall be the applicable maximum prices as set forth in this Appendix A, plus an increase at the rate of 27 cents per hundredweight.

This amendment shall become effective October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15604; Filed, September 24, 1943; 4:58 p. m.]

#### PART 1340—FUEL

[MPR 120,<sup>1</sup> Amdt. 65]

#### BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Maximum Price Regulation No. 120 is amended in the following respect:

1. In § 1340.205 (e), a new sentence is added to read as follows:

Every producer for each such mine shall also file with the Solid Fuels Branch, OPA Form No. 653:499—Report of Operating Data Bituminous Coal Mines, issued by the Office of Price Administration for the month of August 1943, and for each month thereafter, within thirty days after the close of the month for which the form is filed.

NOTE: The 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.

This amendment shall be effective October 1, 1943.

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

<sup>1</sup> 7 F.R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6325, 6524, 6744, 6898, 7777, 7670, 7914, 7942, 8354, 8650, 8948, 9783, 10470, 10581, 10780, 10993, 11008, 11012; 8 F.R. 926, 1388, 1629, 1679, 1747, 1971, 2023, 2030, 2273, 2284, 2501, 2497, 2713, 2873, 2920, 2921, 3216, 3855, 4258, 4717, 4785, 5477, 6443, 7200, 8504, 9018, 10936.

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

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15650; Filed, September 25, 1943; 11:56 a. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 19,<sup>1</sup> Amdt. 2]

##### ANTHRACITE COAL

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

Section 17 (a) (3) is amended by substituting the phrase "rice" (#2 Buckwheat) or smaller sizes for the phrase "barley" (#3 Buckwheat) or smaller sizes."

This amendment shall become effective on September 25, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; WPB Directive No. 1, 7 F.R. 562; Supp. Dir. No. 1-W, 8 F.R. 11900; E.O. 9125, 7 F.R. 2719)

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15651; Filed, September 25, 1943; 11:57 a. m.]

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

[MPR 301,<sup>2</sup> Amdt. 9]

##### RETAIL AND WHOLESALE PRICES FOR RUBBER DRUG SUNDRIES

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 301 is amended in the following respects:

1. Section 1315.1776 (b) is amended to read as follows:

(b) *To what types of sellers this regulation applies:* This regulation applies to all sellers who sell at retail or at wholesale.

2. Section 1315.1779a is added to read as follows:

§ 1315.1779a *Maximum prices for sales of rubber drug sundries, other than victory line, by dental, surgical, or hospital supply houses—*(a) *Applicability of this section.* This section is applicable to sales of rubber drug sundries other than victory line, by dental, surgical, or hospital supply houses. The maximum prices for such sales shall be determined in accordance with the provisions of this section, notwithstanding any other provisions of this regulation.

<sup>1</sup> 8 F.R. 12097.

<sup>2</sup> 8 F.R. 9212, 11219.

(b) *Maximum prices—*(1) *How the supply house calculates the maximum price.* Except as limited by subparagraph (3), a dental, surgical, or hospital supply house shall determine the maximum prices of rubber drug sundries, other than victory line, by using the same percentage mark-up over net invoiced cost which it used on December 1, 1941. The exact method of determining the maximum price is as follows: The supply house shall multiply the percentage determined in accordance with subparagraph (2) by:

(i) The supply house's net invoiced cost of the rubber drug sundry, if available, not to exceed the applicable maximum price; or

(ii) If actual cost is not available, the net invoiced cost of the rubber drug sundry as estimated by the supply house's supplier: *Provided,* That the supply house has no reason to believe that the price so estimated exceeds the maximum price.

(2) *How the supply house determines the percentage which must be used in determining the maximum price.* The percentage which the supply house must use in determining the maximum price shall be determined as follows:

(i) The supply house shall first determine what rubber drug sundry he must use in determining the percentage. That rubber drug sundry shall be the first applicable of the following rubber drug sundries which he offered for sale on December 1, 1941:

(a) The rubber drug sundry which is the same as the rubber drug sundry being priced.

(b) The rubber drug sundry which has the same use as the rubber drug sundry being priced. If there is more than one rubber drug sundry which has the same use as the rubber drug sundry being priced, the supply house shall use that one of those rubber drug sundries whose purchase price is nearest to the purchase price of the rubber drug sundry being priced.

(c) The rubber drug sundry whose purchase price is nearest to the purchase price of the rubber drug sundry being priced.

(ii) The supply house shall then determine the price at which he was offering to sell that rubber drug sundry to a purchaser of the same class on December 1, 1941.

(iii) The supply house shall then determine the percentage by dividing this selling price by the net price in effect to him on the date on which he established that selling price.

(3) *Limit beyond which the maximum price determined under this paragraph may not go.* The maximum price determined under this paragraph may not exceed the maximum retail price furnished the supply house by the manufacturer. The manufacturer is required by Maximum Price Regulation 300 to notify the supply house of that maximum retail price.

(c) *Maximum prices for rubber drug sundries that cannot be priced under paragraph (b).* The maximum price for a sale by a dental, surgical, or hospital



supply house of a rubber drug sundry, other than victory line, that cannot be priced under paragraph (b) shall be a price, in line with the level of maximum prices established by this regulation, determined by the supply house after specific authorization from the Office of Price Administration. A supply house seeking such authorization shall file with the Office of Price Administration in Washington, D. C., an application setting forth:

- (1) A description of the rubber drug sundry in question;
- (2) The price at which he purchased the rubber drug sundry;
- (3) His proposed pricing method; and
- (4) A statement of the reasons why he believes that the use of this method will result in prices in line with the level of maximum prices established by this regulation.

After receipt of this report the Office of Price Administration will in writing establish a maximum price for the rubber drug sundries, other than victory line, sold by the supply house which cannot be priced in accordance with the automatic pricing provisions of this section.

3. In § 1315.1796 Table I is amended by revoking the words "colored" and "black" wherever they appear therein.

This amendment shall become effective October 1, 1943.

NOTE: All reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the provisions of the Federal Reports Act of 1942.

(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 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15665; Filed, September 25, 1943; 4:41 p. m.]

#### PART 1361—FARM EQUIPMENT

[MPR 133, Incl. Amdt. 7]

##### RETAIL PRICES FOR FARM EQUIPMENT

Sections 1361.4, 1361.9 (a) (8) amended by Amendment 7, effective October 1, 1943, so that Maximum Price Regulation No. 133 shall read as follows:

In the judgment of the Price Administrator retail prices of farm equipment have risen and are threatening further to rise 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 prices of farm equipment prevailing 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. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the 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 is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble as amended by Supplementary Order 70, 8 F.R. 12556, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>1</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 133 is hereby issued.

#### Sec.

- 1361.1 Prohibition against sales at higher than maximum prices.
- 1361.2 Less than maximum prices.
- 1361.3 Maximum prices; new equipment.
- 1361.3a Maximum prices for used equipment.
- 1361.4 Evasion.
- 1361.5 Itemized invoices; new equipment.
- 1361.6 Records and reports.
- 1361.7 Enforcement.
- 1361.7a Licensing: Applicability of the registration and licensing provisions of the General Maximum Price Regulation.
- 1361.8 Petitions for amendment.
- 1361.9 Definitions.
- 1361.10 Effective date.
- 1361.10a Effective dates of amendments.
- 1361.11 Appendix A: Form of guarantee to be furnished buyer of reconditioned and guaranteed equipment.

AUTHORITY: §§ 1361.1 to 1361.11, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 1361.1 *Prohibition against sales at higher than maximum prices.* (a) On and after May 11, 1942, regardless of any contract, agreement, lease or other obligation:

- (1) No person shall sell, deliver or negotiate the sale of any farm equipment at a price higher than the maximum fixed by this regulation;
- (2) No person in the course of trade or business shall buy or receive any farm equipment at a price higher than the maximum fixed by this regulation; and
- (3) No person shall agree, offer, solicit or attempt to do any of the foregoing.

[Paragraph (a) amended by Am. 3, 8 F.R. 234, effective 1-9-43 and Am. 6, 8 F.R. 12093, effective 9-6-43]

<sup>1</sup> Statements of considerations are also issued with amendments.

<sup>2</sup> Revised; 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

(b) There may be added to the maximum prices established by this Maximum Price Regulation No. 133 the amount of any state or local sales, use, or gross receipts tax required or permitted to be paid by the purchaser: *Provided*, That the amount of such tax is stated separately on the invoice or sales check given to the purchaser.

[NOTE: Supplementary Order No. 31 (7 F.R. 9394; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1361.2 *Less than maximum prices.* Lower prices than those established in this Maximum Price Regulation No. 133 may be charged, demanded, paid or offered.

[§ 1361.2 as amended by Amendment 3, effective 1-9-43]

§ 1361.3 *Maximum prices; new equipment—*(a) *New complete equipment with suggested retail prices.* The maximum price applicable to the sale by any retail dealer of any new complete farm equipment for which the manufacturer has issued a suggested retail price shall be the sum of the following:

[Paragraph (a) as amended by Am. 3, effective 1-9-43]

(1) The suggested retail price f. o. b. factory.

(2) Actual transportation costs paid by the dealer for shipment of the item of farm equipment from the factory to the dealer, less any allowances or rebates on transportation costs received by the dealer.

[Subparagraph (2) amended by Am. 3, effective 1-9-43 and Am. 5, 8 F.R. 10503, effective 7-31-43]

(3) The manufacturer's or wholesale distributor's handling charge paid by the dealer if not included in the manufacturer's or wholesale distributor's charge for freight.

[Subparagraph (3) as amended by Am. 3, effective 1-9-43]

(4) An allowance for dealer's handling not to exceed the sum of the following:

(i) 5% of the manufacturer's suggested retail price f. o. b. factory up to \$400, plus 2% of the amount by which the suggested retail price exceeds \$400;

(ii) For each truck trip required for delivery to a purchaser located more than thirty road miles from the dealer, ten cents for each mile going and coming outside the thirty mile zone, on the basis of the most direct route: *Provided*, That a reduction equivalent to the dealer's cost of the service shall be made in the maximum allowance for dealer's handling if any of the following services is not performed: (a) Erection of equipment; (b) Installation of all attach-

<sup>1</sup> 7 F.R. 3185.



ments; (c) Delivery of new equipment and carrying away trade-in equipment; (d) Gasoline and oil placed in equipment.

(5) A charge for special installation of fixed equipment, if such installation is required, not to exceed the charge customarily made for such installation on or before April 1, 1942: *Provided*, That such installation charge shall take the place of, and not be in addition to, the allowance for dealer's handling (subparagraph (4) of this section).

(6) The amount of any federal excise tax billed separately by the manufacturer and stated by the manufacturer not to be included in the suggested retail price.

(b) *New parts with suggested retail prices.* The maximum price applicable to the sale by any retail dealer of any new farm equipment part for which the manufacturer has issued a suggested retail price shall be the suggested retail price plus actual transportation costs paid by the dealer for shipment of the part from the factory to the dealer, less any allowances or rebates on transportation costs received by the dealer, plus the manufacturer's or wholesale distributor's handling charge paid by the dealer if not included in the manufacturer's or wholesale distributor's charge for transportation, plus any extra expense in connection with the sale, such as long distance telephone calls, incurred at the request of the purchaser.

[Paragraph (b) amended by Am. 3, 8 F.R. 234, effective 1-9-43 and Am. 5, 8 F.R. 10503, effective 7-31-43]

(c) *New complete equipment and parts without suggested retail prices—(1) Applicability of this paragraph.* This paragraph is applicable to any new complete farm equipment or part for which the manufacturer has not issued a suggested retail price.

(2) *Where the dealer dealt in the item on April 1, 1942—(i) Where the cost to the dealer has not increased.* The maximum price shall be the highest price at which the dealer sold or offered to sell the item on April 1, 1942.

(ii) *Where the cost to the dealer has increased.* If when the dealer established the price he was charging on April 1, 1942, his cost was lower than it now is, the maximum price shall be determined as follows: The dealer shall multiply the highest price at which he sold or offered to sell the item on April 1, 1942, by a certain percentage. This percentage shall be determined by dividing his present cost of the item (not to exceed the applicable maximum price) by the price he was paying for the item on the date on which he established his April 1, 1942, selling price.

(3) *Where the item was not dealt in on April 1, 1942.* If the dealer did not sell or offer to sell the item on April 1, 1942, its maximum price shall be determined as follows: The maximum price shall be the net cost of the item to the dealer plus a certain percentage of that price. The percentage markup used shall be the first of the following percentages that the dealer can determine:

(i) The percentage markup over net invoiced cost that the dealer realized on his last sale of the item before April 1, 1942.

(ii) The percentage markup over net invoiced cost that the dealer realized on his last sale of the most comparable item during the period January 1, 1941, to April 1, 1942, inclusive.

(iii) The average percentage markup over net invoiced cost that the dealer realized on sales of all farm equipment and parts during March, 1942.

[Paragraph (c) amended by Am. 1, 7 F.R. 6936, effective 9-5-42, Am. 3, 8 F.R. 234, effective 1-9-43 and Am. 6, 8 F.R. 12093, effective 9-6-43]

(d) *Sales by manufacturers.* Notwithstanding any other provisions of this Maximum Price Regulation No. 133, for any item of farm equipment which the manufacturer thereof sells exclusively at retail, his maximum price shall be determined pursuant to Maximum Price Regulation No. 246—Manufacturers' and Wholesale Prices for Farm Equipment; \* for any item of farm equipment which the manufacturer sells both to distributors and dealers and at retail but for which he has not issued a suggested retail price, his maximum price for all sales of the item shall be determined pursuant to Maximum Price Regulation No. 246; for any item which the manufacturer sells both to distributors and dealers and at retail, and for which he has issued a suggested retail price, his maximum price for sales at retail shall be determined pursuant to this Maximum Price Regulation No. 133.

[Paragraph (d) as amended by Am. 3, 8 F.R. 234, effective 1-9-43]

(e) Revoked.

[Paragraph (e) revoked by Am. 3, effective 1-9-43]

§ 1361.3a *Maximum prices for used equipment—(a) Applicability of this section.* This section is applicable to sales by all persons of the following items of used farm equipment:

- (1) Combines.
- (2) Corn binders.
- (3) Corn pickers.
- (4) Farm tractors (except crawler tractors).
- (5) Hay balers (motor or tractor operated).
- (6) Hay loaders.
- (7) Manure spreaders.
- (8) Side delivery rakes.
- (9) A combination of any of the items just listed with other items of farm equipment specifically designed for mounting thereon, where the combination is sold as a unit.

This section is also applicable to sales by retail dealers of any complete item of used farm equipment. This section is not applicable to sales of used farm equipment parts.

(b) *Maximum prices for sales by farmers, auctioneers, etc.* The maximum price for a sale by a person, other than a retail dealer, of any item listed in subparagraphs (1) to (8), inclusive,

\* 7 F.R. 8587, 9039, 8948; 8 F.R. 236, 544, 6045, 6425, 7767, 9623, 9997, 11435.

of paragraph (a), shall be determined as follows: If the item is sold within one year after sale new, the maximum price shall be 85% of the "base price". In any other case, the maximum price shall be 70% of the "base price". In the case of a combination sale referred to in paragraph (a) (9), the maximum price for the combination shall be equal to the sum of the maximum prices of each of the items of farm equipment sold as a part of the combination. These maximum prices shall be determined in the manner just set forth.

(1) *Base price.* The "base price" which must be used in determining maximum prices shall be the first of the following which is available:

(i) The manufacturer's current suggested retail price for the item.

(ii) The last suggested retail price for the item that the manufacturer issued.

(iii) If the item never had a suggested retail price, the base price is the maximum price for which the same or nearest equivalent item would be sold new in the locality, minus carload freight from the plant of the manufacturer of the item.

(c) *Maximum prices for sales by dealers; in general—(1) Maximum prices.* This paragraph is applicable to sales by retail dealers of all used complete items of farm equipment. However, this paragraph is not applicable to those items that have been reconditioned and guaranteed by a service dealer in the manner set forth in the next paragraph (d). Except as limited by the next subparagraph (2), the maximum price for any item covered by the paragraph shall be the sum of the following:

(i) The trade-in allowance granted or purchase price paid by the dealer, or, in the case of a repossessed item, the balance due to the dealer, distributor, manufacturer, or finance company.

(ii) \$15.00 or 5% of (i), whichever is the greater.

(iii) The maximum price established by the regulation for such parts as are needed and used in repairing the item.

(iv) A charge for other materials and for labor needed and used in repairing the item, not to exceed maximum prices determined in accordance with the applicable regulation issued by the Office of Price Administration.

(2) *Limit beyond which maximum prices may not go.* In no event shall the maximum price determined under this paragraph (c) for any item listed in subparagraphs (1) to (9), inclusive, of paragraph (a), exceed 85% of the base price, if the item is sold within one year of its sale new, or 70% of the base price in any other case. The base price shall be determined in accordance with paragraph (b) (1). Where the dealer transports the used item more than 100 miles from the place where he purchased it, the limit beyond which the maximum price may not go may be increased by a certain amount. This amount shall be equal to the cost actually incurred by the dealer in transporting the used item from the place of purchase to the dealer's place of business.



(d) *Maximum prices for sales by service dealers of reconditioned and guaranteed items*—(1) *Applicability of this paragraph*. This paragraph is applicable to sales by service dealers of reconditioned and guaranteed complete items of farm equipment. In order to be considered "reconditioned and guaranteed" all parts of the item which should be replaced, repaired, adjusted, or aligned for satisfactory operation must be replaced, repaired, adjusted, or aligned. Also, the dealer must furnish the purchaser with a signed guarantee in the form set forth in Appendix A (§ 1361.11), containing the information called for in that form.

(2) *Maximum prices*. Except as limited by subparagraph (3), the maximum price for the sale by any service dealer of any reconditioned and guaranteed complete item of farm equipment shall be the sum of the following:

(i) The trade-in allowance granted or purchase price paid by the dealer, or, in the case of a repossessed item, the balance due to the dealer, distributor, manufacturer, or finance company.

(ii) \$15 or 25% of (i), whichever is the greater.

(iii) The maximum price established by this regulation for such parts as are needed and used in reconditioning the item.

(iv) A charge for other materials and for labor needed and used in reconditioning, not to exceed maximum prices determined in accordance with the applicable regulation issued by the Office of Price Administration.

(3) *Limit beyond which maximum prices may not go*. In no event shall the maximum price determined under this paragraph (d) for any items listed in subparagraphs (1) to (9), inclusive, of paragraph (a) exceed 95% of the base price. The base price shall be determined in accordance with paragraph (b) (1). Where the dealer transports the used item more than 100 miles from the place where he purchased it, the limit beyond which the maximum price may not go may be increased by a certain amount. This amount shall be equal to the cost actually incurred by the dealer in transporting the used item from the place of purchase to the dealer's place of business.

(e) *Prohibition against joint sales of used farm equipment and other items*. Except as provided in paragraph (a) (9) of this section, each item of used farm equipment listed in subparagraphs (1) to (8), inclusive, of paragraph (a) of this section shall be sold separately; and

(1) No retail dealer, service dealer, auctioneer, or any other person shall sell or negotiate the sale of any item of used farm equipment listed in subparagraphs (1) to (9), inclusive, of paragraph (a) of this section jointly with any commodity, property or service; and

(2) No retail dealer, service dealer, auctioneer, or any other person shall sell or negotiate the sale of any commodity, property or service with the understanding that such purchase carries either an option to purchase or a gift of an item of farm equipment listed in subparagraphs

(1) to (9), inclusive, of paragraph (a) of this section.

[§ 1361.3a added by Am. 3, 8 F.R. 234, effective 1-9-43 and amended by Am. 4, 8 F.R. 2286, effective 2-26-43 and Am. 6, 8 F.R. 12093, effective 9-6-43]

§ 1361.4 *Evasion*. The price limitations set forth in this Maximum Price Regulation No. 133, shall not be evaded directly or indirectly by way of any commission; by way of excessive charges for services; by way of any change in discounts applicable to sales of items of farm equipment for which the manufacturer has issued no suggested retail price; by any change in credit terms or conditions of sale; by reducing the services provided during warranty period in accordance with factory policy; by reducing "free" services customarily provided; by removing any standard auxiliary equipment or in any other way lowering the quality of any equipment sold; by requiring the buyer to purchase any optional equipment, or to pay for any services not desired, or to agree to trade-in used equipment in part payment of the purchase price; by making arrangements with other dealers for the exchange of used equipment so as to increase the profits obtainable from the resale of used equipment; by undervaluing goods other than farm equipment received in trade; or by any other hidden or indirect price increases.

[§ 1361.4 amended by Am. 3, 8 F.R. 234, effective 1-9-43 and Am. 7, effective 10-1-43]

§ 1361.5 *Itemized invoices; new equipment*. (a) In connection with every sale for \$15 or more of any item of new complete farm equipment having a suggested retail price, every retail dealer shall supply to the purchaser a sales invoice or a copy of the purchase order signed by the dealer containing a separate statement of the following items:

(1) The suggested retail price.

(2) The charge for freight and manufacturer's or wholesale distributor's handling.

(3) The charge for dealer's handling, or the charge for special installation, if any.

(4) The charge for delivery beyond the thirty-mile zone, if any.

(5) The amount of excise tax, if any, billed separately to the dealer by the manufacturer.

(6) The amount of sales, use, or gross receipts tax, if any, required or permitted to be paid.

(b) Upon request from a purchaser, every retail dealer, regardless of previous custom, shall give the purchaser a receipt showing the date of sale, the name and address of the seller, the name of each commodity sold and the price received for it.

[Paragraph (a) amended and paragraph (b) added by Am. 3, effective 1-9-43]

§ 1361.6 *Records and reports*. (a) Every retail dealer shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of

each sale of farm equipment showing the date thereof, the make and model or part number, the total price received, and a copy of the invoice or sales check given to the customer. Whenever trade-in equipment is received in part payment of the purchase price of equipment, the dealer shall keep attached to the record of the original sale a complete record of the ensuing sales of trade-in equipment.

(b) Retail dealers shall submit such reports and shall keep such other records, in addition to or in the place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require in writing.

(c) Notwithstanding the provisions of paragraph (a) of this section, any retail dealer may, instead of keeping for inspection by the Office of Price Administration records of each sale of any item of farm equipment selling for less than \$15, keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect the price lists or other data used by the dealer in establishing his maximum prices for such items.

[Paragraph (c) added by Am. 3, effective 1-9-43]

(d) Every auctioneer shall file a notice of every public or private auction sale of used farm equipment at least six days before the sale. This notice shall be sent to the nearest District Office of the Office of Price Administration. The notice shall include the place, date and time of the sale and a copy of any announcement of the sale.

[Paragraph (d), added by Am. 6, 8 F.R. 12093, effective 9-6-43]

§ 1361.7 *Enforcement*. (a) Persons violating any provision of this Maximum Price Regulation No. 133 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942.

[Paragraph (a) as amended by Am. 2, 7 F.R. 7599, effective 9-30-42]

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 133 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1361.7a *Licensing*—(a) *Applicability of this section*. This section is applicable to (1) any person engaged in the business of purchasing new or used farm equipment for resale, or (2) any person engaged in the business of selling or negotiating the sale of new or used farm equipment as an auctioneer, agent or broker.

(b) *License required*. A license as a condition of selling is required of every person covered by this section who now



or hereafter sells or negotiates the sale of any new or used farm equipment for which maximum prices are established by this regulation.

(c) *License granted.* Every person covered by this section who now or hereafter sells or negotiates the sale of any new or used farm equipment for which a maximum price is established by this regulation is hereby granted a license as a condition of selling or negotiating the sale of such new or used farm equipment. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision of this regulation shall be a violation of the provisions of said license. Such license shall be effective on September 6, 1943, or when any person first sells new or used farm equipment for which maximum prices are established by this regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, remain in effect as long as this regulation, or any applicable part, amendment or supplement remains in effect.

(d) *Registration.* Any person covered by this section shall register with the Office of Price Administration at such time and in such manner as the Price Administrator may prescribe by an order issued under this section.

(e) *License not transferrable.* The license hereby granted is not transferrable.

(f) *Licensing and registration sections of the General Maximum Price Regulation\* superseded.* This section supersedes the registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation, insofar as sales by persons of new or used farm equipment for which maximum prices are established by this regulation are concerned.

[§ 1361.7a added by Am. 2, 7 F.R. 7599, effective 9-30-42 and amended by Am. 6, 8 F.R. 12093, effective 9-6-43]

§ 1361.8 *Petitions for amendment.* Any person seeking an amendment of any provision of this Maximum Price Regulation 133 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[§ 1361.8 as amended by Supplementary Order 26, 7 F.R. 8948, effective 11-4-42]

[Note: Supplementary Order No. 28 (7 F.R. 8619) provides for the filing of applications for adjustment or petitions for amendment based on pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1361.9 *Definitions.* (a) When used in this Maximum Price Regulation No. 133, the terms:

(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 any of the foregoing.

\* 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6862, 8511, 9025, 9991, 11955.

(2) "Retail dealer" means any person engaged in the business of selling farm equipment to users.

(3) "Farm equipment" means any equipment, attachment or part used primarily in connection with the production and farm processing for market and farm use of agricultural products, but does not include automobiles, trucks, general purpose tools, building materials, electrical equipment (except fence controllers) sprays or other chemicals, commercial processing machinery, livestock, seeds, feeds or any other agricultural products. A partial list of "farm equipment" follows: farm tractors (except crawler tractors); garden tractors; planting, seeding and fertilizing machinery; plows and listers; harrows, rollers, pulverizers, and stalk cutters; cultivators and weeder; harvesting machinery (combines, binders, pickers, potato diggers, pea and bean harvesters, beet lifters, etc.); haying machinery (mowers, rakes, hayloaders, stackers, balers, etc.); dairy farm equipment (milking machines, farm milk coolers, farm cream separators, etc.); poultry farm equipment (incubators, brooders, feeders, waterers, etc.); bee-keepers' supplies; agricultural spraying equipment; barn and barnyard equipment; electric fence controllers; farm pumps and water systems; windmills; windmill generating sets; farm grain elevators, grain bins, corn cribs and silos; circular wood-sawing machines intended for farm use; machines for farm processing for market or farm use (farm size cane mills, cider mills, corn shellers, corn huskers and shredders, ensilage cutters, feed cutters, feed grinders and crushers, fruit presses, grain cleaners and graders, grain threshers, hammer mills, hay presses, peanut pickers, potato sorters and graders, syrup evaporators, etc.); buggies and farm wagons; harness and saddlery; portable galvanized irrigation pipe; wire fencing, poultry netting and barbed wire sold in lots of less than 2,500 pounds; and attachments and parts for all the foregoing. Wire bale ties sold in lots of less than 2,500 pounds; irrigation equipment, except home lawn sprinklers; logging sleds and logging wagons; and portable, prefabricated poultry houses and hog houses.

[Subparagraph (3) amended by Am. 3, effective 1-9-43 and Am. 6, 8 F.R. 12093, effective 9-6-43]

(4) "Complete farm equipment" includes any item of farm equipment which is a complete unit in itself although it may be used only in conjunction with other farm equipment.

(5) "Part" means any component part of, or attachment for, complete farm equipment.

(6) "Used farm equipment" means any farm equipment which has previously been used.

[Subparagraph (6) as amended by Am. 3, effective 1-9-43]

(7) "Sale at retail" means any sale to a user.

(8) "Suggested retail price" means the price stated in the manufacturer's

current list of suggested or recommended retail prices, f. o. b. factory, whether or not such list price is in the possession of the dealer. Prices issued by mail-order houses are not deemed to be "suggested retail prices"; as a result, maximum prices applicable to the sale of new equipment by mail-order houses, whether direct or through retail stores, shall be calculated in accordance with paragraph (c) of § 1361.3.

[Subparagraph (8) amended by Am. 3, effective 1-9-43 and Am. 7, effective 10-1-43]

(9) "Service dealer" means any dealer who, in addition to selling new or used farm equipment, is engaged in the business of repairing and reconditioning farm equipment.

[Subparagraph (9) added by Am. 3, effective 1-9-43]

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

§ 1361.10 *Effective date.* This Maximum Price Regulation No. 133 (§§ 1361.1 to 1361.10, inclusive) shall become effective May 11, 1942.

[Issued April 28, 1942]

§ 1361.10a *Effective dates of amendments.* [Effective dates of amendments are shown in notes following the parts affected]

§ 1361.11 *Appendix A: Form of guarantee to be furnished buyer of reconditioned and guaranteed equipment.*

#### GUARANTEE

The seller hereby warrants that the machine or equipment described below has been thoroughly inspected and reconditioned; that all parts which should be replaced, repaired, adjusted, or aligned for satisfactory operation have been so replaced, repaired, adjusted, or aligned.

The seller guarantees that the machine or equipment described below is in good operating condition, and that it will remain so under normal use and service for a period of thirty days from the date of delivery. During this thirty-day period the seller agrees to replace and install any defective or missing parts free of charge and to correct free of charge any mechanical condition which prevents the machine or equipment from operating satisfactorily.

This guarantee does not extend to tires or tubes or to any repair or replacements made necessary by misuse, negligence, accidents, or collision.

The seller warrants that the following parts, materials, and labor were needed and actually used in reconditioning the machine or equipment since its last use. This work was started \_\_\_\_\_ 194\_\_\_\_, and was completed \_\_\_\_\_ 194\_\_\_\_.

	Parts	
(1)	_____	\$ _____
(2)	_____	\$ _____
(3)	_____	\$ _____
(4)	_____	\$ _____
(5)	_____	\$ _____
(6)	_____	\$ _____
Total _____		\$ _____



Materials	
(1) -----	\$-----
(2) -----	\$-----
(3) -----	\$-----
(4) -----	\$-----
Total -----	\$-----
Labor	
hours @ -----	\$-----
per hour: Total -----	\$-----
Total reconditioning -----	\$-----

The prices shown do not exceed the undersigned's applicable maximum prices for parts, materials, and services.

Make of equipment -----  
Date of delivery -----  
Model or part No. -----  
Total selling price \$ -----

(Signed)

(Address)

[§ 1361.11 added by Am. 3, 8 F.R. 234, effective 1-9-43]

NOTE: Under the provisions of Supplementary Order No. 44 (8 F.R. 5305) Maximum Price Regulation No. 133 is adopted and affirmed to be applicable to the Territory of Hawaii.

Issued this 25th day of September, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15666; Filed, September 25, 1943; 4:40 p. m.]

## PART 1377—WOODEN CONTAINERS

[Rev. MPR 186,<sup>1</sup> Amdt. 9]

## WESTERN WOODEN AGRICULTURAL CONTAINERS

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

Revised Maximum Price Regulation No. 186 is amended in the following respects:

1. In § 1377.110, Appendix A, paragraph (d), Table 3A is amended by inserting additions for white fir lumber in 5/4, 6/4, 7/4 and 8/4 thicknesses as follows: #1 Common—\$12.50, #2 Common—\$12.50 and #3 Common—\$6.00.

2. In § 1377.110, Appendix A, paragraph (j), the next to last sentence is amended to read as follows:

In the case of warehouses located in the Northwest Area, the maximum charges in Table 6 are to be added to the "basic prices" plus actual freight from mill to warehouse: Except that warehouses located in the State of Washington west of the crest of the Cascades may use the Zone 3 price as the maximum price to which the charges listed in Table 6 may be added.

This amendment shall become effective October 1, 1943.

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

<sup>1</sup> 8 F.R. 1591, 2905, 3076, 3529, 3842, 4479, 6177, 7505, 8505, 8751, 9380, 9778.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of September, 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15667; Filed, September 25, 1943; 4:40 p. m.]

## PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,<sup>1</sup> Amdt. 76]

## MILEAGE RATIONING: GASOLINE REGULATIONS

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

1. Section 1394.8051 (b) (2) is amended by inserting after the sentence "If the allowances have been modified, the renewals shall be issued in accordance with the modified allowances," the sentence "If the Board receives notice of the increase of the former allowance for a calendar quarter after the issuance of the renewal of the ration for that quarter, the Board shall issue additional rations to the applicant equal to the difference between the rations previously issued and the maximum gallonage specified in the notice." Subparagraph (2) is further amended by designating the portion of the present text beginning with the phrase "Upon the renewal of transport rations in the Restricted Area" subdivision (i), and by redesignating the present subdivisions (i) and (ii) to be subdivisions (a) and (b) respectively, and by adding a new subdivision (ii) to read as follows:

(ii) Upon the renewal of such transport rations in the Restricted Area for use during the period from October 1, 1943 to January 1, 1944, the Board shall allow and issue transport rations subject to the following provisions:

(a) In respect to rations for vehicles available for public rental, buses (including school buses), taxis, ambulances, and hearses, the Board shall allow the maximum number of gallons of gasoline last specified for the fourth quarter of 1943 by the Office of Defense Transportation.

(b) In respect to rations for commercial motor vehicles, except vehicles available for public rental, buses, taxis, ambulances and hearses, the Board shall allow the maximum number of gallons of gasoline specified for the fourth quarter of 1943 by the Office of Defense Transportation in the last notice received by the Board from that Office dated on or after June 1, 1943. If the applicant's certificate of war necessity was issued be-

<sup>1</sup> 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10787, 10786, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1538, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3316, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6261, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9062, 9202, 9304, 9334, 9219, 9787, 9457, 9530, 10082, 10364, 10365, 10511, 11429, 12023.

fore June 1, 1943, and the Board has not received a notice of adjustment of such certificate from the Office of Defense Transportation dated on or after June 1, 1943, the Board shall allow only sixty per cent of the maximum number of gallons of gasoline last specified by the Office of Defense Transportation for the fourth quarter of 1943 as shown by the certificate of war necessity or the last modification thereof, if any. However, if the Board later receives such a notice which specifies a maximum gallonage for such fourth calendar quarter greater than the amount theretofore issued, the Board shall issue additional rations to the applicant equal to the difference between the rations previously issued and the maximum gallonage specified in the notice.

2. Section 1394.8052 (a) (3) is added to read as follows:

(3) A change in Ration Order No. 5C increasing the amount of mileage allowable to the holder of a supplemental, fleet or official ration, or a ration issued pursuant to § 1394.7757 or § 1394.7758.

3. In § 1394.8052 (e) the second sentence is amended to read as follows:

During the period from June 14, 1943 through December 31, 1943, no Board shall allow further rations for use with such a vehicle or fleet, unless the Board first receives from the Office of Defense Transportation a written notice dated on or after June 1, 1943, specifying the maximum number of gallons of gasoline for the current ration period.

This amendment shall become effective September 30, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121, E.O. 9125, 7 F.R. 2719)

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15668; Filed, September 25, 1943; 4:41 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 34]

## LINSEED REPLACEMENT OIL

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.\*

A new section 4.12 is added to read as follows:

SEC. 4.12 *Maximum prices for sales of linseed replacement oil.* The maximum prices for sales of linseed replacement oil shall be as follows:

(a) *Sales other than at retail—(1) Tank cars or carlots delivered,*

	Per gallon
Tank cars -----	\$1.12
Carlot drums -----	1.15

(2) *Deliveries of less than tank cars or carlots—(i) Delivered in city in which seller has a warehouse or plant—(a) Sales of tank car or carlot quantities*



where deliveries are made in installments of:

	Per gallon
Tank wagons.....	\$1.13
10 drums or more.....	1.16
5 to 9 drums.....	1.18
1 to 4 drums.....	1.20

(b) Sales of less than tank car or carlot quantities where deliveries are made in quantities of:

	Per gallon
Tank wagons.....	\$1.15
10 drums or more.....	1.19
5 to 9 drums.....	1.21
1 to 4 drums.....	1.23

(ii) Delivered outside city in which seller has a warehouse or plant. The maximum prices for sales outside the corporate limits of any city in which the seller has a warehouse or plant, shall be the maximum prices set forth for the quantities specified in paragraph (a) (2) (i) above, plus any pro rata amount of freight charges the seller was required to pay for delivery from his supplier and the actual cost of delivery to the buyer from the seller's nearest warehouse or plant. Such transportation charges shall be shown as separate items on all records and invoices.

(3) Other containers and quantities. For a sale in containers or in quantities other than those specified in paragraphs (a) (1) and (2) above, the maximum price shall be the maximum tank car price set forth in paragraph (a) (1) above, plus the usual or normal differential customarily applicable to such a sale of linseed oil.

(b) Sales at retail. Maximum prices for sales at retail shall be:

(1) Listed containers. Maximum prices for a sale of linseed oil established by section 7.1 of Maximum Price Regulation No. 53, as amended by Amendment No. 5, issued August 30, 1943, or the price set forth below, whichever is lower:

	Per gallon
Drums.....	\$1.40
5 gallon container.....	1.50
1 gallon container.....	1.60
Quart container.....	2.00 or .50 for each quart container

Any pro rata amount of freight charges the seller at retail was required to pay for delivery from his supplier may be added to the above listed prices. Such transportation charges shall be shown as separate items on all records and invoices.

(2) Other containers and quantities. For a sale in containers or in quantities other than those listed in paragraph (b) (1) above, the maximum price shall be the maximum drum price set forth in paragraph (b) (1) above, plus the usual or normal differential customarily applicable to such a sale of linseed oil.

(c) Containers. No extra charge may be made for containers. A reasonable charge may be required to insure the return of drums and containers of 5 gallons or more, but such deposit must be refunded to the buyer upon their return in good condition within a reasonable time. Transportation costs with respect to the return of such empty con-

tainers to the seller shall in all cases be borne by the seller.

(d) Geographical applicability. The provisions of this section 4.12 shall be applicable to the forty-eight States of the United States and the District of Columbia.

(e) Definitions. "Linseed replacement oil" means oil conforming to Federal Specification TT-O-371, approved May 1, 1943, by the Director of Procurement, which is substituted for 100 per cent pure linseed oil.

This amendment shall become effective October 1, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15669; Filed, September 25, 1943; 4:41 p. m.]

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

[MPR 336, Amdt. 8]

#### RETAIL CEILING PRICES FOR PORK CUTS AND PROCESSED MEAT PRODUCTS

##### Correction

In F.R. Doc. 43-14736 appearing in the third column on page 12480 of the issue for Friday, September 10, 1943, the second sentence of section 6a should read as follows:

A label satisfying the requirements of this section shall appear on each one and one-half pounds of frankfurters and pork or breakfast sausage other than bulk, and once on each piece of bologna or other sausage of similar form or pork or breakfast sausage stuffed in artificial casings or cloth bags.

On page 12482 in the table for Group 3 and 4 stores the price for frankfurters, H. C., A. C., or skinless in Zone 4 should read .27.

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

[Rev. MPR 169, Amdt. 29]

#### 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.\*

Section 1364.407 (f) (2) is amended to read as follows:

(2) (i) Every person shipping any of the meat items subject to this regulation shall send with each such shipment

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

18 F.R. 4097, 4787, 4844, 5170, 5478, 5634, 6058, 6427, 7109, 6945, 7199, 7200, 8011, 8677, 8756, 9066, 9300, 9995, 10363, 10671, 11445.

a copy of the written statement referred to in paragraph (f) (1), except, however, that the statement with respect to transportation and/or local delivery charges may be excluded.

(ii) Every person transporting any of the meat items subject to this regulation to a business establishment or warehouse controlled or operated by him, shall send with each freight car, truck or other method of transportation used a statement showing the name and address of the owner, the point of destination, and the identification of each item included within such freight car, truck or other method of conveyance, setting forth the quantity, the grade including sex identification as to cow, stag, or bull and the weight thereof.

(iii) Where the shipment constitutes the entire contents of a common carrier freight car or truck, the copy shall be posted in the car or truck near or on the door. Where the shipment constitutes only a part of the contents of a common carrier freight car or truck the copy shall be securely attached, in a conspicuous place, to one of the items included within the shipment. Where the shipment is by a vehicle other than a common carrier, the copy referred to shall be transferred to the custody of the driver and he shall be authorized to display it to enforcement officers on request.

(iv) For purposes of this paragraph (f) (2), the term "shipment" means all commodities consigned to a single buyer as a part of a single freight car or truck movement.

This amendment shall become effective September 29, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of September 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-15672; Filed, September 25, 1943; 4:39 p. m.]

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

[Rev. MPR 169, Amdt. 30]

#### BEEF AND VEAL CARCASSES AND WHOLESALE CUTS

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

Revised Maximum Price Regulation No. 169 is amended in the following respects:

1. The table contained in § 1364.452 (m) (2) is amended by the addition of a new column heading "Choice or AA" to appear below the designation "Grade" all to read as follows:



Price zone	Grade			
	Choice or AA	Good or A	Commercial or B	Utility or C
1.....	30.70	29.35	26.60	23.75
2.....	29.70	28.35	25.60	22.75
3.....	28.30	26.95	24.15	21.35
4.....	28.30	26.95	24.15	21.35
5.....	29.00	27.65	24.85	22.00
6.....	29.35	28.00	25.20	22.35
7.....	29.70	28.35	25.55	22.70
8.....	30.05	28.70	25.90	23.05
9.....	30.40	29.00	26.25	23.45
10.....	30.70	29.35	26.60	23.75

2. Section 1364.452 (m) (3) is amended to read as follows:

(3) "Frozen boneless beef (Army specifications)" as used in this paragraph (m) means beef, frozen and boneless, derived from steers and heifers of the grades choice, good or commercial or utility and satisfying the specifications and requirements contained in "C. Q. D. No. 11 C—Specifications for Beef: Boneless, Frozen," issued May 11, 1942 by the Chicago Quartermaster Depot of the United States Army. Any frozen boneless beef which has been rejected by the purchasing agency of a war procurement agency shall not be sold as frozen boneless beef (Army specifications).

This amendment shall become effective September 25, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of September 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-15673; Filed, September 25, 1943; 4:40 p. m.]

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

[MPR 418, Amdt. 10]

##### FRESH FISH AND SEAFOOD

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.\*

The effective date provision of Amendment No. 6 to Maximum Price Regulation No. 418 is amended to read as follows:

This amendment shall become effective October 15, 1943.

This amendment shall become effective September 14, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of September 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-15671; Filed, September 25, 1943; 4:39 p. m.]

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

<sup>1</sup> 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233.

#### Chapter XIII—Petroleum Administration for War

##### PART 1545—PETROLEUM SUPPLY

[PAO 5 as Amended Sept. 24, 1943]

##### MOVEMENT OF PETROLEUM PRODUCTS INTO EAST COAST AREA

The fulfillment of the requirements for the defense of the United States has created in District One a shortage in the supply of petroleum products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest to promote the national defense by assuring that all movements of petroleum products into such area are made with maximum efficiency and are scheduled with due regard to the critical needs of the several portions of that area in order that the available supplies of petroleum products may be so distributed as to meet the essential military, industrial, and civilian demands throughout District One.

Section 1545.2 (Petroleum Administrative Order No. 5) is hereby amended to read as follows:

§ 1545.2 *Petroleum Administrative Order No. 5—(a) 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) "Principal petroleum products" means (i) automotive gasoline (other than war products, as specified by the Petroleum Administration for War), (ii) kerosene (including range oil, stove oil, and No. 1 distillate fuel oil), (iii) distillate fuel oil (other than kerosene as defined, but including light gas oil and light and heavy Diesel fuel oil), and (iv) residual fuel oil and crude oil used for purposes other than refining.

(3) "District One" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida and the District of Columbia.

(4) "Director" means the District Director in Charge, District One, Petroleum Administration for War.

(b) *Shipments and deliveries of principal petroleum products into District One by tank car, box car in carload lots or inland waterways tanker or barge.* Except as provided in paragraph (c), any person who ships into District One, directly or indirectly, or any person who accepts delivery of or otherwise receives, directly or indirectly, in District One any principal petroleum product by tank car, box car in carload lots, or inland waterways lake or intracoastal tanker or barge from any point outside of District One shall do so only upon the approval of the Director. To obtain such approval the person who is to accept delivery of or otherwise receive such shipment shall submit the following information with respect to the principal petroleum products to be received during such month:

(1) Name of originating shipper;  
(2) Principal petroleum products to be received and volume thereof;

(3) Place at which principal petroleum products will originate, name of consignee, and destination to which principal petroleum products will be consigned;

(4) Date on which or period during which principal petroleum products will be received, including rate of delivery in barrels per day;

(5) Method of transportation.

No person shall make any such shipment of any principal petroleum product into District One until he receives a copy, or other written evidence of the issuance of the approval issued to the person who is to accept delivery of or otherwise receive such shipment.

(c) *Deliveries accepted or otherwise received pursuant to Petroleum Directive 59.* Approval under this order shall not be required with respect to any delivery of any principal petroleum product received by any person designated as a District One original supplier on any schedule issued by the Petroleum Administration for War pursuant to Petroleum Directive 59 and effective for the month in which such delivery is received to the extent that any such delivery, together with all other deliveries to such original supplier during such month, does not exceed the quantity of such principal petroleum product authorized pursuant to Directive 59 to be received by the original supplier during such month. If no appropriate schedule pursuant to Directive 59 has been issued for the month during which such original supplier receives any principal petroleum product, such original supplier may receive, without approval under this Order, quantities of principal petroleum products to the extent that they do not exceed the quantities of such products authorized by the last issued monthly schedules to be received by such original supplier. Any principal petroleum product received by an original supplier during any month subsequent to the issuance of a Directive 59 schedule for such month shall require approval pursuant to this order only where such delivery, together with all other deliveries of such principal petroleum product received by such original supplier during the month exceeds the quantity designated on such schedule to be received by such original supplier during such month.

Any person may make any shipment into District One pursuant to this paragraph upon obtaining a statement from the person who is to accept delivery of or otherwise receive such shipment that such shipment is authorized to be made and received by the provisions of this paragraph.

(d) *Revision of approval of shipments and deliveries.* If any person is unable to obtain the shipment or to accept delivery of or otherwise receive principal petroleum products in accordance with any approval issued hereunder, such person shall immediately apply to the Director for a revision of such approval, specifying the reason or reasons why he is unable to obtain the shipment or to accept delivery of or otherwise receive such principal petroleum products.

(e) *Directions with respect to principal petroleum products.* The Director may from time to time issue directions to any person in District One with re-



spect to the delivery or other receipt in District One of any principal petroleum products shipped into District One from outside District One.

(f) *Inapplicability of order to federal agencies.* This order shall not apply to the shipment or receipt of any principal petroleum product consigned and shipped on a government bill of lading to any agency of the Federal Government.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director. Such appeal shall be filed in quadruplicate and shall be addressed to the District Director in Charge, District One, Petroleum Administration for War, 1104 Chanin Building, New York 17, New York. If dissatisfied with the decision of the District Director in Charge, such person may appeal within fifteen days after receipt of notice of the District Director's decision to the Deputy Petroleum Administrator for War, Interior Building, Washington 25, D. C.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, by any act or omission, falsifies records kept or information or statements furnished in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment.

Any person who wilfully violates any provision of this order may be prohibited from delivering or receiving any material under priority control, or such other action may be taken as is deemed appropriate.

(i) *Effective date.* This order shall become effective 10 days after the date of issuance.

(E. O. 9276, 7 F.R. 10091; E.O. 9319; 8 F.R. 3687; W.P.B. Directive 30, 8 F.R. 11559; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of September, 1943.

RALPH K. DAVIES,  
Deputy Petroleum  
Administrator for War.

[F. R. Doc. 43-15641; Filed, September 25, 1943; 11:32 a. m.]

## TITLE 34—NAVY

### Chapter I—Department of the Navy

#### PART 5—NAVAL RESERVE OFFICERS' TRAINING CORPS

Part 5, Chapter I, Title 34, is hereby amended and revised to read as follows:

##### GENERAL PRINCIPLES

- Sec.  
5.102 Mission.  
5.103 Scope as an agency to increase naval officer strength.

##### ORGANIZATION

- 5.201 Organization of the N. R. O. T. C.  
5.202 Department of Naval Science and Tactics.  
5.203 Designation of units and students therein.

- Sec.  
5.204 Course of training.  
5.205 Requirements for establishment of units.  
5.206 Application for establishment of units.  
5.207 Inspection of institution prior to establishment of unit.  
5.208 Limitation of personnel of N. R. O. T. C.  
5.209 Withdrawal of authority for establishment of a unit.  
5.210 Land-grant institutions.

##### SUPERVISION AND CONTROL

- 5.301 Supervision.  
5.302 Control.

##### CONDITIONS OF SERVICE

- 5.401 Eligibility to membership; general requirements.  
5.402 Physical requirements.  
5.405 Enrollment in N. R. O. T. C. course; requirements.  
5.409 Disenrollment of members of the N. R. O. T. C.  
5.410 Disenrolled members of the N. R. O. T. C.  
5.411 Medical and theological students not to be enrolled in N. R. O. T. C.  
5.412 Members of the faculty authorized to take course of training.  
5.413 Appointment of N. R. O. T. C. graduates in the Naval or Marine Corps Reserve.

##### ADMINISTRATION

- 5.501 General policies.  
5.502 Communications.  
5.503 Inspections.  
5.505 Officer and enlisted personnel.  
5.506 Head of Department of Naval Science and Tactics.  
5.507 Duties and status of additional officers and of enlisted men.  
5.508 Discipline.  
5.509 Residence and uniform of officers and enlisted men.  
5.510 Conducting additional courses of instruction or taking courses of instruction offered by an institution.  
5.511 Relief of professors of Naval Science and Tactics.  
5.512 Navy Day observance.  
5.513 N. R. O. T. C. students; Shore Patrol duties.

##### TRAINING

- 5.601 General.  
5.602 General education.  
5.603 Knowledge of naval subjects.  
5.604 Discipline of mind and body.  
5.605 Responsibility and initiative.  
5.606 Naval ideals, customs, and traditions.  
5.607 Election of courses.  
5.609 Courses of instruction.  
5.611 Coordination with other academic departments.  
5.612 Schedules of instruction.  
5.613 Hours of instruction.  
5.614 Definition of "instruction hours."  
5.615 Distribution of instruction hours.  
5.616 Marking.  
5.617 Status of training.  
5.618 Athletics.  
5.619 Absence from instruction.  
5.620 Training certificates.  
5.621 Military organization.

##### UNIFORMS AND INSIGNIA

- 5.801 Uniform outfits furnished by the Government.  
5.803 Uniform instructions.

##### SUPPLY AND EQUIPMENT

- 5.901 Bonds.  
5.902 Naval property custodian.  
5.903 Allowance list.  
5.904 Cost of transporting supplies and equipment.

- Sec.  
5.905 Receipt and accounting of property.  
5.906 Inventory.  
5.907 Return of Government property.  
5.908 Surveys.  
5.909 Property protection.  
5.910 Report of inspector on protective measures.  
5.911 Replacement of damaged property by university.  
5.914 Targets.  
5.915 Request for supplies.  
5.916 Forms, letterheads, and printed envelopes.  
5.917 Fire insurance.

##### N. R. O. T. C. FORMS

- 5.1001 Form of application for establishment of a N. R. O. T. C. unit.  
5.1002 List of forms.

AUTHORITY: §§ 5.102 to 5.1002, inclusive, issued under sec. 22, 43 Stat. 1276, 50 Stat. 563, 54 Stat. 884, 56 Stat. 781; 34 U.S.C. 821.

NOTE: In §§ 5.102 to 5.1002, inclusive, the numbers to the right of the decimal point correspond with the respective article numbers in Regulations for Administration and Training Naval Reserve Officers' Training Corps, Navy Department, August 7, 1943.

##### GENERAL PRINCIPLES

§ 5.102 *Mission.* The mission of the Naval Reserve Officers' Training Corps is to provide by a permanent system of training and instruction in essential naval subjects at civil educational institutions a source from which qualified officers may be obtained for the Naval Reserve, Marine Corps Reserve, Regular Navy and Marine Corps.

§ 5.103 *Scope as an agency to increase naval officer strength.* The N. R. O. T. C. will accomplish its mission as an agency to further the plan for increasing and maintaining officer strength by:

(a) Qualification of selected students for appointment as ensigns in the Naval Reserve or second lieutenants in the Marine Corps Reserve, thus assisting in meeting the demands for increased commissioned personnel.

(b) Education of students who fail to complete the entire course so that they will be of value to the Navy in proportion to the time spent in the corps.

(c) Increased dissemination of knowledge concerning the Navy and Marine Corps, their purpose, ideals, achievements, and handicaps, thereby gaining and holding increased public interest in the maintenance of adequate naval defense.

##### ORGANIZATION

§ 5.201 *Organization of the N. R. O. T. C.* The N. R. O. T. C. is composed of naval training units established in civil educational institutions of the United States. A unit is the total student enrollment in the N. R. O. T. C. at any one civil educational institution.

§ 5.202 *Department of Naval Science and Tactics.* Instruction given at an institution in accordance with programs prescribed by the Navy Department will be conducted or supervised by a Department of Naval Science and Tactics.

§ 5.203 *Designation of units and of students therein.* The unit established at any civil educational institution will be officially designated as "(name of in-



stitution) Naval Reserve Officers' Training Corps Unit." Students enrolled in the N. R. O. T. C. will be designated "N. R. O. T. C. students" or more particularly, "N. R. O. T. C. third classmen," and "N. R. O. T. C. second classmen," and "N. R. O. T. C. first classmen," third classmen being those receiving instruction in the first two terms of the N. R. O. T. C. course, second classmen being those receiving instruction in the third and fourth terms of the course, and first classmen being those receiving instruction in the fifth or last term of the course.

§ 5.204 *Course of training.* The N. R. O. T. C. course consists of five terms of instruction to be pursued by students selected from class V-12 Apprentice Seamen. The course consists of those subjects in the curriculum prescribed in § 5.612.

§ 5.205 *Requirements for establishments of units.* The following requirements must be met prior to the establishment of a N. R. O. T. C. unit at a civil educational institution:

(a) There must be insured to the unit an enrollment in the N. R. O. T. C. third class (first two terms of the N. R. O. T. C. course) of at least 80 physically fit male students who are citizens of the United States, not less than 14 years of age, and whose qualifications will reasonably insure their completion of the naval course.

(b) The authorities of the institution shall agree to establish and maintain the courses in naval science and tactics prescribed by the Bureau of Naval Personnel.

(c) An officer of the Regular Navy shall be detailed as professor of naval science and tactics and may be assisted by additional officers of the Regular Navy.

(d) Credits towards a degree must be granted commensurate with the time expended in the same manner as other academic subjects.

§ 5.206 *Application for establishment of units.* A civil educational institution desiring the establishment of a unit of the N. R. O. T. C. should make application to the Bureau of Naval Personnel on the form prescribed in § 5.1001.

§ 5.207 *Inspection of institution prior to establishment of unit.* An officer will be designated by the Bureau of Naval Personnel to visit and inspect any educational institution submitting the application for establishment of a unit prescribed in § 5.206. This officer will report to the Bureau of Naval Personnel upon completion of this inspection as to whether or not the institution inspected fulfills the requirements of law and regulations governing establishment of a unit and other desires of the Navy Department, and in addition he will specifically recommend whether a unit should be established.

§ 5.208 *Limitation of personnel of N. R. O. T. C.* The enacting law as amended prescribes that the total personnel of the N. R. O. T. C. shall not exceed 7,200 at any one time. This total includes students in training for ap-

pointment as Naval Reserve officers and Marine Corps Reserve officers. Twenty percent (20%) of the graduates of the N. R. O. T. C. may be available for assignment to the Marine Corps Reserve.

§ 5.209 *Withdrawal of authority for establishment of a unit.* An institution desiring to withdraw from the N. R. O. T. C. will so report in writing, giving reasons in full therefor to the Bureau of Naval Personnel at least 3 months prior to the date upon which withdrawal is to be effective. A unit will not be maintained at an institution when the institution, after mature consideration, desires its withdrawal. The Secretary of the Navy may, upon the recommendation of the Bureau of Naval Personnel, withdraw the unit from any institution where such unit is established and rescind authorization for a unit at that institution should it be considered that the work of the unit is not compatible with the mission of the N. R. O. T. C. Whenever the authorities of an institution request the withdrawal of a unit, or when in the opinion of the Secretary of the Navy a unit should be withdrawn, the professor of naval science and tactics will make a report to the Bureau of Naval Personnel, including therein the following information:

(a) Attitude of the authorities of the institution regarding the failure to meet the requirements of law and regulations respecting enrollment.

(b) Attitude of the faculty of the institution toward the N. R. O. T. C.

(c) Attitude of the student body toward the N. R. O. T. C.

(d) A statement of the extent of the efforts made by the professor of naval science and tactics to overcome difficulties and to maintain a successful unit.

(e) Recommendation of the professor of naval science and tactics as to continuance or withdrawal of the unit in question.

(f) Any other facts necessary to arrive at a proper understanding of the situation at the institution.

(g) If practicable, the professor of naval science and tactics will obtain and attach to the report a written statement from and signed by the head of the institution, endorsing thereon his comments and recommendations.

(h) The Bureau of Naval Personnel will make or cause to be made such investigation concerning requests or recommendations for the withdrawal of a unit from an institution as may be necessary.

§ 5.210 *Land-grant institutions.* The obligations to provide military instruction imposed on land-grant institutions by the act of July 2, 1862 (12 Stat. 503, 7 U.S.C. 301), are not altered by the enacting law authorizing the N. R. O. T. C., or by these regulations.

#### SUPERVISION AND CONTROL

§ 5.301 *Supervision.* (a) In conformity with the provisions of the National Defense Act, the N. R. O. T. C. is operated by the President of the United States, through appropriate administrative regulations issued for him, by the Secretary of the Navy.

(b) The Secretary of the Navy is also authorized to prescribe standard courses for theoretical and practical naval training for N. R. O. T. C. units and issue to institutions with N. R. O. T. C. units such transportation, equipment, and uniforms belonging to the United States as he may deem necessary and to authorize such expenditures from proper Navy appropriations as he may deem necessary for the efficient maintenance of the N. R. O. T. C.

§ 5.302 *Control.* Civilian heads of institutions exercise the same general control over the Department of Naval Science and Tactics that they ordinarily exercise over other departments of the institution.

#### CONDITIONS OF SERVICE

§ 5.401 *Eligibility to membership; general requirements.* (a) All students who enter the N. R. O. T. C. commencing 1 March 1944 will have successfully completed two (2) 16-week terms in the Navy V-12 Program.

(b) All Apprentice Seamen class V-12 other than pre-medical, pre-dental, and pre-chaplains are eligible for enrollment in the N. R. O. T. C.

(c) Those students selected for the N. R. O. T. C. will be required to take all N. R. O. T. C. subjects plus an additional curriculum as provided in § 5.612, regardless of the college or university at which they completed the first two terms of the V-12 Program.

(d) From among the students that apply for N. R. O. T. C. training prior to 1 March 1944, 1440 students will be selected from all the Navy V-12 units, according to a proportionate quota.

§ 5.402 *Physical requirements.* The physical requirements for enrollment in the N. R. O. T. C. are the same as those for class V-12 (not V-12 (S)) of the Navy Program, as follows:

*Height.* Minimum: 5 feet 5½ inches.  
Maximum: 6 feet 4 inches.

*Vision.* 18/20 each eye correctable to 20/20. Color perception good.

*Weight.* In proportion to height.

*Teeth.* 20 vital, serviceable, permanent teeth, including 4 opposed molars, 2 of which are directly opposed on each side of dental arch, and 4 directly opposed incisors.

Other physical requirements are as prescribed by Manual of the Medical Department for Candidates for commission.<sup>1</sup>

§ 5.405 *Enrollment in N. R. O. T. C. course; requirements.* A candidate for enrollment as a N. R. O. T. C. student in the N. R. O. T. C. must meet the following requirements prior to acceptance therein:

(a) He must be eligible in accordance with § 5.401. All N. R. O. T. C. students will be selected from regularly enrolled V-12 enlistees of the Navy V-12 Program who have completed the first two terms of the course. V-12 enlistees will be selected for the N. R. O. T. C. upon application made by them before completion of the first two terms of the Navy course.

<sup>1</sup> Manual of the Medical Department, United States Navy, is available at Office of Surgeon General, Navy Department, Washington, D. C.



(b) A quota for selection for the N. R. O. T. C. will be assigned to each college unit of the Navy V-12 Program. Throughout the country, the size of the quota being proportional to the number of eligible enlistees in the unit. Candidates to fill each quota will be selected on the basis of their officer-like qualities, academic standing, and aptitude for the service, commanding officers of V-12 units making recommendations of candidates in the order of their relative desirability for the N. R. O. T. C.

(c) In the case of students being transferred from one institution to another, Form NavPers 377 with entries in the case of the student to date, will be forwarded to the professor of naval science and tactics at the institution to which transferred.

(d) Transferred students will not be enrolled in any class which has progressed beyond the point in the course where the student was at the institution transferred from.

(e) Credit may be given for service as midshipman at the U. S. Naval Academy or as a cadet at the U. S. Coast Guard Academy, as considered appropriate by the professor of naval science and tactics.

§ 5.409 *Disenrollment of members of the N. R. O. T. C.* (a) A member having applied for and having been regularly enrolled in the N. R. O. T. C. cannot withdraw from the course until a statement in full of his reasons therefore has been submitted to and accepted by the Bureau of Naval Personnel. Release from enrollment in the N. R. O. T. C. will only be approved under extraordinary circumstances; members otherwise must complete the course.

(b) Any student enrolled in the N. R. O. T. C. who has not demonstrated sufficient aptitude in performance of duty or otherwise to justify his continuance therein will be so reported by letter, forwarded by the professor of naval science and tactics to the Bureau of Naval Personnel. Upon approval of this recommendation by the Bureau of Naval Personnel such member shall be disenrolled from the N. R. O. T. C., and dropped from the V-12 Program, that is, he will be made available for general duty.

(c) Students in the N. R. O. T. C. who marry while a member shall be disenrolled. Students must agree not to marry prior to being commissioned.

§ 5.410 *Disenrolled members of the N. R. O. T. C.* A disenrolled member of the N. R. O. T. C., remaining at an institution, cannot be reinstated for such course except by authority of the Bureau of Naval Personnel.

§ 5.411 *Medical, dental, and theological students not to be enrolled in N. R. O. T. C.* Students contemplating pursuing a medical, dental, or theological course of study will not be enrolled in the N. R. O. T. C.

§ 5.412 *Members of faculty authorized to take course of training.* Physically fit members of the faculty or of the corps of instructors of an institution are authorized, upon approval by the authorities of

the institution, to take the courses of instruction prescribed in § 5.612 for members of the N. R. O. T. C. Participation in these courses will not entitle them to enrollment in the N. R. O. T. C. or to any pay or allowances.

§ 5.413 *Appointment of N. R. O. T. C. graduates in the Naval or Marine Corps Reserve.* N. R. O. T. C. students who successfully complete the course, and who so request, may be appointed as ensign in the United States Naval Reserve, or as second lieutenant, United States Marine Corps Reserve, upon the recommendation of the professor of naval science and tactics and approval of the Bureau of Naval Personnel, provided they fulfill the physical requirements and are 19 years or over, but less than 28 years of age. Those who are appointed ensigns will be commissioned in the classification D-V (G) or DE-V (G) for general deck or general deck and engineering service respectively. Graduates who have been on active duty for one year have an opportunity to transfer to the Regular Navy upon recommendation of their commanding officer and successfully passing a suitable professional examination.

#### ADMINISTRATION

§ 5.501 *General policies.* (a) Supervision, control, and direction of the N. R. O. T. C. will be administered by the Navy Department through the Bureau of Naval Personnel which is hereby given all necessary authority in the premises.

(b) The supervisory powers of the Bureau of Naval Personnel over the N. R. O. T. C. are delegated to the commandants of the naval districts in all matters except those which have been expressly reserved to the Navy Department and the Bureau of Naval Personnel in these and other regulations of the Navy Department. They are charged with supervision over the administration of the N. R. O. T. C. units in their districts and are responsible that the requirements of law and regulations relating to the N. R. O. T. C. are effectively carried out.

§ 5.502 *Communications.* (a) All communications to the Navy Department relative to the N. R. O. T. C. will be directed to the Bureau of Naval Personnel, unless otherwise specified.

(b) Communications relative to N. R. O. T. C. will be carried on as prescribed in article 1482 (4) (d) and (e), United States Navy Regulations.

§ 5.503 *Inspections.* The commandant of the naval district will inspect the N. R. O. T. C. unit in his district in accordance with article 1484 (6), United States Navy Regulations.<sup>1</sup> At least one inspection of this character should be made during each academic year. Officers from the Bureau of Naval Personnel will conduct inspections of units when opportunities are afforded.

§ 5.505 *Officer and enlisted personnel.* (a) Details of officer and enlisted

personnel for duty with N. R. O. T. C. units and relief therefrom are functions of the Bureau of Naval Personnel.

(b) The number of officers and enlisted men assigned to duty with N. R. O. T. C. units will be determined by the Bureau of Naval Personnel, based upon the exigencies of the naval service and the personnel requirement of the units.

(c) The Commandant, United States Marine Corps, will assign the authorized regular Marine Corps personnel for duty with N. R. O. T. C. units as provided in §§ 5.205 (c) and 5.507.

§ 5.506 *Head of Department of Naval Science and Tactics.* (a) The head of the Department of Naval Science and Tactics at an educational institution where a unit of the N. R. O. T. C. is established is the officer ordered as professor of naval science and tactics by the Chief of Naval Personnel. He shall be the senior commissioned line officer of the Navy ordered to duty with the N. R. O. T. C. unit at that institution. He shall be designated as the professor of naval science and tactics. He shall be considered the commanding officer of the N. R. O. T. C. unit in reference to all matters covered by articles 1482 and 1484, United States Navy Regulations.

(b) He will have the academic standing which the institution accords the heads of its other major departments. He will be a member of the university, college, or school faculty, with all rights and privileges of a faculty member, will assume the same responsibilities and obligations as heads of other departments, and will be a member of the council of deans or equivalent body.

(c) In his strictly military capacity he is a subordinate of the commandant of the naval district and is subject to his orders. Such orders will not infringe upon the province of institutional regulations. In his academic capacity the head of the Department of Naval Science and Tactics is subject to institutional regulations.

(d) He shall prepare internal regulations necessary for the government of N. R. O. T. C. students.

(e) He shall be responsible for the carrying out of the policies relative to administration of the N. R. O. T. C. in the unit under his command. He is responsible that the proper institutional authorities are advised as to the provisions of law and regulations in all matters affecting the conduct of the N. R. O. T. C. unit maintained by the institution.

(f) He is authorized by the Secretary of the Navy to administer oaths for purposes of naval administration.

§ 5.507 *Duties and status of additional officers and of enlisted men.* Officers and enlisted men ordered to report to a professor of naval science and tactics at an educational institution for duty at that institution will perform such duties as may be assigned them by the professor of naval science and tactics.

§ 5.508 *Discipline.* (a) Officers on duty in connection with N. R. O. T. C. units shall require N. R. O. T. C. students

<sup>1</sup> U. S. Navy Regulations, 1920, are available at the Bureau of Naval Operations, Navy Department, Washington, D. C.



to conduct themselves in a military manner at all times.

(b) Students may be dropped from the course for cause by the professor of naval science and tactics as a disciplinary measure.

§ 5.509 *Residence and uniform of officers and enlisted men.* Officers and enlisted men performing duty with N. R. O. T. C. units shall reside at or near the educational institution in which the unit to which they are assigned is established. In the performance of their duties they shall wear the uniform prescribed by the professor of naval science and tactics, or senior naval officer present.

§ 5.510 *Conducting additional courses of instruction or taking courses of instruction offered by an institution.* (a) The primary academic duty of officers and enlisted men detailed to duty with a N. R. O. T. C. unit shall be that of administration and instruction. This shall not be construed, however, as prohibiting officers and men from conducting courses of instruction in other departments of the educational institution when the professor of naval science and tactics considers this procedure advisable and conducive to closer liaison with the institution. Each such case shall be referred to the Bureau of Naval Personnel, with the recommendation of the professor of naval science and tactics in the premises, and authorization withheld until receipt of the Bureau's approval.

(b) Professors of naval science and tactics may pursue a course of instruction conducted by an educational institution upon approval of the Bureau of Naval Personnel. Professors of naval science and tactics may authorize officers and enlisted men under their command to pursue courses of instruction at institutions, provided such authorization does not in any way interfere with the proper discharge of their Navy duties, which duties at all times shall be considered paramount, and is undertaken with the specific approval of the Bureau of Naval Personnel.

§ 5.511 *Relief of professors of naval science and tactics.* If practicable, orders detailing an officer to relieve another as professor of naval science and tactics will direct the former to report to the institution not later than 2 weeks prior to the opening of an academic term and not less than 2 weeks before the detachment of his predecessor.

§ 5.512 *Navy Day observance.* The professor of naval science and tactics will cooperate insofar as possible with the district commandants and university authorities in the observance of Navy Day, in accordance with instructions issued annually by the Navy Department.

§ 5.513 *N. R. O. T. C. students; Shore Patrol duties.* N. R. O. T. C. students shall not be used for Shore Patrol duties except in emergencies.

#### TRAINING

§ 5.601 *General.* Training in the N. R. O. T. C. shall so supplement the academic course given by an educational institution that, upon completion of the course in naval science and tactics, N. R. O. T. C. students will possess the following essential qualifications of a junior officer of the Naval or Marine Corps Reserve:

- (a) A good general education.
- (b) A practical working knowledge of essential naval subjects.
- (c) A well-disciplined mind and body.
- (d) An alacrity to assume intelligent responsibility and initiative.
- (e) A well-developed sense of naval ideals, customs, and traditions.
- (f) Organization leadership and discipline of value in an industrial or professional career.

§ 5.602 *General education.* A good general education, the first qualification, will be attained from pursuit of courses of study in the sciences and arts conducted by the educational institution.

§ 5.603 *Knowledge of naval subjects.* A practical working knowledge of essential naval subjects, the second qualification, shall be the governing factor in determining the scope and character of courses in naval science and tactics. Curricula, drills, and training under Departments of Naval Science and Tactics at educational institutions, shall be pointed toward acquisition of that knowledge of naval subjects which is essential to a junior officer of the Naval or Marine Corps Reserve.

§ 5.604 *Discipline of mind and body.* A well-disciplined mind and body, the third qualification, will be developed by holding N. R. O. T. C. students to the highest standards of bearing and conduct.

§ 5.605 *Responsibility and initiative.* An alacrity to assume intelligent responsibility and initiative, the fourth qualification, shall be attained by affording N. R. O. T. C. students every practicable opportunity to develop as self-reliant, aggressive leaders. Ability as a leader is acquired by the exercise of supervised opportunity to command; such opportunities shall be frequently and progressively afforded to all members of the N. R. O. T. C. through their course. Considerations of administration and discipline shall not limit opportunities to command to a selected group to the exclusion of all other students. Additional supervised instruction in leadership shall be given to students naturally backward in such ability.

§ 5.606 *Naval ideals, customs, and traditions.* A well-developed sense of naval ideals, customs, and traditions, the fifth qualification, will be attained by observation and naval contacts established while enrolled in the N. R. O. T. C. and by instruction in U. S. Naval History.

§ 5.607 *Election of courses.* N. R. O. T. C. students will be required to select subjects, in addition to their N. R. O. T. C.

subjects, from the various curricula schedules in § 5.612.

§ 5.609 *Courses of instruction.* Subjects and outlines of courses of study for Department of Naval Science and Tactics are prescribed by the Bureau of Naval Personnel and all instruction in such department shall be conducted in accordance therewith.

§ 5.611 *Coordination with other academic departments.* Professors of naval science and tactics shall coordinate the work of Departments of Naval Science and Tactics with that of other academic departments of educational institutions whenever it is practicable to avoid duplication thereby. Specific subjects prescribed for the N. R. O. T. C. which are taught with partial or equivalent scope in other departments of an institution may be omitted, in part or entirely, from courses conducted by Departments of Naval Science and Tactics. When this procedure is followed, the subject omitted from the curriculum of the Department of Naval Science and Tactics shall be given in the other academic department in a manner satisfactory to the professor of naval science and tactics; election of the subject in the other academic department shall be required for enrollment in the Department of Naval Science and Tactics.

§ 5.612 *Schedules of instruction.* (a) Each professor of naval science and tactics shall prepare schedules of instruction based on the list of subjects given below. A copy of each schedule of instruction prepared shall be furnished to the Bureau of Naval Personnel and to each of existing N. R. O. T. C. units and one copy retained in the permanent files of the unit for future reference. Any changes made in existing syllabus will be distributed as above.

(b) The standard N. R. O. T. C. curricula. The N. R. O. T. C. curricula outlines described in the following are the recommended curricula. Professors of naval science and tactics are authorized to make such changes as the local situation might demand, but in general, no changes are to be made if these can possibly be avoided.

(c) There are three alternative curricula:

- (1) General.
- (2) Business Administration.
- (3) Engineering.

(d) The student shall select one of the three curricula listed in paragraph (c) of this section. Such selection and the selection of all free electives shall be made upon consultation with the college officials and with the consent of the professor of naval science and tactics.

(e) The curricula are not designed to graduate an officer with a specific classification. In general, however, the officer will be classified as D-V (G) with the exception of engineering students who may be classified as DE-V (G).

(f) The course for all N. R. O. T. C. students shall be five sixteen-week terms plus the two terms spent as a V-12.



CLASS SCHEDULE, PRE-N. R. O. T. C.  
CURRICULUM

## FIRST COLLEGE YEAR

[Identical with first college year of V-12. See V-12  
Bulletin No. 2, p. 4]

	Periods per week	
	First term	Second term
Mathematical Analysis I or III, II or IV (M. 1 or 3, 2 or 4).....	5 (5)	5 (5)
English I, II (E. 1, 2).....	3 (3)	3 (3)
Historical Background of Present World War I, II (H. 1, 2).....	2 (2)	2 (2)
Physics I, II (PH. 1, 2).....	4 (6)	4 (6)
Engr. Drawing and Descriptive Geometry (D. 1, 2).....	2 (6)	2 (6)
Naval Organization I, II (N. 1, 2).....	1 (1)	1 (1)
Physical Training (P. T. 1, 2).....	17 (23) 18 (9½)	17 (23) 17 (8½)
	35 (32½)	34 (31½)

## SECOND COLLEGE YEAR

[Third classmen (N. R. O. T. C.). Curriculum A  
(general)]

	Periods per week	
	First term	Second term
Navigation and Nautical Astronomy I, II (N. S. 4, 5).....	3 (3)	3 (3)
Chemistry Ia, IIa and Engineer- ing Materials (C. Ia, 2a and C. 6.)	4 (6)	4 (6)
Calculus I, II and Analytical Me- chanics (M. 5, 6; A. 1).....	5 (5)	5 (5)
Naval History and Elementary Strategy (N. 3).....	3 (3)	3 (3)
Seamanship (N. S. 1, 2).....	3 (3)	3 (3)
Communication (N. S. 3).....	3 (3)	3 (3)
Physical Training and Drill.....	18 (20) 18 (10½)	18 (20) 18 (10½)
	36 (30½)	36 (30½)

[Third classmen (N. R. O. T. C.). Curriculum B  
(business administration)]

	Periods per week	
	First term	Second term
Navigation and Nautical Astron- omy I, II (N. S. 4, 5).....	3 (3)	3 (3)
Chemistry Ia, IIa and Engineer- ing Materials (C. Ia, 2a and C. 6.)	4 (6)	4 (6)
Naval History and Elementary Strategy (N. 3).....	3 (3)	3 (3)
Communication (N. S. 3).....	3 (3)	3 (3)
Seamanship (N. S. 1, 2).....	3 (3)	3 (3)
Economics I, II (B. A. 1, 2).....	3 (3)	3 (3)
Accounting I, II (B. A. 5, 6).....	3 (3)	3 (3)
Physical Training and Drill.....	19 (21) 18 (10½)	19 (21) 18 (10½)
	37 (31½)	37 (31½)

## SECOND COLLEGE YEAR

[Third classmen (N. R. O. T. C.). Curriculum C (engineering)]

	Periods per week	
	First term	Second term
Navigation and Nautical Astron- omy I, II (N. S. 4, 5).....	3 (3)	3 (3)
Calculus I, II and Analytical Me- chanics (M. 5, M. 6, A. 1).....	5 (5)	5 (5)
Chemistry Ia, IIa and Engineer- ing Materials (C. Ia, 2a and C. 6.)	4 (6)	4 (6)
Seamanship (N. S. 1, 2).....	3 (3)	3 (3)
Communication (N. S. 3).....	3 (3)	3 (3)
Naval History and Elementary Strategy (N. 3).....	3 (3)	3 (3)
Physical Training and Drill.....	18 (20) 18 (10½)	18 (20) 18 (10½)
	36 (30½)	36 (30½)

CLASS SCHEDULE, PRE-N. R. O. T. C.  
CURRICULUM—Continued

## THIRD COLLEGE YEAR

[Second classmen (N. R. O. T. C.). Curriculum A  
(general)]

	Periods per week	
	First term	Second term
Naval Administration and Law (N. S. 6).....	3 (3)	3 (3)
Ordnance and Gunnery (N. S. 8, 9).....	3 (3)	3 (3)
Elementary Heat and Power (M. E. 2).....	3 (5)	3 (5)
Psychology I, General (P. S. 1).....	3 (3)	3 (3)
Modern Foreign Language I, II (L. 1, 2).....	5 (5) 3 (3)	5 (5) 6 (6)
Elective.....	17 (19) 18 (10½)	17 (17) 18 (10½)
Physical Training and Drill.....	35 (29½)	35 (27½)

[Second classmen (N. R. O. T. C.). Curriculum B  
(business administration)]

	Periods per week	
	First term	Second term
Naval Administration and Law (N. S. 6).....	3 (3)	3 (3)
Ordnance and Gunnery (N. S. 8, 9).....	3 (3)	3 (3)
Statistics (B. A. 7).....	3 (3)	3 (3)
Transportation (B. A. 4).....	3 (3)	3 (3)
Money and Banking (B. A. 3).....	3 (3)	3 (3)
Psychology I, General (P. S. 1).....	3 (3)	3 (3)
Foodstuffs (B. A. 8).....	3 (3)	3 (3)
Textiles (B. A. 9).....	3 (3)	6 (6)
Elective.....	18 (18) 18 (10½)	18 (18) 18 (10½)
Physical Training and Drill.....	36 (28½)	36 (28½)

[Second classmen (N. R. O. T. C.). Curriculum C  
(engineering)]

	Periods per week	
	First term	Second term
Naval Administration and Law (N. S. 6).....	3 (3)	3 (3)
Ordnance and Gunnery (N. S. 8, 9).....	3 (3)	3 (3)
Thermodynamics and Heat Power I (M. E. 4, M. E. 3).....	5 (5)	5 (9)
Hydraulics and Hydraulic Machin- ery (C. E. 5).....	3 (3)	3 (5)
Psychology I, General (P. S. 1).....	3 (3)	3 (5)
Strength of Materials Ia (C. E. 3a).....	3 (5)	3 (5)
Naval Machinery (M. E. 10).....	3 (3)	3 (3)
Elective.....	17 (19) 18 (10½)	17 (25) 18 (10½)
Physical Training and Drill.....	35 (29½)	35 (35½)

## FOURTH COLLEGE YEAR (FIRST TERM)

[First classmen (N. R. O. T. C.). Curriculum A  
(general)]

	Periods per week	
	First term	Second term
Tactics and Aviation (N. S. 7).....	3	(3)
Damage Control and Engineering (N. S. 10).....	3	(3)
Refresher (N. S. 11).....	3	(3)
Electives, General.....	9	(9-15)
Physical Training and Drill.....	18 18	(18-24) (10½)
	36	(28½-34½)

CLASS SCHEDULE, PRE-N. R. O. T. C.  
CURRICULUM—Continued

## FOURTH COLLEGE YEAR (FIRST TERM)

[First classmen (N. R. O. T. C.). Curriculum B (busi-  
ness administration)]

	Periods per week	
	First term	Second term
Tactics and Aviation (N. S. 7).....	3	(3)
Damage Control and Engineering (N. S. 10).....	3	(3)
Refresher (N. S. 11).....	3	(3)
Electives, in Business Administra- tion.....	9	(9-15)
Physical Training and Drill.....	18 18	(18-24) (10½)
	36	(28½-34½)

[First classmen (N. R. O. T. C.). Curriculum C  
(engineering)]

	Periods per week	
	First term	Second term
Tactics and Aviation (N. S. 7).....	3	(3)
Damage Control and Engineering (N. S. 10).....	3	(3)
Refresher (N. S. 11).....	3	(3)
Electives in Engineering.....	9	(9-15)
Physical Training and Drill.....	18 18	(18-24) (10½)
	36	(28½-34½)

LIST OF NAVAL SCIENCE DEPARTMENT COURSES  
AND SEMESTER HOURS

	Total hours
N. S. 1, 2, Seamanship.....	90
N. S. 3, Communication.....	45
N. S. 4, 5, Navigation and nautical astronomy.....	90
N. S. 6, Naval administration and law.....	45
N. S. 7, Tactics and Aviation.....	45
N. S. 8, 9, Ordnance and gunnery.....	90
N. S. 10, Damage control and engineer- ing.....	45
N. S. 11, Refresher course.....	45

Total naval science (exclusive  
of physical training and drill)..... 495

§ 5.613 *Hours of instruction.* The minimum number of hours of instruction and training in Departments of Naval Science and Tactics shall be 3 hours for each academic week while enrolled in the course. Time devoted to preparation for instruction shall not be counted in satisfaction of this requirement. Instruction periods shall be co-ordinated with the schedule of the institution and correspond to the hours of other departments.

§ 5.614 *Definition of "instruction hours."* One instruction hour in the schedule of instruction represents the customary academic hour of the institution.

§ 5.615 *Distribution of instruction hours.* Within the limits of outline prescribed by the Bureau of Naval Personnel, professors of naval science and tactics shall shape the character of instruction in Departments of Naval Science and Tactics to the peculiar conditions obtaining at each educational institution. Decisions as to the number of hours to be allotted to theoretical instruction, the number of hours to be devoted to practical instruction, and detailed character of instruction must be reached after mature consideration of local conditions. The attitude of the authorities of the institution, nature of



courses of study pursued by students in other academic departments, general caliber of students and climatic conditions are some of the factors governing such decisions.

§ 5.616 *Marking.* A system of marking similar to that in force in other academic departments shall be employed in Departments of Naval Science and Tactics. Reports of students' grading and merit, based on this system of marking and similar in form and scope to those rendered by other major departments of the institution, shall be submitted to the authorities of the educational institution in accordance with their requirements. Upon completion of the course in naval science and tactics, a report will be made to the Bureau indicating the N. R. O. T. C. standing by merit of each N. R. O. T. C. graduate, giving his final mark. Reports of students' grading and merit intended for the Bureau of Naval Personnel shall indicate the corresponding marks, based on a scale of 0 to 4.0. A report of the relative standing in naval science and tactics of those students commissioned in the Naval and Marine Corps Reserve will also be forwarded to the Bureau.

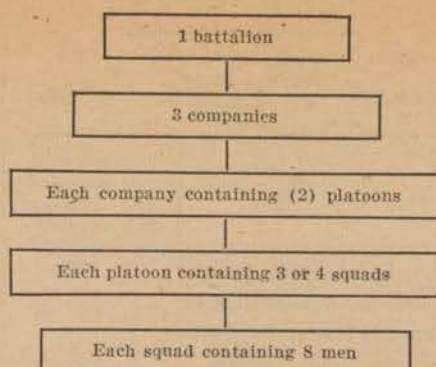
§ 5.617 *Status of training.* Such reports of status of training in Departments of Naval Science and Tactics shall be furnished heads of educational institutions as may be required by the rules of the institution for other departments.

§ 5.618 *Athletics.* A student engaged in college athletics may be excused from regular classes in physical training held under the Department of Naval Science and Tactics during the season in which he is actually engaged in such athletics under such rules as apply to other V-12 students.

§ 5.619 *Absence from instruction.* Absence of students from training or instruction in the Department of Naval Science and Tactics shall not be excused except for physical disability or exceptional circumstances. A N. R. O. T. C. student who is absent from any part of the practical or theoretical instruction shall be required, according to the practice obtaining at each institution, to make up the omitted training before being granted credits toward graduation.

§ 5.620 *Training certificates.* A naval training certificate on Form Nav-Pers 380 shall be issued by the professor of naval science and tactics to each student who successfully completes two or more terms in the N. R. O. T. C. and terminates his connections therewith under honorable conditions.

§ 5.621 *Military organization.* (a) The N. R. O. T. C. Battalion will be organized in general in accordance with the following diagram:



(b) N. R. O. T. C. student officers will be organized in general as follows:

#### *Battalion staff*

Battalion commander, N. R. O. T. C. lieutenant commander.  
 Battalion subcommander, N. R. O. T. C. lieutenant.  
 Battalion adjutant, N. R. O. T. C. lieutenant (junior grade).  
 Battalion commissary and Quartermaster, N. R. O. T. C. ensign.  
 Battalion chief petty officer, N. R. O. T. C. chief petty officer.

#### *Color guard*

First petty officer, N. R. O. T. C. petty officer first class.  
 Second petty officer, N. R. O. T. C. petty officer second class.  
 Third petty officer, N. R. O. T. C. petty officer third class.  
 Fourth petty officer, N. R. O. T. C. petty officer fourth class.

#### *Drum and Bugle Corps*

Commander, N. R. O. T. C. lieutenant (junior grade).  
 First petty officer, N. R. O. T. C. petty officer first class.  
 Second petty officer, N. R. O. T. C. petty officer second class.

#### *Company organization (three companies)*

Company commander, N. R. O. T. C. lieutenant.  
 Commander, first platoon, N. R. O. T. C. lieutenant (junior grade).  
 Commander, second platoon, N. R. O. T. C. ensign.  
 Company chief petty officer, N. R. O. T. C. chief petty officer.  
 Mustering petty officer, first platoon, N. R. O. T. C. petty officer first class.  
 Mustering petty officer, second platoon, N. R. O. T. C. petty officer second class.  
 Guide, first platoon, N. R. O. T. C. petty officer third class.  
 Guide, second platoon, N. R. O. T. C. petty officer third class.  
 Squad leaders, N. R. O. T. C. petty officer fourth class.

(c) Professors of naval science and tactics as commanding officers of their respective N. R. O. T. C. units shall maintain the administration of their respective units in accordance with the rules and regulations therefor and also in conformity with the regulations applicable to the N. R. O. T. C. students as enlisted men of the Navy.

(d) Professors of naval science and tactics shall also determine and adopt an appropriate military organizational interrelationship between the members

of their respective units and V-12 enlistees who are not N. R. O. T. C. students. This duty of the professors of naval science and tactics presupposes that N. R. O. T. C. students will be indoctrinated with an awareness of the greater obligations inherent in their status as selected candidates for professional courses leading to commissions as general service officers. The organizational interrelationship between N. R. O. T. C. students and V-12 enlistees not in the N. R. O. T. C. established by the professor of naval science and tactics will have due regard for the eventual obligations of the N. R. O. T. C. students as officers in the Navy in their relationships with all other personnel of the Navy and Naval Reserve.

#### *UNIFORMS AND INSIGNIA*

§ 5.801 *Uniform outfits furnished by the Government.* (a) An outfit of essential uniforms will be issued to each student member of the N. R. O. T. C. after his enrollment.

(b) Uniforms and other equipment and material issued to the N. R. O. T. C. in accordance with law may be furnished from surplus or reserve stock, without payment from N. R. O. T. C. appropriation, except for actual expenses, incurred in the manufacture or issue.

(c) In no case shall the amount paid from the N. R. O. T. C. appropriation for uniforms, equipment, or material furnished to the N. R. O. T. C. from stocks under the control of the Navy be in excess of the price current at the time the issue is made. The initial outfit will consist of the following articles:

#### *CLOTHING OUTFIT OF N. R. O. T. C. STUDENTS ENLISTED IN THE NAVY COLLEGE TRAINING PROGRAM (V-12) JULY 1, 1943*

Item	Quantity
1. Blue uniform	2
2. Cap, combination	1
3. Cravat, black	1
4. Gloves, white lisle (pair)	1
5. Raincoat with lining	1
6. Blouse, khaki	2
7. Shirt, khaki	4
8. Trousers, khaki (pair)	4
9. Cap, garrison, khaki	2
10. Insignia, N. R. O. T. C. (set)	1
11. Trousers, white, officers style, drill (pair)	3
12. Jumper, white, undress	3
13. Trousers, white, undress (pair)	3
14. Jumper, dungaree	1
15. Trousers, dungaree (pair)	1
16. Hat, white, midshipmen style	3
17. Broom, whisk	1
18. Brush, shoe	1
19. Drawers, nainsook	4
20. Handkerchiefs	12
21. Leggings (pair)	1
22. Overshoes (pair)	1
23. Shoes, low, black (pair)	2
24. Shoes, gymnasium (pair)	1
25. Socks, cotton, black (pair)	4
26. Socks, woolen, natural (pair)	2
27. Towels, large	2
28. Trunks, bathing (pair)	1
29. Undershirts, cotton	4

Items 1 to 16 will have been issued and charged to the appropriation "N. R. O. T. C." Items 17 to 29 are to be issued and charged to the appropriation "Naval Reserve."



ADDITIONAL CLOTHING OUTFIT TO BE ISSUED TO STUDENTS OF THE NAVY COLLEGE TRAINING PROGRAM (V-12) UPON DESIGNATION AS MEMBERS OF THE N. R. O. T. C.:

Item	Quantity
1. Blue uniform	2
2. Cap, combination	1
3. Cravat, black	1
4. Gloves, white lisle (pair)	1
5. Raincoat with lining	1
6. Blouse, khaki	1
7. Shirt, khaki	2
8. Trousers, khaki (pair)	4
9. Cap, garrison, khaki	2
10. Insignia, N. R. O. T. C. (set)	1
11. Trousers, white, officers style, drill (pair)	2
12. Jumper, white, undress	3
13. Trousers, white, undress (pair)	3
14. Jumper, dungaree	1
15. Trousers, dungaree (pair)	1
16. Hat, white, midshipmen style	3

Items 1 to 16 are to be charged to the appropriation "Naval Reserve Officers Training Corps."

(d) As far as practicable one blue service uniform and combination cap issued N. R. O. T. C. students upon enrollment shall be from reclaimed stock which has been cleaned and altered to fit as necessary.

(e) A second blue service uniform and combination cap, which shall be new and made to order for the particular student, shall be issued to the student. The leggings, white gloves, and black four-in-hand ties issued to students may be replaced from stock as the article becomes unfit for use because of wear.

(f) Other items of clothing, such as white shirts, stiff white turned-down collars, must be supplied by the individual students in sufficient quantities to suit their needs.

(g) Whenever a N. R. O. T. C. student is disenrolled the professor of naval science and tactics will reclaim all articles of uniform furnished by the Government.

(h) The above clothing lists shall not be construed as prohibiting students from obtaining additional articles of regulation clothing at their own expense.

**§ 5.803 Uniform instructions—(a) Corps mark or insignia.** A distinctive N. R. O. T. C. mark or insignia shall be worn on the outside of left sleeve of blue service dress, midway between the elbow and shoulder and on the overcoat, should one be supplied. The insignia will consist of:

(1) An anchor  $1\frac{1}{2}$  inches over all,  $1\frac{1}{2}$  inches across and outside of flukes, and 1 inch across and outside of crown; letters U. S. N. five-sixteenths inch high, one-eighth inch above anchor. The letters R. O. three-eighths inch high, directly above the left fluke of anchor, and the letters T. C. three-eighths inch high, directly above the right fluke of anchor, all to be embroidered in gold bullion on United States Navy standard blue cloth; cloth to be 3 inches square, with shank of anchor placed along diagonal axis of square. All bullion shall be No. 26 Jaceron No. 3 United States standard 90 percent silver, 2 percent gold, and 8 percent alloy.

(2) In lieu of the above device, on the white working clothes, the letters R. O. T. C.—U. S. N. 1 inch in height shall be stenciled on the front of the jumper 1 inch below the bottom of the V, and centrally located. One inch below these letters, properly centered, shall be stenciled the name of the institution in letters 1 inch high; thus—

R. O. T. C.—U. S. N.  
WASHINGTON

White hats shall be made with a blue rim, similar to those furnished for midshipmen at the Naval Academy.

(b) **Insignia of rank of N. R. O. T. C. student officers.** The insignia of rank of N. R. O. T. C. student officers will consist of gold stripes,  $2\frac{1}{2}$  inches long and one-eighth inch wide, the lower stripe 2 inches from the lower edge of each sleeve, stripes one-fourth inch apart, worn on the outside of the sleeve centered between seams. Rank will be indicated as follows: N. R. O. T. C. student ensign, 1 stripe; N. R. O. T. C. student junior lieutenant, 2 stripes; N. R. O. T. C. student lieutenant, 3 stripes; N. R. O. T. C. student lieutenant commander, 4 stripes. All N. R. O. T. C. student line officers shall wear also a 5-pointed star, 1 inch in diameter, embroidered in gold, to be placed one-fourth inch above the upper stripe on each sleeve.

(c) **Insignia of rank of N. R. O. T. C. student petty officers.** The insignia of rank of N. R. O. T. C. student petty officers will consist of a device of an eagle and anchor of gold worn on the right sleeve, midway between the elbow and shoulder, similar to that worn by midshipman petty officers at the Naval Academy. Stars designated as part of the insignia in this paragraph shall be five-eighths inch in diameter and so placed on the sleeve that one point of each star shall be uppermost. Chevrons designated shall be one-eighth-inch gold lace.

(1) For battalion chief petty officers—on right sleeve, an eagle and anchor surmounted by three gold stars pyramidically arranged, the center of upper star  $1\frac{1}{2}$  inches above the eagle, the centers of the two lower stars being  $1\frac{1}{2}$  inches apart on a line three-fourths inch below the center of the upper star and below the anchor, three chevrons.

(2) For company chief petty officers—same as for battalion chief petty officers, except with two stars.

(3) For petty officers, first class—on the right sleeve, an eagle and anchor, surmounted by one star, the center of which will be five-eighths inch above the eagle, and below the anchor, three chevrons.

(4) For petty officers, second class—same as for petty officers, first class, except with one chevron.

(5) For petty officers, third class—same as for petty officers, first class, but without chevrons.

(6) For petty officers, fourth class—same as for petty officers, first class, but without the star or chevrons.

(d) **Cap insignia.** The cap insignia will consist of a device embroidered in gold, similar to the sleeve insignia for the N. R. O. T. C.

(e) **Insignia for service in the N. R. O. T. C.** Service in the N. R. O. T. C. will be indicated on the blue service uniform, as follows:

(1) Students enrolled in the first term of the course (N. R. O. T. C. third classmen) will wear below the N. R. O. T. C. device on the left sleeve, a stripe of gold silk lace one-eighth inch wide,  $1\frac{1}{2}$  inches long, placed three-fourths inch below the crown of the anchor, parallel to the letters R. O. T. C. and with center of stripe directly below the crown.

(2) Students enrolled in the second and third terms of the course (N. R. O. T. C. second classmen) will wear two gold lace stripes, the upper stripe placed as in paragraph (b) of this section, with the second stripe parallel to and one-fourth inch below the first stripe.

(3) Students enrolled in the fourth and fifth terms of the course (N. R. O. T. C. first classmen) will wear three gold lace stripes, the upper two placed as in paragraph (c) (2) of this section, with the third stripe parallel to and one-fourth inch below the second stripe.

#### SUPPLY AND EQUIPMENT

**§ 5.901 Bonds.** All equipment issued to an educational institution, except uniforms, expendable articles, and supplies to be expended in operation, maintenance, and instruction, must be covered by bond. When executed, bonds will be forwarded to the Judge Advocate General, Navy Department, for approval, and will be held in the custody of that officer.

**§ 5.902 Naval property custodian.** The naval property custodian is designated by the institutional authorities to requisition, receive, store, and account for Government property and otherwise transact matters pertaining thereto, for and in behalf of the institution.

**§ 5.903 Allowance list.** (a) It is not considered practicable to prescribe a standard allowance for N. R. O. T. C. units. Conditions at the various educational institutions in which units are established differ so widely that their requirements for equipment and books cannot be met by a standard list. Requests from units for equipment and books will be given individual consideration, and decision as to whether or not the material can be supplied will be based on the merits of the cases and funds available for the purpose.

(b) Title B equipment will be issued only on request signed by the person designated by the institution concerned.

(c) Uniforms and expendable supplies for operation, maintenance, and instruction, will be issued on request signed by the professor of naval science and tactics.

**§ 5.904 Cost of transporting supplies and equipment.** The cost of transporting supplies and equipment from the place of issue to the several institutions, and the cost of maintenance, repair, and operation of motor-propelled Government



passenger carrying vehicles used by the N. R. O. T. C., will be borne by the Government.

§ 5.905 *Receipt and accounting for property*—(a) *Execution of bills of lading.* (1) Shipments of Government property, supplied from navy yards or naval stations, will be made on Government bills of lading and will be consigned to the university concerned, for the Department of Naval Science and Tactics. Upon receipt of the shipment, the consignee will accomplish the original bill of lading and surrender same to the agent of the delivering carrier. Notation regarding shortages or damages will be full and complete and must be entered on the reverse side of the bill of lading prior to accomplishment. The duplicate copy, after noting receipt of shipment thereon, will be returned to the consignor and the triplicate copy should be filed by the consignee with his retained papers bearing on this subject. In no case will transportation charges be paid by the consignee.

(2) The prompt accomplishment of the original bill of lading and the early surrender thereof (after receipt of the shipment) to the carrier is a matter of exceeding importance.

(b) *Drayage.* (1) When notice is received by an institution that Government property has been shipped to such institution for the Department of Naval Science and Tactics, arrangements should be made for the necessary drayage services at destination. If the institution has drayage facilities, such facilities should invariably be used. If the institution has no drayage facilities and drayage equipment is available at a Government activity in the vicinity, a formal request should be submitted to the officer in charge of the Government activity for the use of such equipment. If drayage services must be performed by commercial concerns, the cost of drayage should be ascertained from all local draymen in position to furnish the necessary services in a satisfactory manner, and arrangements should be made with the firm quoting the lowest rate for the drayage required.

(2) All drayage bills should be submitted to the institution concerned from or to which drayage is performed and should contain reference to the bill of lading under which the shipment moved, giving the number, date, and place of issue thereof. The bills for drayage should contain the following certificate properly signed by the firm performing the service: "Certified correct and just, payment not received." The institution receiving shipment should approve the drayage bill, making comment thereon as to the reasonableness of the charge and forward same to the Bureau of Supplies and Accounts, Navy Department (via the Bureau of Naval Personnel), for payment in accordance with paragraph 1850-2 (d), Bureau of Supplies and Accounts Manual.<sup>1</sup>

<sup>1</sup> Bureau of Supplies and Accounts Manual, United States Navy, is available at the Bureau of Supplies and Accounts, Navy Department, Washington, D. C.

(c) *Care and safekeeping of equipment.* The institutions are responsible for the care and safekeeping of all equipment which has been issued to them and with seeing that proper precautions are taken to prevent the equipment from being improperly used and from falling into the hands of irresponsible persons.

(d) *Receipt of property.* (1) Upon receipt of property covered by a shipment order, the yellow copy of the shipment order which is mailed by the Bureau of Supplies and Accounts to the consignee will be completed and will be immediately forwarded to the Bureau of Naval Personnel.

(2) When shipment of equipment is received, accompanied with invoices, the material will be checked and a certificate of receipt placed on one copy of the invoice by the institution, showing the date received. When uniforms and expendable supplies are received, the certificates of receipt will be signed by the professor of naval science and tactics. The original and copies of such invoices will be immediately forwarded to the Bureau of Naval Personnel.

(3) When material is received without invoices, the Bureau shall be informed immediately by letter, giving as much identifying information as possible.

(4) Original invoices of all equipment and expendable supplies received by the institution for the Department of Naval Science and Tactics will be receipted by the Bureau of Naval Personnel.

Strict adherence to the above method will enable the Bureau to follow up requisitions and obtain prompt deliveries.

§ 5.906 *Inventory*—(a) *Title B.* On June 30 of each year, an inventory of equipment, title B items, except books, will be submitted to the Bureau of Naval Personnel on S. & A. Form 143, listing separately the items under the cognizance of each bureau. The inventory will be signed for the institution by the officer designated as naval property custodian.

(b) *Reference.* Reference should be made to the classification index of naval stores and material to determine items classified as title B.

(c) *Books.* (1) On January 1 and June 30 of each year, semiannual inventory of books will be submitted on Form NavPers 381, showing the books actually on hand on that date. All columns of the above report will be filled, and will be signed for the institution by the designated naval property custodian.

(2) In order to prevent loss of books, the professor of naval science and tactics will cause to be put into effect a plan which will insure the return of all books loaned to N. R. O. T. C. students.

(3) All books, property of the N. R. O. T. C. unit, will be stamped on both covers and upon pages of the books, indicating Government property. Rubber stamps have been provided for that purpose.

§ 5.907 *Return of Government property.* When property is to be returned to the Government, shipping instructions will be issued by the Bureau of

Supplies and Accounts upon receipt of request from the institution concerned. This request shall be forwarded to the Bureau of Supplies and Accounts, via the Bureau of Naval Personnel.

§ 5.908 *Surveys.* (a) Attention is invited to chapter 49, section 3, articles 1906-1918, United States Navy Regulations, 1920, covering the survey of Government-owned material. Government property, equipment title B, worn out or damaged by fair wear and tear, incident to the use of the property in naval instruction prescribed or authorized by the Secretary of the Navy, will be replaced at the expense of the United States. The original and two copies of approved survey will be forwarded to the Bureau of Naval Personnel. In the event the survey report designates the unserviceable property to be shipped to a navy yard or naval station for salvage or repair, shipment of such material, where transportation is involved, will be made on Government bills of lading and in accordance with instructions issued by the Bureau of Supplies and Accounts. Surveyed material will be held on the records of the institution until copy of invoice covering the material is received from the Bureau of Naval Personnel.

(b) Property lost, destroyed, or damaged by fire, flood, theft, tornado, or other similar causes, without fault or neglect on the part of the institution, its servants or employees, or any member of its R. O. T. C., will be replaced at the expense of the United States. To determine whether such loss, destruction, or damage was without fault or neglect on the part of the institution, its servants or employees, or members of its R. O. T. C., a survey will be held as provided in Navy Regulations and surveys handled as stated in paragraph (a) of this section.

§ 5.909 *Property protection.* (a) The professor of naval science and tactics will report to the proper authorities of the institution, in writing, any facts, circumstances, or conditions which he believes to be prejudicial to the proper protection of Government property against loss through fire, flood, theft, tornado, or other similar causes. In the event that proper attention is not paid to such communication, report will be made to the Bureau of Naval Personnel. Access to all such reports will be afforded to the surveying officers.

(b) Books, supplies, equipment, tentage, and all other miscellaneous items necessary for the conduct of the N. R. O. T. C. will be furnished by the Government. Such of the items mentioned above, furnished to N. R. O. T. C. students at the expense of the Government, will, upon graduation, withdrawal, or disenrollment of students from the unit, be reclaimed at the earliest possible date by the professor of naval science and tactics.

§ 5.910 *Report of inspector on protective measures.* Inspectors visiting N. R. O. T. C. units will include within the purview of their inspections the precautions taken by institutions, their servants



and employees, to protect Government property from loss, destruction, or damage by fire, flood, theft, tornado, or other similar causes. In the case of each such inspection, the inspector will submit a report to the Bureau of Naval Personnel stating whether or not every reasonable precaution is being observed. In case an unfavorable report is submitted, the defects will be stated in detail and a copy will be furnished to the head of the institution concerned. Access to all reports made hereunder will be given to surveying officers.

**§ 5.911 Replacement of damaged property by university.** All other losses or damages of Government property for which the institution is accountable will be replaced by the institution or reimbursements will be made to the United States in the full value of the property lost or damaged. In such cases, if the authorities of the institution acknowledge liability for the loss or damage, a survey will not be necessary and the account may be cleared by forwarding to the Bureau of Naval Personnel, Navy Department, Washington, D. C., a check for the full value of the property lost or damaged.

**§ 5.914 Targets.** Paper targets for small bore or larger caliber should be requested from the Bureau of Naval Personnel.

**§ 5.915 Request for supplies.** It is the desire of the Bureau that all office supplies be obtained by issue from regular standard stock. A request for supplies other than standard stock for the ensuing year should be submitted to the Bureau of Naval Personnel by June 1.

**§ 5.916 Forms, letterheads, and printed envelopes.** Requests for printing should be made to the institution. Paper and envelopes will be supplied by the Bureau of Naval Personnel.

**§ 5.917 Fire insurance.** An institution is not required to carry fire insurance. Whether or not the institution carries insurance on its Government property will not modify its pecuniary obligations for losses by fire which may result from neglect or by loss by fault of the institution.

#### NAVAL RESERVE OFFICERS' TRAINING CORPS FORMS

**§ 5.1001 Form of application for establishment of a N. R. O. T. C. unit.** Application in the following form will be submitted by institutional authorities desiring the establishment of a N. R. O. T. C. unit:

(Date)

BUREAU OF NAVAL PERSONNEL,  
Washington, D. C.

Subject: Application for establishment of a unit of the Naval Reserve Officers' Training Corps.

1. By direction of the governing authorities of the \_\_\_\_\_, I hereby submit application for the establishment of a unit of the Naval Reserve Officers' Training Corps at this institution.

2. Should this application be accepted by the Secretary of the Navy, the authorities of this institution hereby agree to establish and maintain a 4 years' course of naval training

for its physically fit male students, divided into a 2 years' basic course and a 2 years' advanced course. Each course shall be elected separately, and either course when entered upon by any student shall be a prerequisite for graduation by such student unless in exceptional cases he shall be discharged from the Naval Reserve Officers' Training Corps by the professor of naval science and tactics, in accordance with administrative regulations and with the approval of the head of the institution. \_\_\_\_\_ will endeavor to promote and further the objects for which the Naval Reserve Officers' Training Corps is established, and will allot a minimum of an average of 4 hours per week per academic year to naval training and instruction. Credits counting toward a degree in the various colleges will be granted for the naval science course on the same basis as for other work at the university. The university will provide adequate housing for the naval unit, and the use of sufficient classrooms and a space for drill. I understand that an annual minimum initial enrollment in the naval course of 80 physically fit male students of the freshman class, citizens of the United States, over 14 years of age, is required to maintain a Naval Reserve Officers' Training Corps unit.

3. The authorities of this institution also agree to conform to the regulations of the Secretary of the Navy relating to the issue, care, use, safekeeping, and accounting for such Government property as may be issued to the institution.

(President)

(Name of institution)

**§ 5.1002 List of forms.** The following forms will be used in the administration of the N. R. O. T. C.:

NavPers 680 (fingerprint record), original only. Forwarded to the Bureau of Naval Personnel upon original enrollment.

NavPers 377, student's record, submitted when regularly enrolled student completes course in naval science and tactics, or otherwise severs his connection with the N. R. O. T. C.

NavPers 380, naval training certificate, issued by professors of naval science and tactics to N. R. O. T. C. students leaving unit under honorable conditions before completing course or to graduates ineligible for commissioning in the Naval or Marine Corps Reserve.

NavPers 381, annual return of books, submitted to Bureau each year by professors of naval science and tactics.

NavPers 383, enrollment card, will be submitted for each student when enrolled or reenrolled after having severed his connection with the N. R. O. T. C.

NavPers 385, application for enrollment, forwarded to Bureau of Naval Personnel on enrollment by professor of naval science and tactics.

NavPers 387, N. R. O. T. C. student data sheet, filled out for first classmen only and forwarded to the Bureau of Naval Personnel in April of each year by professor of naval science and tactics.

NavPers 389, naval science and tactics certificate, issued by professor of naval science and tactics to students satisfactorily completing course in naval science and tactics for college credits.

Form Y, Bu. M. & S., submitted in duplicate by the professor of naval science and tactics to the Bureau of Naval

Personnel upon enrollment or reenrollment of students. Triplicate copy shall be retained in the files of the naval unit. This form will be submitted for such candidates as are given the complete regular physical examination for enrollment, whether they are accepted or not.

A list will also be submitted to the Bureau of Naval Personnel showing the names of applicants who, because of some manifest physical disability, were given only a partial physical examination. The nature of the disability must also be indicated in this report. In the case of physical examinations for appointment in Naval or Marine Corps Reserve, forward Bu. M. & S. Form Y with and attached to the individual student's application blank to the Bureau of Naval Personnel and the Commandant, respectively, via the professor of naval science and tactics.

Form 143, Bu. S. & A., inventory of equipment of Bureaus, to be forwarded to the Bureau of Naval Personnel by the professor of naval science and tactics annually June 30, end of fiscal year.

Form H, Bu. M. & S., to be opened for each student enrolled in the N. R. O. T. C. To Bureau of Naval Personnel if individual is not commissioned in Naval or Marine Corps Reserve. To commandant of naval district in which officer resides or his place of business if commissioned. To Headquarters, United States Marine Corps, Washington, D. C., for those commissioned in Marine Corps Reserve.

Application for appointment as ensign, United States Naval Reserve, to the Bureau of Naval Personnel via the Bureau of Medicine and Surgery.

Application for appointment as second lieutenant, Marine Corps Reserve, with endorsement of professor of naval science and tactics. This application should be made by letter addressed to the Commandant, United States Marine Corps, Washington, D. C.

The following form is to be used by N. R. O. T. C. graduates who accept commissions in the Naval Reserve, for reporting permanent official residence and name and address of next of kin:

File No. \_\_\_\_\_

(Name of university)  
NAVAL R. O. T. C. UNIT

(Place)

(Date)

From: Ensign \_\_\_\_\_, D-V (G), U. S. N. R.  
To: The Chief of Naval Personnel.

Via: Commandants, \_\_\_\_\_ Naval District.

Subject: Reporting permanent official residence upon commissioning and name and address of next of kin.

References: (a) BuPers. Manual, art. H-1802.

1. In compliance with paragraph (1) of reference (a), I report my permanent official residence to be: \_\_\_\_\_

2. The name and address of my next of kin is: \_\_\_\_\_

[First endorsement]

From: Commandant, \_\_\_\_\_ Naval District.  
To: The Chief of Naval Personnel.

1. Forwarded.

Form 154, Bu. S. & A. request for survey. Relative standing and average marks of all graduates of the N. R. O. T. C. to the Bureau of Naval Personnel in letter form by the professor of naval science and tactics.



Relative standing of those graduates commissioned in the Marine Corps Reserve to the Commandant, United States Marine Corps, via the Bureau of Naval Personnel in letter form by the professor of naval science and tactics.

(Name of Institution)

(Place)

(Date)

JAMES FORRESTAL,  
Acting Secretary of the Navy.

[F. R. Doc. 43-15547; Filed, September 24, 1943; 9:58 a. m.]

#### TITLE 46—SHIPPING

##### Chapter IV—War Shipping Administration

[Directive 8]

##### PART 321—DIRECTIVES

###### ORDER OF EMPLOYMENT OF MEN IN ENTRY RATINGS

Whereas by Executive Order 9054, dated February 7, 1942, as amended by Executive Order 9244, dated September 16, 1942, the President established the War Shipping Administration in order to assure the most effective utilization of the shipping of the United States for the successful prosecution of the war; directed the Administrator thereof to control the operation of all ocean vessels under the flag or control of the United States, subject to certain exceptions therein noted; transferred to the Administrator the functions, duties, and powers conferred upon the United States Maritime Commission by law, including executive orders, with respect to such operation; and authorized the Administrator to exercise the powers, authority, and discretion conferred upon him by such order through such officials or agencies and in such manner as he may determine, and, within the purposes of such order, to issue such directives concerning shipping operations as he may deem necessary or appropriate; and

Whereas the War Shipping Administration now owns or charters substantially all ocean-going vessels of the United States, and operates such vessels through Agents or General Agents appointed by the Administrator; and

Whereas the War Manpower Commission, by Directive No. XVIII, dated February 10, 1943, has authorized and directed the War Shipping Administration to cooperate with the War Manpower Commission in the recruitment of men most qualified by experience and training in seamanship and in safety at sea, and to promote the most effective mobilization and utilization of sea manpower resources in the prosecution of the war, to the end that the manpower needs of essential coastal and off-shore shipping may be met with the minimum of reliance upon previously inexperienced men and that all persons deferred from training and service under the Selective Training and Service Act of 1940, as amended, on occupational grounds on the basis of their active ocean-going service are fully utilized in such service; and

Whereas the maximum continuity of employment on such vessels of all men engaged in ratings for which no professional examination is required for the issuance of certificates of service is essential to the maintenance of adequate complements of men in the higher ratings and to insure the maximum efficiency of operation and safety of vessels and crews; and

Whereas the measures hereinafter set forth regulating the employment of such merchant vessels of persons in the so-called entry ratings for which no professional examination is required are essential to achieve the objectives of Executive Order 9054, as amended, and the Directive of the War Manpower Commission:

Now, therefore, by virtue of the authority vested in me by Executive Order 9054, as amended, *It is hereby directed, That:*

§ 321.8 *Directive with respect to order of employment of men in the entry ratings on vessels under the control of the War Shipping Administration.* The following order of precedence of employment of men in the entry ratings on vessels under the control of the War Shipping Administration shall be observed:

(a) *Qualified experienced men.* Meaning seamen holding certificates of service in the entry ratings who have had not less than three months experience in service at sea within two years preceding their application for or assignment to employment on any such vessel;

(b) *Trained men.* Meaning men who have successfully completed courses of training approved by the War Shipping Administration and the United States Coast Guard and for whom the Recruitment and Manning Organization of the War Shipping Administration has requested the issuance of certificates of service in the ratings for which no professional examination is required;

(c) *Men without nautical experience or training.* Meaning the best qualified men available for specific positions who have had no nautical training or previous experience in service at sea.

To carry out the purposes of this directive and to facilitate the employment in entry ratings for which no professional examination is required on vessels owned or controlled by the War Shipping Administration, of men who do not possess the required certificate of service such men shall each be furnished with a statement in writing notifying the United States Coast Guard of their contemplated employment. Such statement shall be presented to the United States Coast Guard at the time application is made for the issuance of the required certificate of service. Such statement shall be furnished and signed by the Port Representative of the Recruitment and Manning Organization of the War Shipping Administration. In ports wherein the Recruitment and Manning Organization does not have a representative, such statement shall be furnished and signed by the appropriate employer and shall contain a certification that such named man has a commitment of immediate employment as a member of a crew of a named vessel in such port.

(E.O. 9054, 7 F.R. 837; E.O. 9244, 7 F.R. 7327)

This directive shall become effective on September 24, 1943.

[SEAL]

E. S. LAND,  
Administrator.

SEPTEMBER 24, 1943.

[F. R. Doc. 43-15643; Filed, September 25, 1943; 11:40 a. m.]

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### Chapter I—Interstate Commerce Commission

###### Subchapter A—General Rules and Regulations

##### PART 95—CAR SERVICE

[Service Order 89-A]

###### REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of September, A. D. 1943.

Upon further consideration of the provisions of Service Order No. 89 (7 F.R. 8364) of October 14, 1942, and good cause appearing therefor; *It is ordered, That:*

§ 95.300 of Service Order No. 89 (7 F.R. 8364) of October 14, 1942, prohibiting peddling of wine and juice grapes from refrigerator cars at terminal markets, it is hereby vacated and set aside.

*It is further ordered, That* this order shall become effective at 12:01 a. m., September 16, 1943; 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.

By the Commission, division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-15564; Filed, September 24, 1943; 12:07 p. m.]

##### PART 95—CAR SERVICE

[Service Order 153]

###### REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its offices in Washington, D. C., on the 15th day of September, A. D. 1943.

It appearing, that the holding of refrigerator cars for peddling of wine or juice grapes is resulting in detention and is delaying unduly the use of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment and congestion of traffic: *It is ordered, That:*

§ 95.319 *Peddling from refrigerator cars—(a) Definition.* As used in this



section "Car Peddling" means the unloading or removal from a refrigerator car of a lot or quantity of less than 100 containers of wine or juice grapes for transfer of either possession or title to either a wholesaler, retailer, or consumer.

(b) *Car peddling prohibited.* No common carrier by railroad subject to the Interstate Commerce Act shall allow or permit car peddling from any refrigerator car or cars.

*It is further ordered,* That this order shall become effective at 12:01 a. m., September 16, 1943; 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.

(40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

By the Commission, division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-15565; Filed, September 24, 1943; 12:08 p. m.]

#### PART 95—CAR SERVICE

[Service Order 154]

##### REMOVAL OF LOCOMOTIVES AND CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23rd day of September, A. D. 1943.

It appearing, that the Chicago, Attica and Southern Railroad, William Fabrikant, Agent, has issued an embargo on all traffic between and through Morocco, Ind., and West Melcher, Ind., upon the alleged ground of unsafe condition of the line and attendant hazards, effective 12:01 a. m. September 15, 1943; that such embargo amounts to an abandonment of all operations without authority or permission from this Commission; that such embargo does not appear to be justified; and that such action may result in the removal from its line of locomotives and cars owned, leased, or controlled by said railroad and agent; in the opinion of the Commission an emergency exists requiring immediate action: *It is ordered,* That:

§ 95.30 *Removal of locomotives and cars.* The Chicago, Attica and Southern Railroad, William Fabrikant, Agent, and other agents, shall not allow or permit the movement of locomotives or cars owned, leased, or controlled by said railroad or its agents from its line, beyond the points of interchange with connecting carriers, without permission of the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C. This order shall not apply to the movement of cars on or beyond the lines of the Chicago, Attica and Southern Railroad which are owned, leased, or

controlled by other common carriers by railroad.

*It is further ordered,* That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Chicago, Attica and Southern Railroad, William Fabrikant, Agent, Attica, Ind., Irwin Geiger, Agent, Tower Building, Washington, D. C., and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

By the Commission, division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-15569; Filed, September 24, 1943; 12:07 p. m.]

#### PART 95—CAR SERVICE

[Service Order 155]

##### REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of September, A. D. 1943.

It appearing, that due to operating conditions on the Union Pacific Railroad at Laramie, Wyoming, refrigerator cars cannot be re-top iced without undue delay and congestion of traffic; the Commission is of the opinion that an emergency exists requiring immediate action:

§ 95.320 *Re-top icing*—(a) *Restriction at Laramie, Wyoming.* Effective at once and until further order of the Commission, the Union Pacific Railroad shall not re-top ice any refrigerator car at Laramie, Wyoming.

(b) *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.

*It is further ordered,* That a copy of this order and direction shall be served upon the Union Pacific Railroad and 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.

(40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

By the Commission, division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-15566; Filed, September 24, 1943; 12:07 p. m.]

#### Subchapter B—Carriers by Motor Vehicle

#### PART 180—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

##### APPLICATIONS FOR AUTHORITY TO MERGE PROPERTIES OR FRANCHISES OF A MOTOR CARRIER

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 17th day of September, A. D. 1943.

Supplemental order in the matter of applications for authority under section 5, Interstate Commerce Act, to consolidate or merge the properties or franchises, or any part thereof, of a motor carrier, or to purchase, lease, or contract to operate the properties, or any part thereof, of a motor carrier.

The matter of applications designated Form BMC-44 under the above title prescribed by order entered November 12, 1940, being under consideration: *It is ordered,* That:

§ 180.1 *Parties to application.* If the acquiring party applicant for said authority is controlled directly or indirectly, within the meaning of section 1 (3) (b)<sup>1</sup> of said act, by any person or persons, each such person shall also execute and become party to said application and furnish the information required by Exhibit A of said Form BMC-44.

*It is further ordered,* That, except as hereby supplemented, said order of November 12, 1940, shall remain in full force and effect.

*And it is further ordered,* That, notice of this order shall be given to the general public by depositing a copy thereof 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.

(54 Stat. 899, 905; 49 U.S.C. 1 (3) (b) and 5 (2)-(13))

By the Commission, division 4.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-15567; Filed, September 24, 1943; 12:07 p. m.]

#### PART 180—CONTROL OR CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

##### APPLICATION FOR AUTHORITY TO ACQUIRE CONTROL OF A MOTOR CARRIER

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 17th day of September, A. D. 1943.

<sup>1</sup> Section 1 (3) (b) of the act reads:

For the purpose of sections 5, \* \* \* of this Act, where reference is made to control (in referring to a relationship between any person or persons and another person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control.



Supplemental order in the matter of applications for authority under section 5, Interstate Commerce Act, to acquire control of a motor carrier or motor carriers through ownership of stock, or otherwise.

The matter of applications designated Form BMC-45 under the above title prescribed by order entered November 12, 1940, being under consideration: *It is ordered, That:*

§ 180.50 *Parties to application.* If the applicant for said authority is controlled directly or indirectly, within the meaning of section 1 (3) (b)<sup>1</sup> of said act, by any person or persons, each such person shall also execute and become party to said application and furnish the information required by Exhibit A of said Form BMC-45.

*It is further ordered, That, except as hereby supplemented, said order of November 12, 1940, shall remain in full force and effect.*

*And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof 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.*

(54 Stat. 899, 905; 49 U.S.C. 1 (3) (b) and 5 (2)-(13))

By the Commission, division 4.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 43-15568; Filed, September 24, 1943; 12:07 p. m.]

## Chapter II—Office of Defense Transportation

[Administrative Order ODT 6]

### PART 503—ADMINISTRATION

#### ESTABLISHMENT OF REGIONS AND DISTRICTS OF THE DIVISION OF MOTOR TRANSPORT AND REGIONS OF THE DIVISION OF LOCAL TRANSPORT

Pursuant to Executive Orders 8989 and 9156, *It is hereby ordered, That:*

Sec.

- 503.200 Establishment of regions and office of regional director—Divisions of Motor Transport and Local Transport.
- 503.201 Establishment of districts and office of district manager—Division of Motor Transport.
- 503.202 "Regional manager," construction of term in outstanding orders, etc.

<sup>1</sup> Section 1 (3) (b) of the act reads:

For the purpose of sections 5, \* \* \* of this Act, where reference is made to control (in referring to a relationship between any person or persons and another person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control.

AUTHORITY: §§ 503.200 to 503.202, inclusive, issued under E.O. 8989, 9156; 6 F.R. 6725, 7 F.R. 3349.

§ 503.200 *Establishment of regions and office of regional director—Divisions of Motor Transport and Local Transport.* Regions of the Division of Motor Transport and of the Division of Local Transport of the Office of Defense Transportation, with a regional office of each division in each region, be and they hereby are established as described in Appendix 1 hereof. Each regional office shall be in charge of a regional director.

§ 503.201 *Establishment of districts and office of district manager—Division of Motor Transport.* Within each region, districts of the Division of Motor Transport of the Office of Defense Transportation, with a district office in each district, be and they hereby are established as described in Appendices 2 and 3 hereof. Each district office shall be in charge of a district manager.

§ 503.202 "Regional manager," construction of term in outstanding orders, etc. Wherever the term "regional manager" appears in any outstanding order, permit, instructions, or other document, issued by the Office of Defense Transportation, it shall be construed as referring to the regional director of the Division of Motor Transport.

This Administrative Order ODT 6 shall become effective on the 1st day of October, 1943.

Issued at Washington, D. C., this 24th day of September 1943.

JOSEPH B. EASTMAN,

Director,

Office of Defense Transportation.

#### APPENDIX 1—LOCATIONS OF REGIONAL OFFICES AND TERRITORY COMPRISING EACH REGION

*Territory comprising Region 1:* The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, and the following counties in New Jersey: Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren. Regional Office at New York, New York.

*Territory comprising Region 2:* The States of Delaware, District of Columbia, Maryland, Pennsylvania (Except Lawrence and Mercer Counties), Virginia (Except Lee, Scott, and Wise Counties and the City of Bristol), the following counties in New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem, the following counties in West Virginia: Berkeley, Brooke, Grant, Hampshire, Hancock, Hardy, Jefferson, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Preston, Taylor, and Wetzel. Regional Office at Philadelphia, Pennsylvania.

*Territory comprising Region 3:* The States of Alabama, Florida, Georgia, Mississippi, (Except Hancock, Harrison, Pearl River, and Stone Counties), North Carolina, South Carolina, Tennessee, the following counties in Kentucky: Allen, Christian, Logan, Simpson, Todd, Trigg, and Warren, the following counties in Arkansas: Clay, Craighead, Crittenden, Cross, Mississippi, Poinsett, and Greene, the following counties in Missouri: Dunklin, and Pemiscot, and the following counties in Virginia: Lee, Scott, and Wise, and the City of Bristol, Virginia. Regional Office at Atlanta, Georgia.

*Territory comprising Region 4:* The States of Kentucky (Except Allen, Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Simpson, Todd, Trigg, Union, Warren, and Webster Counties), Michigan (Except the Upper Peninsula, and Berrien, Branch, Cass, Kalamazoo, St. Joseph, and Van Buren Counties), Ohio (Except Paulding, and Van Wert Counties), West Virginia (Except Berkeley, Brooke, Grant, Hampshire, Hancock, Hardy, Jefferson, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Preston, Taylor, and Wetzel Counties), the following counties in Indiana: Clark, Crawford, Floyd, Harrison, Jefferson, Orange, Scott and Washington, and the following counties in Pennsylvania: Lawrence, and Mercer. Regional office at Cleveland, Ohio.

*Territory comprising Region 5:* The States of Illinois (Except Bond, Calhoun, Clinton, Fayette, Franklin, Jefferson, Jersey, Marion, Monroe, Madison, Perry, Randolph, St. Clair, and Washington Counties), Indiana (Except Clark, Crawford, Floyd, Harrison, Jefferson, Orange, Scott, and Washington Counties), Iowa (Except Crawford, Fremont, Harrison, Ida, Mills, Monona, Montgomery, Page, Pottawattamie, Shelby, and Woodbury Counties), Minnesota, North Dakota, South Dakota, Wisconsin, the following counties in Kentucky: Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Henderson, Hickman, Hopkins, Livingston, Lyon, McCracken, McLean, Marshall, Union, and Webster, in Michigan: The Upper Peninsula, and the following counties, Berrien, Branch, Cass, Kalamazoo, St. Joseph, and Van Buren, and the following counties in Missouri: Adair, Bollinger, Butler, Cape Girardeau, Clark, Iron, Knox, Lewis, Macon, Madison, Marion, Mississippi, Monroe, New Madrid, Putnam, Ralls, Reynolds, Schuyler, Scotland, Scott, Shelby, Stoddard, and Wayne. Regional office at Chicago, Illinois.

*Territory comprising Region 6:* The States of Arkansas (Except Clay, Craighead, Crittenden, Cross, Columbia, Greene, Lafayette, Little River, Miller, Mississippi, and Poinsett Counties), Kansas, Missouri (Except Adair, Bollinger, Butler, Cape Girardeau, Clark, Dunklin, Iron, Knox, Lewis, Macon, Madison, Marion, Mississippi, Monroe, New Madrid, Pemiscot, Putnam, Ralls, Reynolds, Schuyler, Scotland, Scott, Shelby, Stoddard, and Wayne Counties), Nebraska (Except Banner, Box Butte, Cheyenne, Dawes, Kimball, Morrill, Scotts Bluff, and Sioux Counties), the following counties in Illinois: Bond, Calhoun, Clinton, Fayette, Franklin, Jefferson, Jersey, Madison, Marion, Monroe, Perry, Randolph, St. Clair, and Washington, and the following counties in Iowa: Crawford, Fremont, Harrison, Ida, Mills, Monona, Montgomery, Page, Pottawattamie, Shelby, and Woodbury. Regional office at Kansas City, Missouri.

*Territory comprising Region 7:* The States of Louisiana, New Mexico, Oklahoma, Texas, the following counties in Arkansas: Columbia, Lafayette, Little River, and Miller, and the following counties in Mississippi: Hancock, Harrison, Pearl River, and Stone. Regional office at Dallas, Texas.

*Territory comprising Region 8:* The States of Colorado, Idaho (Except Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties), Montana (Except Lincoln, Mineral, and Sanders), Utah, Wyoming, the following counties in Nebraska: Box Butte, Banner, Cheyenne, Dawes, Kimball, Morrill, Scotts Bluff, and Sioux, and the following county in Oregon: Malheur. Regional office at Denver, Colorado.

*Territory comprising Region 9:* The States of Arizona, California, Nevada, Oregon (Except Malheur County), Washington, the fol-



lowing counties in Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Idaho, Latah, Lewis, Nez Perce, Shoshone, and the following counties in Montana: Lincoln, Mineral, and Sanders. Regional office at San Francisco, California.

## APPENDIX 2—DISTRICT OFFICES IN EACH REGION

## REGION I

*New York.* Albany, Binghamton, Buffalo, New York, Peekskill, Rochester, Syracuse, and Utica.

*Connecticut.* Hartford and New Haven.  
*Rhode Island.* Providence.  
*New Jersey.* Newark and Trenton.  
*Maine.* Portland and Bangor.  
*Vermont.* Montpelier.  
*Massachusetts.* Boston and Springfield.  
*New Hampshire.* Concord.

## REGION II

*Pennsylvania.* Allentown, Pittsburgh, Altoona, Erie, Harrisburg, Philadelphia and Scranton.

*Maryland.* Hagerstown and Baltimore.  
*New Jersey.* Atlantic City.  
*District of Columbia.* Washington.  
*Virginia.* Norfolk, Roanoke and Richmond.  
*Delaware.* Dover.

## REGION III

*Georgia.* Atlanta, Augusta, Macon, Savannah and Waycross.

*South Carolina.* Columbia.  
*Mississippi.* Jackson.  
*Alabama.* Birmingham, Mobile and Montgomery.

*Tennessee.* Chattanooga, Memphis, Knoxville and Nashville.

*North Carolina.* Asheville, Charlotte, Raleigh, Wilmington and Winston-Salem.

*Florida.* Jacksonville, Miami, Orlando, Tallahassee and Tampa.

## REGION IV

*Ohio.* Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, Youngstown, and Zanesville.

*West Virginia.* Charleston.  
*Michigan.* Cadillac, Detroit, Grand Rapids, Lansing, and Saginaw.

*Kentucky.* Lexington and Louisville.

## REGION V

*Illinois.* Cairo, Chicago, Danville, Peoria, Quincy, Rockford and Springfield.

*Indiana.* Evansville, Fort Wayne, Indianapolis, South Bend, and Terre Haute.

*Minnesota.* Duluth and Minneapolis.

*Iowa.* Davenport, Des Moines and Mason City.

*Wisconsin.* La Crosse, Madison, Green Bay, Milwaukee and Wausau.

*South Dakota.* Pierre and Sioux Falls.

*North Dakota.* Fargo and Bismarck.

## REGION VI

*Missouri.* Jefferson City, Kansas City, Springfield and St. Louis.

*Kansas.* Topeka and Wichita.

*Arkansas.* Little Rock.

*Nebraska.* North Platte and Omaha.

## REGION VII

*Texas.* Amarillo, Austin, Dallas, El Paso, Houston, Lubbock, San Angelo, San Antonio and Waco.

*Oklahoma.* Oklahoma City and Tulsa.

*New Mexico.* Albuquerque.

*Louisiana.* New Orleans, Baton Rouge and Shreveport.

## REGION VIII

*Colorado.* Denver and Pueblo.

*Utah.* Salt Lake City.

*Wyoming.* Casper and Cheyenne.

*Idaho.* Boise.

*Montana.* Billings and Butte.

## REGION IX

*California.* Fresno, Los Angeles, Sacramento and San Francisco.

*Washington.* Seattle and Spokane.

*Oregon.* Medford and Portland.

*Nevada.* Reno.

*Arizona.* Phoenix.

## APPENDIX 3—DISTRICT OFFICES BY STATES, WITH COUNTIES UNDER THE JURISDICTION OF EACH OFFICE

## ALABAMA

*Birmingham.* Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, Etowah, Fayette, Franklin, Greene, Hale, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Perry, Pickens, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston.

*Mobile.* Baldwin, Choctaw, Clarke, Conecuh, Escambia, Marengo, Mobile, Monroe, Washington, Escambia, Fla., Santa Rosa, Fla., Okaloosa, Fla., George, Miss., Greene, Miss., and Jackson, Miss.

*Montgomery.* Autauga, Barbour, Bullock, Butler, Coffee, Covington, Crenshaw, Dale, Dallas, Elmore, Geneva, Henry, Houston, Lee, Lowndes, Macon, Montgomery, Pike, Russell, and Wilcox.

## ARIZONA

*Phoenix.* All of the State of Arizona.

## ARKANSAS

*Little Rock.* Arkansas, Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Chicot, Clark, Cleburne, Cleveland, Conway, Crawford, Dallas, Desha, Drew, Faulkner, Franklin, Fulton, Garland, Grant, Hempstead, Howard, Hot Spring, Independence, Izard, Jackson, Jefferson, Johnson, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Monroe, Montgomery, Nevada, Newton, Ouachita, Perry, Phillips, Pike, Polk, Pope, Prairie, Pulaski, Randolph, St. Francis, Saline, Scott, Searcy, Sebastian, Sevier, Sharp, Stone, Union, Van Buren, Washington, White, Woodruff, and Yell.

## CALIFORNIA

*Fresno.* Fresno, Inyo, Kings, Medera, Mariposa, Merced, Mono, Stanislaus, Tulare, Tuolumne and Kern.

*Los Angeles.* Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara and Ventura.

*Sacramento.* Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba.

*San Francisco.* Alameda, Contra Costa, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma and Trinity.

## COLORADO

*Denver.* Adams, Arapahoe, Boulder, Chaffee, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, El Paso, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Kit Carson, Lake, Larimer, Lincoln, Logan, Mesa, Moffat, Montrose, Morgan, Park, Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Teller, Washington, Weld and Yuma.

*Pueblo.* Alamosa, Archuleta, Baca, Bent, Cheyenne, Conejos, Costilla, Crowley, Custer, Dolores, Fremont, Hinsdale, Huerfano, Kiowa, La Plata, Los Animas, Mineral, Montezuma, Otero, Ouray, Prowers, Pueblo, Rio Grande, Saguache, San Juan, and San Miguel.

## CONNECTICUT

*Hartford.* Hartford, Litchfield and Tolland.

*New Haven.* Fairfield, Middlesex, New Haven, and New London.

## DELAWARE

*Dover.* All of the State of Delaware and Caroline, Md., Dorchester, Md., Kent, Md., Queen Annes, Md., Somerset, Md., Talbot, Md., Wicomico, Md., Worcester, Md., Accomac, Va., and Northampton, Va.

## DISTRICT OF COLUMBIA

*Washington, D. C.* City of Washington, Calvert, Md., Charles, Md., Montgomery, Md., Prince Georges, Md., St. Marys, Md., Alexandria, City of, Va., Arlington, Va., Culpeper, Va., Fairfax, Va., Fauquier, Va., Loudoun, Va., Prince William, Va., and Rappahannock, Va.

## FLORIDA

*Jacksonville.* Alachua, Baker, Bradford, Clay, Columbia, Duval, Flagler, Gilchrist, Hamilton, Nassau, Putnam, St. Johns, Suwannee, and Union.

*Miami.* Broward, Collier, Dade, Hendry, Martin, Monroe, and Palm Beach.

*Orlando.* Brevard, Indian River, Lake Marion, Okeechobee, Orange, Osceola, St. Lucie, Seminole, and Volusia.

*Tallahassee.* Bay, Calhoun, Dixie, Franklin, Gradsden, Gulf, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Taylor, Wakulla, Walton, Washington, Baker, Ga., Brooks, Ga., Colquitt, Ga., Decatur, Ga., Early, Ga., Grady, Ga., Miller, Ga., Mitchell, Ga., Seminole, Ga., and Thomas, Ga.

*Tampa.* Charlotte, Citrus, De Soto, Glades, Hardee, Hernando, Highlands, Hillsborough, Lee, Levy, Manatee, Pasco, Pinellas, Polk, Sarasota and Sumter.

## GEORGIA

*Atlanta.* Banks, Barrow, Bartow, Carroll, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Glimmer, Gordon, Guinneth, Habersham, Hall, Herndon, Hart, Heard, Henry, Jackson, Lumpkin, Madison, Morgan, Newton, Oconee, Paulding, Pickens, Polk, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, and White.

*Augusta.* Burke, Columbia, Elbert, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Lincoln, McDuffie, Oglethorpe, Richmond, Screven, Taliaferro, Warren, Washington, Wilkes, Aiken, S. C., Allendale, S. C., Barnwell, S. C., Edgefield S. C., and McCormick, S. C.

*Macon.* Baldwin, Bibb, Bleckley, Butts, Calhoun, Chattahoochee, Clay, Crawford, Crisp, Dodge, Dooly, Dougherty, Harris, Houston, Jasper, Jones, Lamar, Laurens, Lee, Macon, Marion, Meriwether, Monroe, Montgomery, Muscogee, Peach, Pike, Pulaski, Putnam, Quitman, Randolph, Schley, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Treutlen, Troup, Turner, Twiggs, Upson, Webster, Wheeler, Wilcox, Wilkinson, and Worth.

*Savannah.* Bryan, Bulloch, Candler, Chatham, Effingham, Evans, Liberty, Long, McIntosh, Tattnall, Toombs, Beaufort, S. C.; Colleton, S. C.; Hampton, S. C., and Jasper, S. C.

*Waycross.* Appling, Atkinson, Bacon, Ben Hill, Berrien, Brantley, Camden, Charlton, Clinch, Coffee, Cook, Echols, Glynn, Irwin, Jeff Davis, Lanier, Lowndes, Pierce, Tift, Ware, and Wayne.

## IDAHO

*Boise.* Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, Washington, and Malheur, Ore.

## ILLINOIS

*Cairo.* Alexander, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline,



Union, Williamson, Ballard, Ky.; Caldwell, Ky.; Calloway, Ky.; Carlisle, Ky.; Crittenden, Ky.; Fulton, Ky.; Graves, Ky.; Hickman, Ky.; Livingston, Ky.; Lyon, Ky.; McCracken, Ky.; Marshall, Ky.; Bollinger, Mo.; Butler, Mo.; Cape Girardeau, Mo.; Iron, Mo.; Madison, Mo.; Mississippi, Mo.; New Madrid, Mo.; Reynolds, Mo.; Scott, Mo.; Stoddard, Mo., and Wayne, Mo.

*Chicago.* Cook, DeKalb, DuPage, Grundy, Kane, Kendall, Lake, McHenry, Will, and Lake, Ind.

*Danville.* Champaign, Coles, Douglas, Edgar, Ford, Iroquois, Kankakee, Vermilion, Benton, Ind., Fountain, Ind., and Warren, Ind.

*Peoria.* Bureau, Fulton, Knox, La Salle, Livingston, McLean, Marshall, Peoria, Putnam, Stark, Tazewell, and Woodford.

*Quincy.* Adams, Brown, Hancock, McDonough, Pike, Schuyler, Adair, Mo., Clark, Mo., Knox, Mo., Lewis, Mo., Macon, Mo., Marion, Mo., Monroe, Mo., Putnam, Mo., Ralls, Mo., Schuyler, Mo., Scotland, Mo., and Shelby, Mo.

*Rockford.* Boone, Carroll, Jo Daviess, Lee, Ogle, Stephenson and Winnebago.

*Springfield.* Cass, Christian, DeWitt, Greene, Logan, Macon, Macoupin, Mason, Menard, Montgomery, Morgan, Moultrie, Piatt, Sangamon, Scott, and Shelby.

## INDIANA

*Evansville.* Dubois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick, Daviess, Ky., Henderson, Ky., Hopkins, Ky., McLean, Ky., Union, Ky., Webster, Ky., Edwards, Ill., Hamilton, Ill., Wabash, Ill., Wayne, Ill., and White, Ill.

*Fort Wayne.* Adams, Allen, Blackford, De Kalb, Grant, Huntington, Jay, Lagrange, Miami, Noble, Steuben, Wabash, Wells, Whitely, Paulding, Ohio, Van Wert, Ohio, Branch, Mich., Kalamazoo, Mich., and St. Joseph, Mich.

*Indianapolis.* Bartholomew, Boone, Brown, Carroll, Cass, Clinton, Dearborn, Decatur, Delaware, Fayette, Franklin, Hamilton, Hancock, Hendricks, Henry, Howard, Jackson, Jennings, Johnson, Lawrence, Madison, Marion, Monroe, Montgomery, Morgan, Ohio, Putnam, Randolph, Ripley, Rush, Shelby, Switzerland, Tippecanoe, Tipton, Union, Wayne, and White.

*South Bend.* Elkhart, Fulton, Jasper, Kosciusko, La Porte, Marshall, Newton, Porter, Pulaski, St. Joseph, Starke, Berrien, Mich., Cass, Mich., and Van Buren, Mich.

*Terre Haute.* Clay, Daviess, Greene, Knox, Martin, Owen, Parke, Sullivan, Vermillion, Vigo, Clark, Ill., Clay, Ill., Crawford, Ill., Cumberland, Ill., Elkhart, Ill., Jasper, Ill., Lawrence, Ill., and Richland, Ill.

## IOWA

*Davenport.* Benton, Buchanan, Cedar, Clinton, Davis, Delaware, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Henderson, Ill., Henry, Ill., Mercer, Ill., Rock Island, Ill., Warren, Ill., and Whiteside, Ill.

*Des Moines.* Adair, Adams, Appanoose, Audubon, Boone, Calhoun, Carroll, Cass, Clarke, Dallas, Decatur, Greene, Guthrie, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Ringgold, Sac, Story, Tama, Taylor, Union, Warren, Wayne, and Webster.

*Mason City.* Allamakee, Black Hawk, Bremer, Butler, Cerro Gordo, Chickasaw, Clayton, Emmet, Fayette, Floyd, Franklin, Grundy, Hancock, Howard, Humboldt, Kosuth, Mitchell, Palo Alto, Pocahontas, Winnebago, Winneshiek, Worth, Wright, Blue Earth, Minn., Dodge, Minn., Faribault, Minn., Freeborn, Minn., Mower, Minn., Steele, Minn., and Waseca, Minn.

## KANSAS

*Topeka.* Anderson, Atchison, Brown, Clay, Cloud, Coffey, Dickinson, Doniphan, Douglas, Franklin, Geary, Jackson, Jefferson, Jewell, Lincoln, Lyon, Marshall, Mitchell, Morris, Nemaha, Osage, Osborne, Ottawa, Pottawatomie, Republic, Riley, Saline, Shawnee, Smith, Wabunsee, and Washington.

*Wichita.* Allen, Barber, Barton, Bourbon, Butler, Chase, Chautauqua, Cherokee, Clark, Comanche, Cowley, Crawford, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Grove, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Kearny, Kingman, Kiowa, Labette, Lane, Logan, McPherson, Marion, Maude, Montgomery, Morton, Neosho, Ness, Pawnee, Pratt, Reno, Rice, Rush, Russell, Scott, Sedgwick, Seward, Stafford, Stanton, Stevens, Sumner, Trego, Wallace, Wichita, Wilson, and Woodson.

## KENTUCKY

*Lexington.* Anderson, Bath, Bell, Bourbon, Boyd, Boyle, Bracken, Breathitt, Carter, Casey, Clark, Clay, Clinton, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Mason, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Scott, Wayne, Whitley, Wolfe, and Woodford.

*Louisville.* Adair, Barren, Breckinridge, Bullitt, Butler, Carroll, Cumberland, Edmonson, Gallatin, Grayson, Green, Hancock, Hardin, Hart, Henry, Jefferson, Laclede, Marion, Meade, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Shelby, Spencer, Taylor, Trimble, Washington, Clark, Ind., Crawford, Ind., Floyd, Ind., Harrison, Ind., Jefferson, Ind., Orange, Ind., Scott, Ind., and Washington, Ind.

## LOUISIANA

*Baton Rouge.* Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron, Catahoula, Concordia, E. Baton Rouge, E. Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, La Salle, Pointe Coupee, Rapides, St. Helena, St. Landry, St. Martin, Vermilion, W. Baton Rouge, and W. Feliciana.

*New Orleans.* Ascension, Assumption, Jefferson, La Fourche, Livingston, Orleans, Plaquemine, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, Hancock, Miss., Harrison, Miss., Pearl River, Miss., and Stone, Miss.

*Shreveport.* Bienville, Bossier, Caddo, Caldwell, Claiborne, De Soto, E. Carroll, Franklin, Grant, Jackson, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, W. Carroll, Winn, Bowie, Texas, Cass, Texas, Harrison, Texas, Marion, Texas, Panola, Texas, Shelby, Texas, Columbia, Ark., Lafayette, Ark., Little River, Ark., and Miller, Ark.

## MAINE

*Bangor.* Aroostook, Hancock, Penobscot, Piscataquis, Somerset, Waldo, and Washington.

*Portland.* Androscoggin, Cumberland, Franklin, Kennebec, Knox, Lincoln, Oxford, Sagadahoc, and York.

## MARYLAND

*Baltimore.* Anne Arundel, Baltimore; Baltimore, city of; Carroll, Cecil, Harford, and Howard.

*Hagerstown.* Allegany, Frederick, Garrett, Washington, Adams, Pa., Franklin, Pa., Fulton, Pa., Berkeley, W. Va., Grant, W. Va., Hampshire, W. Va., Hardy, W. Va., Jefferson, W. Va., Mineral, W. Va., Morgan, W. Va.,

Pendleton, W. Va., Clarke, Va., Frederick, Va., Page, Va., Shenandoah, Va., and Warren, Va.

## MASSACHUSETTS

*Boston.* Barnstable, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester.

*Springfield.* Berkshire, Franklin, Hampden, and Hampshire.

## MICHIGAN

*Cadillac.* Antrim, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Grand Traverse, Kalkaska, Lake, Leelanau, Manistee, Mason, Missaukee, Montmorency, Osceola, Otsego, Presque Isle, Roscommon, and Wexford.

*Detroit.* Lapeer, Macomb, Oakland, St. Clair, Washtenaw, and Wayne.

*Grand Rapids.* Allegan, Barry, Kent, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, and Ottawa.

*Lansing.* Calhoun, Clinton, Eaton, Ingham, Ionia, Jackson, Livingston, and Shiawassee.

*Saginaw.* Alcona, Alpena, Arenac, Bay, Genesee, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Ogemaw, Oscoda, Saginaw, Sanilac, and Tuscola.

## MINNESOTA

*Duluth.* Aitkin, Carlton, Cass, Cook, Crow Wing, Itasca, Koochiching, Lake, Pine, St. Louis, Ashland, Wis., Bayfield, Wis., Burnett, Wis., Douglas, Wis., Sawyer, Wis., and Washburn, Wis.

*Minneapolis.* Anoka, Benton, Carver, Chippewa, Chisago, Dakota, Douglas, Goodhue, Grant, Hennepin, Isanti, Kanabec, Kandiyohi, Le Sueur, McLeod, Meeker, Mille Lacs, Morrison, Nicollet, Pope, Ramsey, Renville, Rice, Scott, Sherburne, Sibley, Stearns, Stevens, Swift, Todd, Washington, Wright, Barton, Wis., Dunn, Wis., Pepin, Wis., Pierce, Wis., Polk, Wis., and St. Croix, Wis.

## MISSISSIPPI

*Jackson.* Adams, Amite, Attala, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Copiah, Covington, Forrest, Franklin, Grenada, Hinds, Holmes, Humphreys, Issaquena, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Leflore, Lincoln, Lowndes, Madison, Marion, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Perry, Pike, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, and Yazoo.

## MISSOURI

*Jefferson City.* Audrain, Benton, Boone, Callaway, Camden, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Montgomery, Morgan, Osage, Pettis, Phelps, Pulaski, and Randolph.

*Kansas City.* Andrew, Atchison, Bates, Buchanan, Caldwell, Carroll, Cass, Chariton, Clay, Clinton, Daviess, De Kalb, Gentry, Grundy, Harrison, Henry, Holt, Jackson, Johnson, Lafayette, Linn, Livingston, Mercer, Nodaway, Platte, Ray, Saline, Sullivan, Worth, Johnson, Kans., Leavenworth, Kans., Linn, Kans., Miami, Kans., and Wyandotte, Kans.

*Springfield.* Barry, Barton, Carter, Cedar, Christian, Dade, Dallas, Douglas, Greene, Hickory, Howell, Jasper, Laclede, Lawrence, McDonald, Newton, Oregon, Ozark, Polk, Ripley, St. Clair, Shannon, Stone, Taney, Texas, Vernon, Webster, and Wright.

*St. Louis.* Franklin, Jefferson, Lincoln, Perry, Pike, St. Charles, St. Genevieve, St. Francois, St. Louis, St. Louis, City of, Warren, Washington, Bond, Ill., Calhoun, Ill., Clinton, Ill., Fayette, Ill., Franklin, Ill., Jefferson, Ill., Jersey, Ill., Madison, Ill., Marion, Ill., Monroe, Ill., Perry, Ill., Randolph, Ill., St. Clair, Ill., and Washington, Ill.



## MONTANA

*Billings.* Big Horn, Blaine, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Treasure, Valley, Wheatland, Wibaux, and Yellowstone.

*Butte.* Beaverhead, Broadwater, Cascade, Chouteau, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis & Clark, Liberty, Madison, Meagher, Missoula, Park, Pondera, Powell, Ravalli, Silver Bow, Teton, and Toole.

## NEBRASKA

*North Platte.* Adams, Arthur, Blaine, Boyd, Brown, Buffalo, Chase, Cherry, Custer, Dawson, Deuel, Dundy, Franklin, Frontier, Furness, Garden, Garfield, Gosper, Grant, Greeley, Hall, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Kearney, Keith, Keya Paha, Lincoln, Logan, Loup, McPherson, Perkins, Phelps, Red Willow, Rock, Sheridan, Sherman, Thomas, Valley, Webster, Wheeler, Cheyenne, Kans., Decatur, Kans., Graham, Kans., Norton, Kans., Phillips, Kans., Rawlins, Kans., Rocks, Kans., Sheridan, Kans., Sherman, Kans., and Thomas, Kans.

*Omaha.* Antelope, Boone, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Fillmore, Gage, Hamilton, Jefferson, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Osceola, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, York, Crawford, Iowa, Fremont, Iowa, Harrison, Iowa, Ida, Iowa, Mills, Iowa, Monona, Iowa, Montgomery, Iowa, Page, Iowa, Pottawatomie, Iowa, Shelby, Iowa, and Woodbury, Iowa.

## NEVADA

*Reno.* All of the State of Nevada.

## NEW HAMPSHIRE

*Concord.* All of the State of New Hampshire.

## NEW JERSEY

*Atlantic City.* Atlantic, Cape May, Cumberland, Gloucester, and Salem.

*Newark.* Bergen, Essex, Hudson, Middlesex, Passaic, and Union.

*Trenton.* Hunterdon, Mercer, Monmouth, Morris, Ocean, Somerset, Sussex, and Warren.

## NEW MEXICO

*Albuquerque.* Bernalillo, Catron, Chaves, Colfax, De Baca, Guadalupe, Lincoln, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Tacos, Torrance, and Valencia.

## NEW YORK

*Albany.* Albany, Clinton, Columbia, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schoenectady, Schoharie, Warren, and Washington.

*Binghamton.* Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, and Tioga.

*Buffalo.* Allegany, Cattaraugus, Chautauque, Erie, Genesee, Niagara, and Wyoming.

*New York.* Bronx, Kings, Nassau, New York, Queens, Richmond, and Suffolk.

*Peekskill.* Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester.

*Rochester.* Livingston, Monroe, Ontario, Orleans, Wayne, and Yates.

*Syracuse.* Cayuga, Cortland, Jefferson, Madison, Onondaga, Oswego, Seneca, and Tompkins.

*Utica.* Herkimer, Lewis, Oneida, Otsego, and St. Lawrence.

## NORTH CAROLINA

*Asheville.* Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey.

*Charlotte.* Alexander, Anson, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Montgomery, Moore, Richmond, Rowan, Stanly, and Union.

*Raleigh.* Alamance, Beaufort, Bertie, Camden, Caswell, Chatham, Chowan, Currituck, Dare, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Lee, Lenoir, Martin, Nash, Northampton, Orange, Pasquotank, Perquimans, Person, Pitt, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson.

*Wilmington.* Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Hoke, Jones, New Hanover, Onslow, Pamlico, Pender, Robeson, Sampson, Scotland, Dillon, S. C.; Horry, S. C., and Marion, S. C.

*Winston-Salem.* Alleghany, Ashe, Davidson, Davie, Forsyth, Guilford, Randolph, Rockingham, Stokes, Surry, Watauga, Wilkes, and Yadkin.

## NORTH DAKOTA

*Bismarck.* Adams, Benson, Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Eddy, Emmons, Foster, Golden Valley, Grant, Hettinger, Kidder, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Pierce, Renville, Rolette, Sheridan, Sioux, Slope, Stark, Stutsman, Ward, Wells, Williams.

*Fargo.* Barnes, Cass, Cavalier, Dickey, Grand Forks, Griggs, La Moure, Nelson, Pembina, Ramsey, Ransom, Richland, Sargent, Steele, Towner, Traill, Walsh, Becker, Minn., Beltrami, Minn., Big Stone, Minn., Clay, Minn., Clearwater, Minn., Hubbard, Minn., Kittson, Minn., Lake of the Woods, Minn., Mahanomen, Minn., Marshall, Minn., Norman, Minn., Otter Tail, Minn., Pennington, Minn., Polk, Minn., Red Lake, Minn., Roseau, Minn., Traverse, Minn., Wadena, Minn., and Wilkin, Minn.

## OHIO

*Canton.* Ashland, Carroll, Harrison, Holmes, Jefferson, Medina, Portage, Richland, Stark, Summit, Tuscarawas and Wayne.

*Cincinnati.* Adams, Brown, Clermont, Gallia, Hamilton, Highland, Jackson, Lawrence, Pike, Scioto, Boone, Ky., Campbell, Ky., and Kenton, Ky.

*Cleveland.* Ashtabula, Cuyahoga, Erie, Geauga, Huron, Lake and Lorain.

*Columbus.* Crawford, Delaware, Fairfield, Fayette, Franklin, Hardin, Hooking, Knox, Licking, Madison, Marion, Morrow, Pickaway, Ross, Union, Vinton and Wyandot.

*Dayton.* Auglaize, Butler, Champaign, Clark, Clinton, Darke, Greene, Logan, Mercer, Miami, Montgomery, Preble, Shelby, and Warren.

*Toledo.* Allen, Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Putnam, Sandusky, Seneca, Williams, Wood, Hillsdale, Mich., Lenawee, Mich., and Monroe, Mich.

*Youngstown.* Columbiana, Mahoning, Trumbull, Lawrence, Pa., and Mercer, Pa.

*Zanesville.* Athens, Belmont, Coshocton, Guernsey, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, and Washington.

## OKLAHOMA

*Oklahoma City.* Alfalfa, Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kingfisher, Kiowa, Logan, Love, McClain, Major, Marshall, Murray, Oklahoma, Pontotoc, Pottawatomie, Roger Mills, Seminole, Stephens, Tillman, Washita, Woods, and Woodward.

*Tulsa.* Adair, Atoka, Bryan, Cherokee, Choctaw, Coal, Craig, Creek, Delaware, Haskell, Hughes, Kay, Latimer, Le Flore, Lincoln, McCurtin, McIntosh, Mayes, Muskogee, Noble, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pushmataha, Rogers, Sequoyah, Tulsa, Wagoner, and Washington.

## OREGON

*Medford.* Coos, Curry, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Del Norte, Calif., Modoc, Calif., and Siskiyou, Calif.

*Portland.* Baker, Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Hood River, Jefferson, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill, Clark, Wash., Clatsop, Wash., Klickitat, Wash., Skamania, Wash., and Wahkiakum, Wash.

## PENNSYLVANIA

*Allentown.* Berks, Carbon, Lehigh, Northampton, and Schuylkill.

*Altoona.* Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Huntingdon, Mifflin, and Somerset.

*Erie.* Cameron, Crawford, Elk, Erie, Forest, McKean, Potter, Venango, and Warren.

*Harrisburg.* Cumberland, Dauphin, Juniata, Lancaster, Lebanon, Montour, Northumberland, Perry, Snyder, Union, and York.

*Philadelphia.* Bucks, Chester, Delaware, Montgomery, Philadelphia, Burlington, N. J., and Camden, N. J.

*Pittsburgh.* Allegheny, Armstrong, Beaver, Butler, Clarion, Fayette, Greene, Indiana, Jefferson, Washington, Westmoreland, Broome, W. Va., Hancock, W. Va., Marion, W. Va., Marshall, W. Va., Monongalia, W. Va., Ohio, W. Va., Preston, W. Va., Taylor, W. Va., and Wetzel, W. Va.

*Scranton.* Bradford, Columbia, Lackawanna, Luzerne, Lycoming, Monroe, Pike, Sullivan, Susquehanna, Tioga, Wayne, and Wyoming.

## RHODE ISLAND

*Providence.* All of the State of Rhode Island, Bristol, Mass., and Windham, Conn.

## SOUTH CAROLINA

*Columbia.* Abbeville, Anderson, Bamberg, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Darlington, Dorchester, Fairfield, Florence, Georgetown, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Lee, Lexington, Marlboro, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York.

## SOUTH DAKOTA

*Pierre.* Armstrong, Bennett, Brule, Buffalo, Butte, Campbell, Corson, Custer, Dawey, Edmunds, Fall River, Faulk, Gregory, Haakon, Hand, Harding, Hughes, Hyde, Jackson, Jones, Lawrence, Lyman, McPherson, Meade, Mellette, Pennington, Perkins, Potter, Shannon, Stanley, Sully, Todd, Tripp, Walworth, Washabaugh, Washington, and Ziebach.

*Sioux Falls.* Aurora, Beadle, Bon Homme, Brookings, Brown, Charles Mix, Clark, Clay, Codington, Davison, Day, Deuel, Douglas, Grant, Hamlin, Hanson, Hutchinson, Jerard, Kingsbury, Lake, Lincoln, McCook, Marshall, Miner, Minnehaha, Moody, Roberts, Sanborn, Spink, Turner, Union, Yankton, Buena Vista, Iowa, Cherokee, Iowa, Clay, Iowa, Dickinson, Iowa, Lyon, Iowa, O'Brien, Iowa, Osceola, Iowa, Plymouth, Iowa, Sioux, Iowa, Brown, Minn., Cottonwood, Minn., Jackson, Minn., Lac Qui Parle, Minn., Lincoln, Minn., Lyon, Minn., Martin, Minn., Murray, Minn., Nobles, Minn., Pipestone, Minn., Redwood, Minn., Rock, Minn., Watonwan, Minn., and Yellow Medicine, Minn.



## TENNESSEE

*Chattanooga.* Bledsoe, Bradley, Coffee, Franklin, Grundy, Hamilton, McMinn, Marion, Meigs, Monroe, Polk, Chatooga, Ga., Rhea, Sequatchie, Van Buren, Warren, DeKalb, Ala., Jackson, Ala., Catoosa, Ga., Dade, Ga., Murray, Ga., Walker, Ga., and Whitfield, Ga.

*Knoxville.* Anderson, Blount, Campbell, Carter, Claiborne, Cooke, Cumberland, Fentress, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, Morgan, Pickett, Roane, Scott, Sevier, Sullivan, Union, Washington, Lee, Va., Scott, Va., Wise, Va., and City of Bristol, Va.

*Memphis.* Carroll, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Weakley, Clay, Ark., Craighead, Ark., Crittenden, Ark., Cross, Ark., Greene, Ark., Mississippi, Ark., Poinsett, Ark., Alcorn, Miss., Benton, Miss., Coahoma, Miss., Desoto, Miss., Itawamba, Miss., Lafayette, Miss., Lee, Miss., Marshall, Miss., Panola, Miss., Pontotoc, Miss., Prentiss, Miss., Quitman, Miss., Tate, Miss., Tippah, Miss., Tishomingo, Miss., Tunica, Miss., Union, Miss., Dunklin, Mo., and Pemiscot, Mo.

*Nashville.* Bedford, Benton, Cannon, Cheatham, Clay, Davidson, Decatur, DeKalb, Dickson, Giles, Henry, Hickman, Houston, Humphreys, Jackson, Lawrence, Lewis, Lincoln, Macon, Marshall, Maury, Montgomery, Moore, Overton, Perry, Putnam, Robertson, Rutherford, Smith, Stewart, Sumner, Trousdale, Wayne, White, Williamson, Wilson, Allen, Ky., Christian, Ky., Logan, Ky., Simpson, Ky., Todd, Ky., Trigg, Ky., and Warren, Ky.

## TEXAS

*Amarillo.* Armstrong, Carson, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Wheeler, Harding, N. M., Quay, N. M., Union, N. M., Beaver, Okla., Cimarron, Okla., and Texas, Okla.

*Austin.* Austin, Bastrop, Blanco, Brazos, Burleson, Burnet, Caldwell, Colorado, Fayette, Gillespie, Hays, Lavaca, Lee, Llano, Mason, Travis, Washington, and Williamson.

*Dallas.* Archer, Camp, Clay, Collin, Cooke, Dallas, Delta, Denton, Ellis, Fannin, Franklin, Grayson, Gregg, Henderson, Hood, Hopkins, Hunt, Jack, Johnson, Kaufman, Lamar, Montague, Morris, Palo Pinto, Parker, Rains, Red River, Rockwall, Smith, Somervell, Stephens, Tarrant, Titus, Upshur, Van Zandt, Wichita, Wise, Wood, and Young.

*El Paso.* Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Ward, Winkler, Dona Ana, N. M., Eddy, N. M., Grant, N. M., Hidalgo, N. M., Luna, N. M., Otero, N. M., Sierra, N. M.

*Houston.* Angelina, Brazoria, Chambers, Fort Bend, Galveston, Grimes, Hardin, Harris, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker, Waller, and Wharton.

*Lubbock.* Bailey, Baylor, Briscoe, Castro, Childress, Cochran, Cottle, Crosby, Dickens, Floyd, Foard, Gaines, Garza, Hale, Hall, Hardeman, Haskell, Hockley, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Parmer, Stonewall, Swisher, Terry, Throckmorton, Wilbarger, Yoakum, Curry, N. M., Lea, N. M., and Roosevelt, N. M.

*San Angelo.* Andrews, Borden, Brown, Callahan, Coke, Coleman, Concho, Crane, Crockett, Dawson, Ector, Fisher, Glasscock, Howard, Irion, Jones, Kimble, McCulloch, Martin, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sterling, Sutton, Taylor, Terrell, Tom Green, Upton, and Val Verde.

*San Antonio.* Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Calhoun, Cameron, Comal, De Witt, Dimmit, Duval, Edwards, Frio,

Goliad, Gonzales, Guadalupe, Hidalgo, Jackson, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Victoria, Webb, Willacy, Wilson, Zapata, and Zavala.

*Waco.* Anderson, Bell, Bosque, Cherokee, Comanche, Coryell, Eastland, Erath, Falls, Freestone, Hamilton, Hill, Houston, Lampasas, Leon, Limestone, McLennan, Madison, Milam, Nacogdoches, Navarro, Robertson, and Rusk.

## UTAH

*Salt Lake City.* All of the State of Utah.

## VERMONT

*Montpelier.* All of the State of Vermont.

## VIRGINIA

*Norfolk.* Brunswick, Elizabeth City, Greensville, Isle of Wight, Lunenburg, Mecklenburg, Nansemond, Norfolk, Princess Anne, Southampton, Surry, Sussex, Warwick, and York.

*Richmond.* Albermarle, Amelia, Buckingham, Caroline, Charles City, Chesterfield, Cumberland, Dinwiddie, Essex, Fluvanna, Gloucester, Goochland, Greene, Hanover, Henrico, James City, King & Queen, King George, King William, Lancaster, Louisa, Madison, Mathews, Middlesex, New Kent, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Richmond, Spotsylvania, Stafford, and Westmoreland.

*Roanoke.* Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Boettourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Smyth, Hazewell, Washington, and Wythe.

## WASHINGTON

*Seattle.* Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima.

*Spokane.* Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, Benewah, Idaho, Bonner, Idaho, Boundary, Idaho, Clearwater, Idaho, Idaho, Kootenai, Idaho, Latah, Idaho, Lewis, Idaho, Nez Perce, Idaho, Shoshone, Idaho, Lincoln, Mont., Mineral, Mont., and Sanders, Mont.

## WEST VIRGINIA

*Charleston.* Barbour, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, McDowell, Mason, Mercer, Mingo, Monroe, Nicholas, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Tucker, Tyler, Upshur, Wayne, Webster, Wirt, Wood, and Wyoming.

## WISCONSIN

*Green Bay.* Brown, Calumet, Door, Florence, Forest, Kewaunee, Manitowoc, Marinette, Oconto, Outagamie, Shawano, Waupaca, Winnebago, Alger, Mich., Baraga, Mich., Chippewa, Mich., Delta, Mich., Dickinson, Mich., Houghton, Mich., Iron, Mich., Keweenaw, Mich., Luce, Mich., Mackinac, Mich., Marquette, Mich., Menominee, Mich., and Schoolcraft, Mich.

*La Crosse.* Buffalo, Crawford, Jackson, La Crosse, Monroe, Richland, Trempealeau, Vernon, Fillmore, Minn., Houston, Minn., Olmstead, Minn., Wabasha, Minn., and Winona, Minn.

*Madison.* Adams, Columbia, Dane, Grant, Green, Green Lake, Iowa, Juneau, Lafayette, Marquette, Rock, Sauk, and Waushara.

*Milwaukee.* Dodge, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha.

*Wausau.* Chippewa, Clarke, Eau Claire, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Rusk, Taylor, Vilas, Wood, Gogebic, Mich., and Ontonagon, Mich.

## WYOMING

*Casper.* Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Hot Springs, Johnson, Lincoln, Natrona, Niobrara, Park, Sheridan, Sublette, Sweet Water, Teton, Uinta, Washakie, Weston, and Yellowstone National Park.

*Cheyenne.* Albany, Goshen, Laramie, Platte, Banner, Nebr., Box Butte, Nebr., Cheyenne, Nebr., Dawes, Nebr., Kimball, Nebr., Morrill, Nebr., Scotts Bluff, Nebr., and Sioux, Nebr.

[F. R. Doc. 43-15652; Filed, September 25, 1943; 12:00 m.]

## Notices

## DEPARTMENT OF THE INTERIOR.

## Coal Mines Administration.

[Order No. T-62]

## CONTINENTAL COAL CO., ET AL.

## ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

SEPTEMBER 23, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that the productive efficiency of each of those mines prevailing prior to the taking of possession by the Government has been restored, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that, in accordance with the provisions of the War Labor Disputes Act of June 25, 1943 (Pub. No. 89, 78th Cong. 1st Sess.), the possession and control by the Government of such mines should be terminated.

Accordingly, I order and direct that possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as pro-



vided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner: *And provided further*, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,  
Secretary of the Interior.

## APPENDIX A

## Name of Mining Company and Address

Continental Coal Co., 407 Empire State Building, Spokane, Washington; Eastern Coal Corporation, Bluefield, West Virginia; Hawthorne Coal Corporation, Roanoke, Virginia; Kentucky Ridge Coal Co., Inc., Field, Bell Co., Kentucky; The Kentucky Sun Coal Co., Inc., Combs, Kentucky; McNeil Coal Corporation, 819 Equitable Building, Denver, Colorado; Sahara Coal Company, 59 East Van Buren Street, Chicago, Illinois; Truax-Traer Coal Company, 8 South Michigan Ave., Chicago, Illinois.

[F. R. Doc. 43-15624; Filed, September 25, 1943; 10:10 a. m.]

[Order No. T-63]

DAY AND NIGHT COAL CO., ET AL.

## ORDER TERMINATING GOVERNMENT POSSESSION AND CONTROL

SEPTEMBER 23, 1943.

The Operating Managers for the United States for the coal mines of the mining companies listed in Appendix A have advised the Coal Mines Administrator that there has been no interruption in the operation of such mines since April 30, 1943, as a result of a strike or other labor disturbance, and have submitted factual evidence to that effect. Based on such evidence and advice, and after consideration of all the circumstances, I find that the possession and control by the Government of such mines are not necessary to insure the operation of such mines in the interest of the "war effort," and that it is practicable to terminate the possession and control of such mines.

Accordingly, I order and direct that possession and control by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines and the distribution and sale of their products, be, and they are hereby, terminated and that there be conspicuously displayed at the mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

Notice: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

*Provided, however*, That nothing contained herein shall be deemed to preclude the Administrator from requiring the submission of information relating to operations during the period of Government possession and control as provided in Section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655, 10712), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9340 (8 F.R. 5695) may be concluded in an orderly manner: *And provided further*, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

HAROLD L. ICKES,  
Secretary of the Interior.

## APPENDIX A

## Name of Mining Company and Address

Day & Night Coal Co., Clarksville, Arkansas; W. A. Dean, 55 Prospect Street, Berea, Kentucky; The Eagle Cherokee Coal Mining Co., P. O. Box 385, Pittsburg, Kansas; Metro Coal and Limestone, Inc., Belden Avenue, Southeast, Canton, Ohio; Sixth Vein Mining Company, Madisonville, Kentucky; Washed Coal Co., Inc., Belleville, Illinois; John Woodall, R. D. 1, Summerville, Pa.

[F. R. Doc. 43-15625; Filed, September 25, 1943; 10:10 a. m.]

## DEPARTMENT OF LABOR.

## Wage and Hour Division.

[Administrative Order 219]

## FINANCE, INSURANCE, ETC., INDUSTRIES

## APPOINTMENT OF COMMITTEE

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 Finance, Insurance, Real Estate, Motion Picture, and Miscellaneous Industries (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public:  
Tipton R. Snively, Chairman, Charlottesville, Va.

Ernst Correll, Washington, D. C.  
Mrs. William Kittle, Minneapolis, Minn.  
John A. Lapp, Chicago, Ill.  
Orlie Pell, New York, N. Y.  
Reverend Raymond B. Walker, Portland, Oreg.

For the Employers:  
Robert F. Adamson, Atlanta, Ga.  
Leonard Ashton, Philadelphia, Pa.  
Harry P. Cooper, Jr., Indianapolis, Ind.  
Walter B. McGregor, Manchester, N. H.  
Earl C. Reynolds, Klamath Falls, Oreg.  
Delberts Wenzlich, St. Louis, Mo.

For the Employees:  
George M. Hanson, Chicago, Ill.  
Dorothy Hayes, Boston, Mass.  
Paul R. Hutchings, Arlington, Va.

Richard Lewis, New York, N. Y.  
William L. McFetridge, Chicago, Ill.  
Lawrence G. Nygren, Minneapolis, Minn.

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 "Finance, Insurance, Real Estate, Motion Picture, and Miscellaneous Industries" means: The industry carried on by any business or nonprofit enterprise performing financial, insurance, real estate, professional, advertising, educational or research activities; the production of motion pictures, photographs and blueprints; and any service activity which is covered by the Act.

3. The definition of the Finance, Insurance, Real Estate, Motion Picture, and Miscellaneous Industries covers all occupations which are necessary to the operations of the industry: *Provided, however*, 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 October 14, 1943 in the Victoria Room, Victoria Hotel, 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 22d day of September, 1943.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 43-15639; Filed September 25, 1943; 11:25 a. m.]

[Administrative Order 220]

## CONSTRUCTION INDUSTRY

## RESIGNATION FROM AND APPOINTMENT TO COMMITTEE

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 accept the resignation of H. A. Dick of Portland, Oregon, from Industry Committee No. 67 for the Construction Industry, and do appoint in his stead Floyd O. Booe of San Francisco, California, as representative for the Employers on such committee.

Signed at New York, New York, this 22d day of September, 1943.

L. METCALFE WALLING,  
Administrator.

[F. R. Doc. 43-15640; Filed, September 25, 1943; 11:25 a. m.]

#### SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

##### 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 Regulations, 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), and Administrative Order, June 7, 1943 (8 F.R. 7890).

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, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EFFECTIVE DATES

##### APPAREL INDUSTRY

R. M. Crouthamel, Incorporated, Third Street, Perkassie, Pennsylvania; Men's trousers; 5 percent (T); effective September 29, 1943, expiring September 28, 1944.

Louisville Cap Company, 624 West Main Street, Louisville, Kentucky; Caps; 2 learners (T); effective September 20, 1943, expiring September 19, 1944.

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWEAR, ROBES, AND LEATHER AND SHEEP-LINED GARMENTS DIVISIONS OF THE APPAREL INDUSTRY

Ashland Shirt and Pajama Company, Incorporated, Chestnut Street, Ashland, Pennsylvania; Men's shirts and pajamas; 10 percent (T); effective September 27, 1943, expiring September 26, 1944.

Cary and Company, Incorporated, 111 Port Watson Street, Cortland, New York; Children's overalls and playsuits; 10 percent (T); effective September 27, 1943, expiring September 26, 1944.

Cherni Manufacturing Company, Incorporated, 911 Broadway, Kansas City, Missouri; Ladies' wearing apparel; 7 learners (T); effective September 23, 1943, expiring September 22, 1944.

Cluett Peabody and Company, Incorporated, 1822 Murphy Avenue, Atlanta, Georgia; White broadcloth shirts and Navy grey shirts; 10 percent (T); effective October 13, 1943, expiring October 12, 1944.

Elanor Frocks Manufacturing Company, 905 Washington Avenue, St. Louis, Missouri; Cotton dresses; 10 percent (T); effective September 23, 1943, expiring September 22, 1944.

Empire Garment Company, 92 South Empire Street, Wilkes-Barre, Pennsylvania; Ladies' dresses; 30 learners (A. T.); effective September 27, 1943, expiring March 26, 1944.

The H. D. Lee Mercantile Company, 600 East State Street, Trenton, New Jersey; Cotton uniforms and work clothing; 10 percent (T); effective September 27, 1943, expiring September 26, 1944.

Main Pants and Lumber Jacket Company, Incorporated, 209 Exeter Avenue, West Pittston, Pennsylvania; Boys' pants; 10 percent (T); effective September 20, 1943, expiring September 19, 1944.

Osgood & Sons, Incorporated, Warsaw, Illinois; Women's wash dresses; 10 percent (T); effective September 20, 1943, expiring September 19, 1944.

Reliance Manufacturing Company, East Tipton Street, Seymour, Indiana; Cotton dress shirts, WAC waists (khaki), Navy cotton shirts (khaki); 10 percent (T); effective September 20, 1943, expiring September 19, 1944.

##### GLOVE INDUSTRY

Northern Glove and Mitten Company, 1514-22 Morrow Street, Green Bay, Wisconsin; Work gloves; 7 learners (A. T.); effective September 22, 1943, expiring March 21, 1944.

##### HOSIERY INDUSTRY

Atlanta Hosiery Mills, 231 Oakland Avenue, Atlanta, Georgia; Seamless hosiery; 15 learners (A. T.); effective October 6, 1943, expiring April 5, 1944.

Bradley Full Fashioned Hosiery Company, Broad Street, Cleveland, Tennessee; Full-fashioned hosiery; 5 learners (T); effective October 2, 1943, expiring October 1, 1944.

Fidelity Hosiery Mill, Third and Walnut Streets, Shamokin, Pennsylvania; Seamless hosiery; 5 percent (T); effective October 2, 1943, expiring October 1, 1944.

Graysville Hosiery Mills, 125 East Main Street, Dayton, Tennessee; Infants' and misses' seamless hosiery; 20 learners (A. T.); effective September 25, 1943, expiring March 24, 1944.

Hickory Knitting Mills, Highland Avenue, Hickory, North Carolina; Seamless hosiery; 10 learners (A. T.); effective October 2, 1943, expiring April 1, 1944.

Williamson Hosiery Mills, Athens, Tennessee; Seamless hosiery; 5 learners (T); effective September 23, 1943, expiring September 22, 1944.

Orange Knitting Mills, Incorporated, Box 510, Orange, Virginia; Full-fashioned hosiery; 10 learners (A. T.); effective September 29, 1943, expiring March 28, 1944.

##### TEXTILE INDUSTRY

Pelzer Mills, Pelzer, South Carolina; Surgical gauze, diapers, wide sheeting, print cloth; 3 percent (T); effective September 23, 1943, expiring September 22, 1944.

Southern Cotton Company of Alabama, 1700 Vanderbilt Road, Birmingham, Alabama; Cotton sheeting; 3 percent (T); effective September 29, 1943, expiring September 28, 1944.

##### CIGAR INDUSTRY

Penn Cigar Company of Pittsburgh, McCaughy Street, Johnstown, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours at 75% of the applicable minimum wage; effective September 28, 1943, expiring September 27, 1944.

J. C. Winter and Co., South Pine Street, Red Lion, Pennsylvania; Cigars; 10 percent (T); Cigar Machine Operating for a learning period of 320 hours at 75% of the applicable minimum wage; effective September 28, 1943, expiring September 27, 1944.

Signed at New York, N. Y., this 25th day of September 1943.

MERLE D. VINCENT,  
Authorized Representative  
of the Administrator.

[F. R. Doc. 43-15707; Filed, September 27, 1943; 11:18 a. m.]

#### CIVIL AERONAUTICS BOARD.

[Docket Nos. 2-401-B-2, 2-401-B-3, 193, 199, 906 and 924]

CONTINENTAL AIRLINES, INC., ET AL.

##### NOTICE OF HEARING

In the matter of the applications of Continental Airlines, Inc., Braniff Airways, Inc., and American Airlines, Inc., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned for



September 29, 1943, 10:00 a. m. (eastern war time) in Room 5417 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., September 24, 1943.

By the Civil Aeronautics Board.

[SEAL]

FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 43-15683; Filed, September 27, 1943; 10:06 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[Special Permit 79 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

ICING OR REICING OF VEGETABLES

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; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for:

The Southern Pacific Company, The Texas and Pacific Railway Company, or the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to retop ice at Fort Worth, Texas, PFE 41013 consigned to Sales Officer, Field Commissary, Camp Chaffee, Arkansas; also for the Southern Pacific Company, The Texas and Pacific Railway Company, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), the Louisville and Nashville Railroad Company, or the Tennessee Central Railway Company to retop ice at El Paso, Texas, and Memphis, Tennessee, PFE 97728 consigned to Sales Officer, Field Commissary, Edgerton, Kentucky; also for the Southern Pacific Company, The Texas and Pacific Railway Company, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), The Nashville, Chattanooga & St. Louis Railway, the Georgia Rail Road & Banking Company Operated as the Georgia Railroad by lessees: Atlantic Coast Line Railroad Company, Louisville and Nashville Railroad Company, or the Atlantic Coast Line Railroad Company to retop ice at Fort Worth, Texas, and Memphis, Tennessee, MP 92238 consigned to Accountable Officer, Assembly and Distributing Point, Columbia, South Carolina; also for the Southern Pacific Company, the Texas and New Orleans Railroad Company, or the St. Louis Southwestern Railway Company (Berryman Henwood, Trustee) to retop ice at El Paso, Texas, MDT 19590 consigned to Sales Officer, Field Commissary, North Camp Hood, Texas; also for the Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colton, Trustees), or The Chesapeake and Ohio Railway Company to retop ice at Dalhart, Texas, and Chicago, Illinois, PFE 76390 consigned to Fifth Supply Officer in Command, Naval Supply Depot, Camp Peary, Williamsburg, Virginia; also for the Southern Pacific Company, The Texas and Pacific Railway Company, or the Illinois Central Railroad Company to retop ice at Fort Worth, Texas, PFE 41837 consigned to Sales Officer, Field Commissary, Gulfport, Mississippi; all cars contain celery with 20,000 pounds top ice only.

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 serv-

ice 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 7th day of August 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-15570; Filed, September 24, 1943; 12:07 p. m.]

[Special Permit 82 Under Service Order 133]

ATCHISON, TOPEKA AND SANTA FE RAILWAY, ET AL.

ICING OR REICING OF VEGETABLES

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; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for:

The Atchison, Topeka and Santa Fe Railway Company, The Texas and Pacific Railway Company, The Yazoo and Mississippi Valley Railroad Company, or the Gulf and Ship Island Railroad Company, to retop ice, but not to exceed 10,000 pounds, at Fort Worth, Texas, PFE 98017 containing celery from William S. Wright, Los Angeles, California, consigned United States Army, Camp Shelby, Mississippi.

The waybill 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 25th day of August 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-15571; Filed, September 24, 1943; 12:07 p. m.]

[Special Permit 83 Under Service Order 133]

SOUTHERN PACIFIC CO. AND TEXAS AND PACIFIC RAILWAY CO.

ICING OR REICING OF VEGETABLES

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; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for:

The Southern Pacific Company to retop ice at Los Angeles, California, PFE 30739 containing sacked carrots from Elbert D. Ball, Ontario, California, consigned to Leon G. Tujague, New Orleans, Louisiana; also for the Southern Pacific Company or The Texas and

Pacific Railway Company to retop ice at El Paso, Texas, MDT 4752 containing sacked carrots from Elbert D. Ball, Ontario, California, originally consigned to E. D. Ball, Dallas, Texas, diverted to Texas Produce Company, Dallas, Texas.

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 28th day of August 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. 43-15572; Filed, September 24, 1943; 12:08 p. m.]

[Special Permit 84 Under Service Order 133]

WABASH RAILROAD CO.

ICING OR REICING OF VEGETABLES

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; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for:

The Wabash Railroad Company to reice, with both bunker and top or body ice, SFRD 20850 containing sacked carrots from Frank Fernandez Company, Florence, Colorado, consigned to G. A. Marsh Produce Company, St. Louis, Missouri.

The waybill 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 30th day of August 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-15573; Filed, September 24, 1943; 12:08 p. m.]

[Special Permit 85 Under Service Order 133]

ATCHISON, TOPEKA AND SANTA FE RAILWAY, ET AL.

ICING OR REICING OF VEGETABLES

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; 8 F.R. 10941-



42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350; permission is granted for:

The Atchison, Topeka and Santa Fe Railway Company, The Texas and Pacific Railway Company, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), The Nashville, Chattanooga & St. Louis Railway, the Georgia Railroad & Banking Company Operated as the Georgia Railroad by lessees: Atlantic Coast Line Railroad Company, Louisville and Nashville Railroad Company, or the Atlantic Coast Line Railroad Company c/o Gulf Florida Terminal to retop ice, but not to exceed 15,000 pounds, at Fort Worth, Texas, PFE 60114 containing celery from William S. Wright, Los Angeles, California, consigned to Accountable Officer, QMMC Assembly-Distribution Point, Tampa, Florida; also for The Atchison, Topeka and Santa Fe Railway Company or the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to retop ice, but not to exceed 5,000 pounds, at Fort Worth, Texas, SFRD 24314 containing celery from William S. Wright, Los Angeles, California, consigned to Sales Officer, Field Commissary, United States Army, Camp Livingston, Simms, Louisiana; also for The Atchison, Topeka and Santa Fe Railway Company, The Texas and Pacific Railway Company, or The Kansas City Southern Railway Company to retop ice, but not to exceed 5,000 pounds, at Fort Worth, Texas, SFRD 34415 containing celery from William S. Wright, Los Angeles, California, consigned to Sales Officer, United States Army Camp Commissary, Camp Polk, Louisiana; also for The Atchison, Topeka and Santa Fe Railway Company, the Wabash Railroad Company, or The Chesapeake and Ohio Railway Company to retop ice, but not to exceed 15,000 pounds, at Belen, New Mexico, and St. Louis, Missouri, SFRD 26280 containing celery from William S. Wright, Los Angeles, California, consigned to Sales Officer in Command, United States Army, Camp Perry, Williamsburg, Virginia; also for the Pacific Electric Railway Company, the Southern Pacific Company, The Texas and Pacific Railway Company, or the Illinois Central Railroad Company to retop ice, but not in excess of 15,000 pounds, SFRD 35531 containing celery from W. H. Deardorff Company, Home Junction, California, consigned to Accountable Officer, QMMC Assembly and Distributing Point, New Orleans, Louisiana.

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 30th day of August 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-15574; Filed, September 24, 1943; 12:08 p. m.]

[Special Permit 86 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

#### ICING OR REICING OF VEGETABLES

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; 8 F.R.

10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, or the Chicago, Burlington & Quincy Railroad Company to retop ice PFE 74077 containing carrots from California Vegetable Growers, Guadalupe, California, consigned to Caruso Fruit Distributors, Chicago, Illinois.

The waybill 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 31st day of August 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-15575; Filed, September 24, 1943; 12:08 p. m.]

[Special Permit 87 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

#### ICING OR REICING OF VEGETABLES

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; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for:

The Southern Pacific Company, The Chicago, Rock Island and Pacific Railway Company (Joseph B. Fleming and Aaron Colnon, Trustees), or the Wabash Railroad Company to retop ice PFE 98247 containing cauliflower from Rosemary Packing Company, Santa Maria, California, consigned to Caruso Fruit Distributing Company, Incorporated, Chicago, Illinois.

The waybill 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 31st day of August 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-15576; Filed, September 24, 1943; 12:08 p. m.]

[Special Permit 88 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

#### ICING OR REICING OF VEGETABLES

Pursuant to the authority vested in me by paragraph (b) of the first order-

ing paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133, of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for:

The Southern Pacific Company, the Union Pacific Railroad Company, or the Chicago, Burlington & Quincy Railroad Company to retop ice PFE 20477 containing lettuce from Bonita Fruit Company, Guadalupe, California, consigned to Caruso Fruit Distributors, Chicago, Illinois.

The waybill 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 31st day of August 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-15577; Filed, September 24, 1943; 12:08 p. m.]

[Special Permit 90 Under Service Order 133]

SOUTHERN PACIFIC CO. AND TEXAS AND NEW ORLEANS RAILROAD CO.

#### ICING OR REICING OF VEGETABLES

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; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for:

The Southern Pacific Company or the Texas and New Orleans Railroad Company to retop ice, but not in excess of 15,000 pounds, PFE 61289 from J. W. Law, Guadalupe, California, consigned to Atlantic Commission Company, New Orleans, Louisiana.

The waybill 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 4th day of September 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-15578; Filed September 24, 1943; 12:08 p. m.]

[Special Permit 91 Under Service Order 133]

SOUTHERN PACIFIC CO., ET AL.

#### ICING OR REICING OF VEGETABLES

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 (3 F.R. 9728-29; 8 F.R. 10941-42; 8 F.R. 11389; 8 F.R. 12100; 8 F.R. 12350), permission is granted for:

The Southern Pacific Company, The Texas and Pacific Railway Company, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), the Louisville and Nashville Railroad Company, or the Illinois Central Railroad Company to retop ice at Fort Worth, Texas, ART 23212 containing lettuce from Icekist Company, Salinas, California, consigned to Transportation Officer for the Sales Officer, Camp Breckenridge, Morganfield, Kentucky; also for the Southern Pacific Company, the Texas and New Orleans Railroad Company, or the Illinois Central Railroad Company to retop ice at San Antonio, Texas, SFRD 23266 containing lettuce from Verten Edmonds, Salinas, California, consigned to Transportation Officer for the Sales Officer, Gulfport Field, Gulfport, Mississippi; also for the Southern Pacific Company to retop ice at Los Angeles, California, and El Paso, Texas, PFE 30739 containing sacked carrots from Elbert D. Ball, Ontario, California, consigned to Merchants Produce Company, Dallas, Texas; also for The Atchison, Topeka and Santa Fe Railway Company, the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or the Southern Railway Company to retop ice at St. Louis, Missouri, but not in excess of 15,000 pounds, PFE 92554 containing celery from Associated Fruit Distributors, Los Angeles, California, consigned to Accountable Officer, Assembly and Distribution Point, United States Army, Columbia, South Carolina; also for The Atchison, Topeka and Santa Fe Railway Company or The Texas and Pacific Railway Company to retop ice at Fort Worth, Texas, but not to exceed 5,000 pounds, PFE 42408 containing celery from Associated Fruit Distributors, Los Angeles, California, consigned to Accountable Officer, Assembly and Distribution Point, United States Army, Alexandria, Louisiana; also for The Atchison, Topeka and Santa Fe Railway Company, The Texas and Pacific Railway Company, or the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to retop ice at Fort Worth, Texas, but not to exceed 10,000 pounds, PFE 44758 containing celery from Associated Fruit Distributors, Los Angeles, California, consigned to United States Army Field Commissary, Camp Livingston, Simms, Louisiana.

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 1st day of September 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-15579; Filed, September 24, 1943; 12:08 p. m.]

# OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 1650]

OTTO RADAMSKY, ET AL

Re: Interest in real property and a claim owned by Otto Radamsky, Anna

Craemer, Clara Kritzer and Gustave Scholz, Jr.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Otto Radamsky, Anna Craemer, Clara Kritzer and Gustave Scholz, Jr., are residents of Germany and are nationals of a designated enemy country (Germany);

2. Finding that Otto Radamsky is the owner of the interest in the real property described in subparagraph 4-a hereof, and in the claim described in subparagraph 4-c hereof;

3. Finding that Anna Craemer, Clara Kritzer and Gustave Scholz, Jr. are the owners of the interest in the real property described in subparagraph 4-b hereof, and in the claim described in subparagraph 4-c hereof;

4. Finding that the property described as follows:

(a) An undivided one-fourth interest in and to the real property situated in Nez Perce County, Idaho, and Lewis County, Idaho, described in Exhibit A, attached hereto and by reference made a part hereof, which interest was distributed to Otto Radamsky by Decree of Final Distribution in the Matter of the Estate of Richard F. Radamsky, deceased, together with all the fixtures, improvements, and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such interest.

(b) An undivided one-fourth interest in and to the real property situated in Nez Perce County, Idaho, and Lewis County, Idaho, described in Exhibit A, attached hereto and by reference made a part hereof, which interest was distributed to Bertha Scholz, now deceased, by Decree of Final Distribution in the Matter of the Estate of Richard F. Radamsky, deceased, the only known heirs of Bertha Scholz being Anna Craemer, Clara Kritzer and Gustave Scholz, Jr., together with all the fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such interest, and

(c) All right, title, interest and claim of any name or nature whatsoever of Otto Radamsky, Anna Craemer, Clara Kritzer, and Gustave Scholz, Jr., and each of them, and of every other national of a designated enemy country, in and to any and all obligations, contingent or otherwise, and whether or not matured, owing to any or all of them by Eloise Small, Lewiston, Idaho, including but not limited to all security rights in and to any and all collateral for any or all such obligations, and the right to enforce and collect such obligations, and including particularly any and all claim against Eloise Small, arising out of the management of the real property described in subparagraphs 4-a and 4-b hereof, is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

5. Determining that the property described in subparagraph 4-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraphs 4-a and 4-b) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

6. Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

7. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

8. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 4 hereof, subject to recorded liens and encumbrances and other rights of record, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., on June 16, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

## EXHIBIT A

Real Estate, situate, lying and being in Nez Perce County, State of Idaho, described as follows, to-wit:

Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Thirteen (13) Township Thirty-one (31) North, Range Five (5) West of the Boise Meridian, also,

Lot Four (4) and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ ) (being Lot Five); the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) (being Lot Six); the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ ) (being Lot Seven); and Lots Nine (9), Thirteen (13), Fourteen (14) and Fifteen (15), all in Section Eighteen (18) Township Thirty-one (31) North, Range Four (4) West of the Boise Meridian, also,

Lot Ten (10) and the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) (being Lot Eleven); the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) (being Lot Twelve); the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ); the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ ); the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) all in Section Eighteen (18) Township Thirty-one (31) North, Range Four (4) West of the Boise Meridian, also,

Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) (being Lot Six) of Section Nineteen (19) Township Thirty-one (31) North, Range Four (4) West of the Boise Meridian, also,

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ); the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ); Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ); Southeast Quarter of the North-



east Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ); Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) (being Lot One) all in Section Eighteen (18) Township Thirty-one (31) North, Range Four (4) West of the Boise Meridian, also,

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ); Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ); Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ ); Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) (being Lot One); Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) (being Lot Two) and Lot Three (3) all in Section Nineteen (19) Township Thirty-one (31) North, Range Four (4) West of the Boise Meridian, also,

The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Twenty-four (24) Township Thirty-one (31) North, Range Five (5) West of the Boise Meridian, also,

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ); the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Twenty-four (24) all in Township Thirty-one (31) North, Range Five (5) West of the Boise Meridian, also,

Evening Star Lode Mining Claim recorded in the Office of the County Recorder of Nez Perce County, Idaho.

REAL ESTATE, SITUATE, LYING AND BEING IN LEWIS COUNTY, STATE OF IDAHO, DESCRIBED AS FOLLOWS, TO-WIT:

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Thirty-one (31); the West one-half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section Thirty-two (32) Township Thirty-three (33) North, Range Two (2) West of the Boise Meridian; and Lot Four (4) in Section Five (5) Township Thirty-two (32) North, Range two (2) West of the Boise Meridian.

[F. R. Doc. 43-15626; Filed, September 25, 1943; 10:44 a. m.]

[Vesting Order 1884]

K. KAWAJI

Re: Real property, personal property, and bank account owned by K. Kawaji.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that K. Kawaji, also known by the names of J. Kiichiro Kawaji and Joe Kawaji, and Ima Kawaji, his wife, are residents of Japan and are nationals of a designated enemy country (Japan);

2. Finding that K. Kawaji is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of K. Kawaji and Ima Kawaji, his wife, and each of them, in and to the real property situated in Lakeview, Lake County, Oregon, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all fixtures, improvements, and appurtenances thereto, and any and all claims of K. Kawaji and Ima Kawaji, his wife, and each of them, for rents, refunds, benefits, or other payments arising from ownership of such property,

b. Certain laundry machinery and equipment, furniture and fixtures, particularly described in Exhibit B, attached hereto and by reference made a part hereof, situated on the real property described in subparagraph 3-a above and located at Lakeview, Lake County, Oregon, and

c. All right, title, interest and claim of any name or nature whatsoever of K. Kawaji in and to any and all obligations, contingent or

otherwise and whether or not matured, owing to him by the First National Bank of Portland, Lakeview Branch, Lakeview, Oregon, including but not limited to all security rights in and to any or all collateral for any or all of such obligations and the right to enforce and collect such obligations, particularly, but not limited to, a bank account which is due and owing to and held for K. Kawaji and in the name of the Lake County Steam Laundry,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

4. Determining that the property described in subparagraph 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraphs 3-a and 3-b) belonging to the same national of the same designated enemy country and subject to vesting (and in fact vested by this Order) pursuant to Section 2 of said Executive Order;

5. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan);

6. Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

7. Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Executed at Washington, D. C., July 23, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

EXHIBIT A

All the following bounded and described real property situated in the County of Lake, and State of Oregon:

All of my right, title and interest in and to the following:

Commencing at a point 210 feet east and 94 feet & 8 inches North from the South East Corner of Block One in the Town of Lakeview, Oregon, thence running north 83 feet and 7 inches; thence East 100 feet; thence South 96 feet, thence westerly and parallel to a line passing through the center of the flume or canal of Bullard Creek 102 feet more or less to the place of beginning; Also a certain right of way of egress and ingress over a certain piece of land lying to the north and adjoining to the tract herein above described, which right of way is more particularly described, in a deed executed by B. Daly, as grantor to D. P. Malloy as grantee, said last mentioned deed being dated on the 14<sup>th</sup> day of April, 1908 and recorded at page 510 of Vol. 21 record of deeds of Lake County, Oregon on the 28<sup>th</sup> day of April, 1909; all of said lands hereby conveyed and above described being subject to the reservations, exemptions contained and set forth in that certain deed executed by the Town of Lakeview, Oregon, as grantor to the said D. P. Malloy grantee bearing date, April 16<sup>th</sup> 1908 and recorded at page 508 of Vol. 21, record of Deed Lake Co. Ore.

EXHIBIT B

1 Boiler, 2 washers, 1 mangle, 2 stationary tubs, 1 centrifugal dryer, 2 tumbler dryers, 1 centrifugal cleaner, 1 spotting table, 1 cabinet suit dryer, 1 shirt pressing machine complete, 3 suit pressers, 1 patent pants stretcher, 1 ruffle presser, 1 darning machine, 1 sewing machine, 2 ironing boards and electric irons, 1 air compressor, 1 Ford panel delivery car, yr. model 1938, motor no. 18-4630577, Oregon 1943 license no. 331081, 1 lot of furniture, consisting of beds, tables, chairs, and bureaus.

[F. R. Doc. 43-15627; Filed, September 25, 1943; 10:44 a. m.]

[Vesting Order 1989]

ELIZABETH WEBER, ET AL.

Re: Real property, mortgage, claims and fire insurance policy owned by Elizabeth Weber nee Oelmann, Elizabeth Weber, Johann Weber and Josef Weber.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Elizabeth Weber nee Oelmann, Elizabeth Weber, also known as Elisabeth Weber, Johann Weber, also known as Johannes Weber and as Hans Weber, and Josef Weber, also known as Joseph Weber, hereafter referred to as Elizabeth Weber nee Oelmann, Elizabeth Weber, Johann Weber and Josef Weber, is Ewaldstrasse 7, Hagen (Westfalen), Germany, and that they are residents of Germany and nationals of a designated enemy country (Germany);

2. That Elizabeth Weber nee Oelmann, Elizabeth Weber, Johann Weber, and Josef Weber are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in Bethpage, Nassau County, New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, and interest of Elizabeth Weber nee Oelmann, Elizabeth Weber, Johann Weber, and Josef Weber, in and to any and all obligations secured by a second



mortgage which was executed on March 5, 1938 by Henry E. Strauber and Mildred Strauber, his wife, and recorded on March 12, 1938 in the office of the County Clerk of Nassau County, in Liber 2003 of Mortgages, at page 486, including but not limited to all security rights in and to any and all collateral (including the aforesaid second mortgage) for any or all of such obligations and the right to enforce and collect such obligations, and the right to the possession of any and all notes, bonds and other instruments evidencing such obligations, and

c. All right, title, interest and claim of any name or nature whatsoever of Elizabeth Weber nee Oelmann, Elizabeth Weber, Johann Weber, and Josef Weber, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to them, or any of them, by the Estate of Albert Van Winkel, including but not limited to all security rights in and to any and all collateral for any or all such obligations, and the right to enforce and collect such obligations, and including particularly any and all claims against Albert Van Winkel arising out of the management of the property described in subparagraph 3-a hereof, and

d. All right, title, interest and claim of any name or nature whatsoever of Elizabeth Weber nee Oelmann, Elizabeth Weber, Johann Weber, and Josef Weber, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to them, or any of them, by Harry A. Stolz, including but not limited to all security rights in and to any and all collateral for any or all such obligations and the right to enforce and collect such obligations, and including particularly any and all claims against Harry A. Stolz arising out of the management of the property described in subparagraph 3-a hereof, and

e. All right, title, and interest of Elizabeth Weber nee Oelmann, Elizabeth Weber, Johann Weber, and Josef Weber, and each of them, in and to fire insurance policy No. B 92956 issued by the Northern Assurance Company Ltd., covering improvements on the real property described in Exhibit A attached hereto,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3-c, 3-d and 3-e above is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraphs 3-a and 3-b above) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien

Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 18, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

#### EXHIBIT A

All that certain lot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being at Central Park, Nassau County, New York, bounded and described as follows:

Beginning at a point on the westerly side of Stymus Avenue where the northerly line of land now of Henry E. Strauber and Mildred Strauber intersects the westerly side of of Stymus Avenue, running thence northerly along the westerly side of Stymus Avenue, north 31 degrees 30 minutes east, 95.50 feet to land now or formerly of William O. Stymus; thence along said other land now or formerly of William O. Stymus north 85 degrees 14 minutes 30 seconds west, 217.90 feet to a point; thence along land now of Henry E. Strauber and Mildred Strauber, south 59 degrees 15 minutes east, 194.61 feet to the westerly side of Stymus Avenue at the point place of beginning.

Together with all the right, title and interest of the party of the first part of, in and to the land lying inland in front of and adjoining the above described premises to the center line thereof.

[F. R. Doc. 43-15628; Filed, September 25, 1943; 10:44 a. m.]

[Vesting Order 1990]

F. B. HEUNSCH

Re: Interests in real property owned by German heirs of F. B. Heunsch.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons whose names and last known addresses are listed in Exhibit A hereto attached, and by reference made a part hereof, are residents of Germany and are nationals of a designated enemy country (Germany);

2. That said persons are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows: The undivided five-fourteenths interest of the persons listed in Exhibit A, hereto attached and by reference made a part hereof, in and to the real property situated in Titus County, Texas, particularly described in Ex-

hibit 3, attached hereto and by reference made a part hereof, together with all fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described above, subject to recorded liens, encumbrances, and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 18, 1943.

[SEAL]

LEO T. CROWLEY,  
Alien Property Custodian.

#### EXHIBIT A

Name, Last Known Address and Interest Owned

Ida Ring, Remda, Germany, 1/14th. Minna Axt, Remda, Germany, 1/14th. Otto Kirsten, Jena, Germany, 1/14th. Walter Kirsten, Jena, Germany, 1/14th. Ella Kirsten, Yeimar, 1/70th. Eric Kirsten, Yeimar, Germany, 1/70th. Edgar Kirsten, Yeimar, Germany, 1/70th. Dora Kirsten, Yeimar, Germany, 1/70th. Hans Kirsten, Yeimar, Germany, 1/70th.

#### EXHIBIT B

All that tract or parcel of land situated in the County of Titus, State of Texas, more particularly described as follows:

In Red River District, Titus County, Texas on Laceys Creek south of Sulphur Fork about 14 miles north 22° E. of Mt. Pleasant by



virtue of headright certificate no. 175 issued by the Board of Land Commissioners of Matagorda County on the 20 day of January 1838, to Henry P. Banks and by said Banks transferred to John T. Brown on the 30th, day of Sept. 1842. Beginning at James W. Ramseys N. E. corner a stake from which a R. O. mkd T. M. brs S. 2° W. 12 vrs mkd T. B. brs N. 46 W. 2 vrs. Thence W. with said Ramsey's N. B. line 1870 vrs to Lacey's Creek 5 vrs wide course S. 4082 vrs a stake said Ramseys N. W. corner from which a R. O. mkd T. M. brs N. 81° E. 8 vrs a do mkd X. brs S. 53° E. 8 vrs; Thence N. 1441 vrs to Lacey's Creek 5 vrs. wide course S. E. 2041 vrs to a stake from which a W. O. mkd T. B. brs S. 1/2° W. a do mkd X brs brs N. 1/2° vrs; Thence E. 4082 vrs to a stake from which a P. O. mkd T. B. Brs S. 76 W. 10 1/2 vrs a do mkd X brs S. 35° E. 7 vrs. Thence S. 2041 vrs to the beginning.

[F. R. Doc. 43-15629; Filed September 25, 1943; 10:45 a. m.]

## OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 12 to Order A-1]

### CAST STEEL, FORGED STEEL, AND STEEL PLATE FLANGES

#### MODIFICATION OF MAXIMUM PRICES

Amendment No. 12 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

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

Paragraph (a) (7) of Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188 is amended in the following respects:

(1) The date "August 31, 1943," in subparagraphs (7) (i) (b) and (7) (i) (d) is amended to read "November 1, 1943."

(2) The termination date contained in the effective date provision is amended to read "the first day of November 1943."

This Amendment No. 12 shall become effective as of August 31, 1943, and shall terminate on the first day of November 1943, unless otherwise extended by amendment.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 8th day of September 1943.

CHESTER BOWLES,  
Acting Administrator.

[F. R. Doc. 43-15581; Filed, September 8, 1943; 11:57 a. m.]

[Order 5 Under 19a of GMPR]

### BRINED CHERRIES

#### ADJUSTMENT OF MAXIMUM PRICES

Order No. 5 Under § 1499.19a of the General Maximum Price Regulation. Order authorizing adjustable pricing for processors' sales of brined cherries.

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1499.19a of the Gen-

eral Maximum Price Regulation, *It is ordered:*

(a) Processors are authorized to sell and deliver brined cherries of the 1943 pack at the maximum prices in effect at the date of delivery, subject to an agreement with the buyer in each case to adjust such selling price to conform with maximum prices to be established for processors' sales of brined cherries in Maximum Price Regulation No. 306 after delivery thereof.

(b) "Brined cherries" mean cherries packed in a solution of sulphuric acid.

(c) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for processors' sales of brined cherries of the 1943 pack in Maximum Price Regulation No. 306. It may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 24, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 24th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15585; Filed, September 24, 1943; 4:55 p. m.]

[Order 31 Under Rev. MPR 161]

### WEST COAST LOGS

#### GRADERS AND SCALERS

Pursuant to the provisions of §1381.158 (a) (3) of Revised Maximum Price Regulation No. 161, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250; *It is hereby ordered:*

(a) The following bureaus or individual log graders and scalers are approved and authorized to grade and scale West Coast logs, subject to the limitation set forth in subparagraph (2) of §1381.158 (a):

(1) *Bureaus:* Puget Sound Log Scaling and Grading Bureau, Seattle, Wash.; Grays Harbor Log Scaling and Grading Bureau, Aberdeen, Wash.; Columbia River Log Scaling and Grading Bureau, Portland, Ore.

(2) *Individuals, graders and scalers.*

#### Name and Address

William A. Arey, 911 Lowman Bldg., Seattle, Wash.; T. O. Carney, Lumbermen's Bldg., Portland, Ore.; J. V. Edlund, Morton, Wash.; Frank E. Evanson, Olympic Log Scaling & Grading Bureau, Aberdeen, Wash.; Charles L. Foster, Route 4, Eugene, Ore.; Freeman Fowler, 205 West 5th St., Tillamook, Ore.; Fred W. Fransen, 3016 North 19th St., Tacoma, Wash.; J. F. Handler, Jr., 237 Pittcock Block, Portland, Ore.; Roy Herlihey, 237 Pittcock Block, Portland, Ore.; W. G. Johnson, Pacific Log Scaling and Grading Bureau, 4234 S. W. Macadam Ave., Portland, Ore.

W. J. Kinder, 237 Pittcock Block, Portland, Ore. H. C. Lamb, 1625 Nebraska St., Salem, Ore. R. W. McIntyre, 406

Rust Bldg., Tacoma, Wash. Griffith Morgan, 630-5th St., Astoria, Ore. Henry J. Oswald, 237 Pittcock Block, Portland, Ore. William M. Oswald, 237 Pittcock Block, Portland, Ore. A. V. Schneider, 237 Pittcock Block, Portland, Ore. W. R. Scott, 237 Pittcock Block, Portland, Ore. Clyde B. Sheridan, P. O. Box 143 Olympia, Wash. Irving Smith, Jr., 205-West 5th St., Tillamook, Ore. Harold J. Trattner, 205-West 5th St., Tillamook, Ore. Henry A. Waldner, 2826-N.E. 29th Ave., Portland, Ore.

(b) This order may be amended or revoked at any time.

This order shall become effective September 25, 1943.

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15644; Filed, September 25, 1943; 11:57 a. m.]

### LIST OF INDIVIDUAL ORDERS GRANTING ADJUSTMENTS, ETC., UNDER PRICE REGULATIONS

The following orders were filed with the Division of the Federal Register on September 23, 1943.

#### Order Number and Name

RPS 64, Order 103, Amendment 1, Union Stove Works.

MPR 120, Order 242, Benedict Coal Corp. MPR 136, as amended, Order 71, Amendment 1, Tobler, Ernst & Traher, Inc.

MPR 188, Order 688, J. B. Nolan Co. MPR 244, Order 19, Amendment 1, Lake Erie Engineering Corp.

Copies of these orders may be obtained from the Printing and Distribution Branch of the Office of Price Administration.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-15664; Filed, September 25, 1943; 4:40 p. m.]

[Order 1 Under MPR 164]

### RED CEDAR SHINGLES

#### ORDER AUTHORIZING ADJUSTABLE PRICING

A joint petition has been filed by the producers of red cedar shingles for amendment of Maximum Price Regulation No. 164 to provide increases in ceiling prices, which, it is urged, are made necessary by increased costs of production. It has been shown that authorization to use adjustable pricing, pending action on the petition is necessary to promote the production of red cedar shingles and that such authorization will not interfere with the purpose of the Emergency Price Control Act of 1942, as amended. Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, and in accordance with § 1381.3 of Maximum Price Regulation No. 164: *It is hereby ordered, That:*

(a) Producers may sell and deliver, and any person may buy and receive, red cedar shingles at prices not over the



prevailing ceiling at time of delivery but by agreement subject to being adjusted upward in accordance with action, if any, taken by the Office of Price Administration after delivery and upon consideration of the petition.

(b) This order shall be automatically revoked upon the establishment by the Office of Price Administration of maximum prices for red cedar shingles higher than the maximum prices therefor now prevailing, or upon denial of the petition. It may be revoked or amended by the Price Administrator at any time.

(c) This order shall become effective September 27, 1943.

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15645; Filed, September 25, 1943; 11:57 a. m.]

#### [Order 15 Under MPR 134]

#### CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND CHARGES FOR OPERATING AND MAINTENANCE RE- PAIR AND REBUILDING SERVICES

#### ORDER PERMITTING ADJUSTABLE PRICE IN CERTAIN COUNTIES IN ILLINOIS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, § 1399.5 (f) of Maximum Price Regulation No. 134 and Procedural Regulation No. 6, *It is hereby ordered:*

(a) That any person subject to Maximum Price Regulation No. 134 may lease or supply to, or furnish for the use of, any other person in those counties in the State of Illinois set forth in the following schedule any dump truck equipment at prices subject to upward adjustment, in accordance with any action that may hereafter be taken by the Office of Price Administration, pursuant to § 1399.16 (a) (9), after such equipment has been leased, supplied or furnished, changing the applicable maximum price or the method of charging the same established by the regulation. Unless and until the Office of Price Administration acts by order to change the maximum price applicable to the use of any such dump truck equipment or the method of charging the same, no person in the aforesaid counties of the State of Illinois may pay or receive for the use of such dump truck equipment more than the maximum price established for such use by § 1399.16 (a) of the regulation.

#### SCHEDULE: COUNTIES TO WHICH THE ORDER IS APPLICABLE

McHenry, Lake, Kane, Du Page, Kendall, Will, Cook (except the incorporate limits of Chicago), Carroll, Ogle, De Kalb, Whiteside, Lee, Bureau, La Salle, Grundy, Putnam, Stark, Calhoun, Fayette, Marshall, Woodford, Livingston, Macoupin, Montgomery, Jersey, Madison, Bond, St. Clair, Clinton, Greene, Monroe, Washington, Randolph, Effingham, Clay, Marion, Perry, Rock Island, Henry,

Mercer, Henderson, Warren, Hancock, McDonough, Fulton, Knox, Mason, Logan, McLean, Peoria, Tazewell.

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

This order shall become effective September 30, 1943.

(56 Stat. 23,765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 481)

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15663; Filed, September 25, 1943; 4:39 p. m.]

[Order A-1 Under MPR 188, Correction to Amdt. 13]

#### GYPSON WALL BOARD, LATH AND SHEATHING

#### MODIFICATION OF MAXIMUM PRICES

Correction to Amendment No. 13 to Order No. A-1 under § 1499.159b of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

Subdivision (d) of subparagraph (13) is corrected in the following respect:

In subdivision (d) the heading per sq. ft. is corrected to read per 1,000 sq. ft.

This correction shall be effective as of September 18, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of September 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-15662; Filed, September 25, 1943; 4:39 p. m.]

#### Regional and District Office Orders.

#### LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order 51 were filed with the Division of the Federal Register on September 23, 1943.

#### REGION VIII

Phoenix Revised Order No. 4, Amd. 1, Filed 12:24 p. m.  
Phoenix Order No. 7, Filed 12:24 p. m.  
Sacramento Order No. 7, Filed 12:29 p. m.  
Sacramento Order No. 8, Filed 12:35 p. m.  
Sacramento Order No. 9, Filed 12:26 p. m.  
San Francisco Revised Order No. 5, Filed 12:23 p. m.  
San Francisco Order No. 5, Amd. 1, Filed 12:34 p. m.  
San Francisco Order No. 7, Filed 12:23 p. m.  
Los Angeles Order No. S. B. 1, Amd. 1, Filed 12:34 p. m.  
Los Angeles Order No. S. B. 1, Amd. 2, Filed 12:25 p. m.  
Los Angeles Order No. S. B. 1, Amd. 3, Filed 12:31 p. m.  
Los Angeles Order No. Santa Barbara 1, Amd. 1, Filed 12:30 p. m.  
Los Angeles Order No. Santa Barbara 1, Filed 12:30 p. m.  
Los Angeles Order No. L. A. 4, Amd. 1, Filed 12:34 p. m.

Los Angeles Order No. L. A. 4, Amd. 2, Filed 12:34 p. m.

Los Angeles Order No. L. A. 4, Amd. 3, Filed 12:24 p. m.

San Diego Order No. 4, Amd. 2, Filed 12:25 p. m.

San Diego Order No. 4, Amd. 3, Filed 12:25 p. m.

Seattle Order No. 15, Filed 12:26 p. m.

Seattle Order No. 16, Filed 12:29 p. m.

Copies of these orders may be obtained from the issuing offices.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-15586; Filed, September 24, 1943; 4:54 p. m.]

[Charlotte Order G-1 Under MPR 426]

#### LETTUCE IN DESIGNATED COUNTIES IN N. C.

Order Number G-1 under Maximum Price Regulation No. 426. Fresh fruits and vegetables for table use, sales except at retail; adjustment of maximum prices of sales of lettuce.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the District Director of the Office of Price Administration, Charlotte, North Carolina, by Delegation Order No. 16 issued by the Atlanta Regional Office pursuant to section 2 of Maximum Price Regulation No. 426, *It is hereby ordered:*

(a) On and after the effective date of this order, maximum prices for sales of lettuce in less than carlot and less than trucklot quantities in the counties of Alexander, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Montgomery, Polk, Randolph, Richmond, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey, North Carolina, to any person except ultimate consumers are adjusted as follows:

1. The addition for less than carlot and less than trucklot sales provided for in Column 7 of Item 1 of Appendix A of Maximum Price Regulation No. 426 shall be 90¢ instead of 60¢.

2. The addition for less than carlot and less than trucklot sales provided for in Column 7 of Item 2 of Appendix A of Maximum Price Regulation No. 426 shall be 1½¢ per pound instead of 1¢ per pound.

3. The addition for less than carlot and less than trucklot sales provided for in Column 7 of Item 3 of Appendix A of Maximum Price Regulation No. 426 shall be 1½¢ per pound instead of 1¢ per pound.

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective September 17, 1943.

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



Issued this the 17th day of September 1943.

L. WILLIAM DRISCOLL,  
District Director.

[F. R. Doc. 43-15608; Filed, September 24, 1943; 5:05 p. m.]

[Raleigh Order G-1 Under MPR 426]

#### LETTUCE IN DESIGNATED COUNTIES IN N. C.

Order Number G-1 under Maximum Price Regulation No. 426. Fresh fruits and vegetables for table use, sales except at retail; adjustment of maximum prices of sales of lettuce.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the District Director of the Office of Price Administration, Raleigh, North Carolina by Delegation Order No. 16 issued by the Atlanta Regional Office pursuant to section 2 of Maximum Price Regulation No. 426, it is hereby ordered:

(a) On and after the effective date of this order maximum prices for sales of lettuce in less than carlot and less than trucklot quantities in the counties of Alamance, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Sampson, Scotland, Tyrrel, Robeson, Vance, Wake, Warren, Washington, Wayne and Wilson, North Carolina to any person except ultimate consumers are adjusted as follows:

1. The addition for less than carlot and less than trucklot sales provided for in Column 7 of Item 1 of Appendix A of Maximum Price Regulation No. 426 shall be 90¢ instead of 60¢.

2. The addition for less than carlot and less than trucklot sales provided for in Column 7 of Item 2 of Appendix A of Maximum Price Regulation 426 shall be 1½¢ per pound instead of 1¢ per pound.

3. The addition for less than carlot and less than trucklot sales provided for in Column 7 of Item 3 of Appendix A of Maximum Price Regulation No. 426 shall be 1½¢ per pound instead of 1¢ per pound.

(b) This order may be revoked, amended or corrected at any time.

This order shall become effective September 15, 1943.

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

Issued this 15th day of September 1943.

THEODORE S. JOHNSON,  
District Director.

[F. R. Doc. 43-15609; Filed, September 24, 1943; 5:05 p. m.]

[Region VII Order G-9 Under Rev. MPR 122, Amdt. 1]

#### CERTAIN SOLID FUELS IN ROCKY FORD AREA, COLO.

Order No. G-9 under Revised Maximum Price Regulation No. 122.—Solid fuels sold and delivered by dealers. Temporary maximum prices for certain solid fuels sold and delivered in the Rocky Ford trade area.

Pursuant to the Emergency Price Control Act of 1942, as Amended, § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in an opinion issued simultaneously herewith, this Amendment No. 1 is issued.

1. This order is hereby renumbered and the title amended to read as follows: "Order No. G-9 under Revised Maximum Price Regulation No. 122."

2. Wherever the term "temporary order" appears in said original order, the word "temporary" is hereby deleted.

3. Paragraph (8) of said order is hereby amended by changing the expiration date from September 15, 1943, to October 15, 1943.

4. This amendment shall become effective September 15, 1943.

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

Issued this 17th day of September 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-15610; Filed, September 24, 1943; 5:04 p. m.]

[Region VIII Order G-4 Under 75 (a) (1) of SR 15, Amdt. 2]

Amendment No. 2 to Order No. G-4 under § 1499.75 (a) (1) of Supplementary Regulation No. 15—Firewood.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, Order No. G-4 under § 1499.75 (a) (1) of Supplementary Regulation No. 15 (formerly Northern California Price Order #4) is hereby amended as follows:

1. Section 4 (b) is amended by adding "San Joaquin" after "Sacramento".

2. Section 4 (e) is amended by deleting "San Joaquin".

3. Appendix A is amended to read as follows:

#### MAXIMUM PRICES FOR FIREWOOD

Del Norte, Siskiyou, Modoc, Lassen, Plumas, Shasta, Trinity, Sierra, Nevada, Placer, El Dorado, Amador, Calaveras, Tuolumne, Miro-pesa, Alpine, and Mono Counties.

#### I

#### RETAIL DELIVERED PRICES

##### CORD WOOD

Dry or medium dry	Per cord					Assorted lengths, 2 ft. and under
	4 ft.	2 ft.	16 in.	12 in.	9½-10 in.	
Pine (fir).....	\$14.50	\$17.00	\$17.50	\$18.00	\$18.00	.....
Juniper.....	14.50	17.00	17.50	18.00	18.00	.....
Cedar.....	14.50	17.00	17.50	18.00	18.00	.....
Oak (any kind).....	18.00	21.00	21.50	22.00	22.00	.....
Madrone.....	18.00	21.00	21.50	22.00	22.00	.....
Eucalyptus (gum).....	15.50	18.00	19.00	19.50	19.50	.....
Orchard (any kind).....	14.50	17.00	17.50	18.00	18.00	.....
Manzanita.....	18.00					\$21.00

#### FRACTIONAL CORD MAXIMUM PRICES DELIVERED

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add \$2.50 per cord to above cord prices.

"Storage charge", as defined in the order: a \$2.00 per cord (fractional cord in proportion) charge may be added to above cord prices.

#### II

#### MILL WASTE—RETAIL DELIVERED PRICES

##### MILL ENDS AND SLAB WOOD

Dry or medium dry—16 in. and under:	Per cord
Mill ends:	
Pine.....	\$8.40
Redwood.....	6.40

#### MILL WASTE—RETAIL DELIVERED PRICES—Con.

##### MILL ENDS AND SALES WOOD—continued

Dry or medium dry—16 in. and under—Con. Slabwood:

All kinds—Net cost delivered at seller's yard plus \$5.00.

Half cord price: Divide cord price by 2 and add 20 cents.

Quarter cord price: Divide cord price by 4 and add 40 cents.

#### III

#### SACK STOVEWOOD

##### RETAIL PRICES FOR SACK

Dry or medium dry	Cash and carry	De-livered
Oak, madrone, manzanita.....	\$0.55	\$0.65
Pine (fir), juniper, cedar.....	.45	.55
Mill waste (mill ends and slabs).....	.40	.50

Sack size: 22 inches by 36 inches (minimum). Deposit of 10¢ may be required on the sack.



### III SACK STOVEWOOD RETAIL PRICES PER SACK

Dry or medium dry	Cash and delivered
Oak, madrone	\$0.60
Eucalyptus (gum), manzanita	.70
Pine (fir), juniper, orchard	.50
Mill waste (mill ends and slabs)	.40

Sack size: 22 inches by 36 inches (minimum).  
Deposit of 10¢ may be required on the sack.

### IV

#### CORD WOOD SALES, OTHER THAN AT RETAIL

Dry or medium dry	Per cord				
	4 ft.	2 ft.	16 in.	12 in.	9 1/2-10 in. Assorted lengths 2 ft. and under
Pine (fir)	\$8.00	\$9.00	\$10.00	\$10.50	\$10.50
Juniper	8.00	9.00	10.00	10.50	10.50
Oak (any kind)	11.50	15.50	16.50	17.00	17.00
Madrone	11.50	15.50	16.50	17.00	17.00
Eucalyptus (gum)	9.00	13.00	13.50	14.50	14.50
Orchard (any kind)	8.00	9.00	10.00	10.50	10.50
Willow	6.50	8.00	8.50	9.50	9.50
Manzanita	13.00				\$15.50

#### FRACTIONAL CORD MAXIMUM PRICES Region VIII Order G-23 Under 18 (c) of GMPR, Amdt. 4)

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add \$3.00 per cord to above cord prices.

5. The heading of Appendix E is amended by deleting "San Joaquin" therefrom.

This order may be amended or revoked at any time.

This order shall become effective upon its issuance.

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

Issued this 20th day of September 1943.

L. F. GENTNER,  
Acting Regional Administrator.

[F. E. Doc. 43-15613; Filed, September 24, 1943; 5:03 p. m.]

#### CONTRACT HAULING OF FRUITS AND VEGETABLES IN CALIFORNIA

Amendment No. 4 to Order No. G-23 under \$1499.18 (c) as amended, of the General Maximum Price Regulation. Adjusted maximum prices for the transportation of certain fruits and vegetables by motor carriers other than common carriers.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by \$1499.18 (c) as amended, of the General Maximum Price Regulation: *It is hereby ordered*, That Order No. G-23 under \$1499.18 (c) as amended, of the General Maximum Price Regulation be amended in the following particulars:

Paragraph (b) is amended to read as follows:

### IV CORD WOOD SALES—OTHER THAN AT RETAIL

Dry or medium dry	Per cord				
	4 ft.	2 ft.	16 in.	12 in.	9 1/2-10 in. Assorted lengths 2 ft. and under
Pine (fir)	\$8.00	\$9.00	\$10.00	\$10.50	\$10.50
Juniper	8.00	9.00	10.00	10.50	10.50
Cedar	8.00	9.00	10.00	10.50	10.50
Oak (any kind)	10.50	14.50	15.00	15.50	15.50
Madrone	10.50	14.50	15.00	15.50	15.50
Eucalyptus (gum)	8.00	11.50	12.50	13.00	13.00
Orchard (any kind)	8.00	9.00	10.00	10.50	10.50
Manzanita	10.50				\$13.00

#### FRACTIONAL CORD MAXIMUM PRICES

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add \$2.50 per cord to above cord prices.

4. Appendix B is amended to read as follows:

MAXIMUM PRICES FOR FIREWOOD  
BUTTE, TEHAMA, GLENN, COLUSA, YUBA, YOLO, SACRAMENTO, SAN JOAQUIN, AND SUTTER COUNTIES

I  
RETAIL DELIVERED PRICES  
CORD WOOD

Dry or medium dry	Per cord				
	4 ft.	2 ft.	16 in.	12 in.	9 1/2-10 in. Assorted lengths 2 ft. and under
Pine (fir)	\$15.50	\$18.00	\$19.00	\$19.50	\$19.50
Juniper	15.50	18.00	19.00	19.50	19.50
Oak (any kind)	21.00	24.50	25.50	26.00	26.00
Madrone	21.00	24.50	25.50	26.00	26.00
Eucalyptus (gum)	18.00	22.00	23.00	23.50	23.50
Orchard (any kind)	14.50	17.00	17.50	18.00	18.00
Willow	14.50	17.00	17.50	18.00	18.00
Manzanita	21.00				\$23.50

#### FRACTIONAL CORD MAXIMUM PRICES, DELIVERED

Half cord price: Divide cord price by 2 and add 25 cents.

Third cord price: Divide cord price by 3 and add 35 cents.

Quarter cord price: Divide cord price by 4 and add 45 cents.

Fifth cord price: Divide cord price by 5 and add 55 cents.

For splitting to stovewood size, add \$3.00 per cord to above cord prices.

"Storage charge", as defined in the order: Add \$2.00 per cord (fractional cord in proportion) charge may be added to above cord prices.

\*Slabwood: All kinds—net cost delivered at seller's yard plus \$5.00.

#### II MILL WASTE, RETAIL DELIVERED PRICES MILL ENDS AND SLABWOOD

Dry or medium dry—16 inches and under:

Mill ends:

Pine: \$8.40

Slabwood: 6.40

Half cord price: Divide cord price by 2 and add 20 cents.

Quarter cord price: Divide cord price by 4 and add 40 cents.



(b) This order shall apply to the hauling of peaches, pears, tomatoes, grapes and unprocessed olives.

This amendment shall become effective upon its issuance.

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

Issued September 20, 1943.

L. F. GENTNER,  
Acting Regional Administrator.

[F. R. Doc. 43-15612; Filed, September 24, 1943; 5:04 p. m.]

[Region VIII Order G-49 under 18 (c) of GMPR, Amdt. 1]

#### FIREWOOD IN SNOHOMISH COUNTY, WASH.

Amendment No. 1 to Order No. G-49 under § 1499.18 (c) of the General Maximum Price Regulation as amended. Certain firewood in Snohomish County, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation and section (c) of Order No. G-49 under § 1499.18 (c) of the General Maximum Price Regulation, as amended, *It is ordered:*

(a) Order No. G-49 under § 1499.18 (c) of the General Maximum Price Regulation, as amended, is hereby revoked.

(b) This amendment shall become effective upon its issuance.

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

Issued this 15th day of September 1943.

L. F. GENTNER,  
Acting Regional Administrator.

[F. R. Doc. 43-15611; Filed, September 24, 1943; 5:04 p. m.]

[Region VIII Order G-58 Under 18 (c) of GMPR]

#### FIREWOOD IN WHITMAN COUNTY, WASH.

Order No. G-58 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Certain firewood in Whitman County, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices for certain sales and deliveries of specified kinds of firewood in the specified areas of Whitman County, Washington, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraphs (b) and (c).

(b) The maximum prices for sales of fir, tamarack, and pine forest wood, green or dry, delivered to the premises of the consumer shall be as specified in the schedule set forth below:

#### THE CITY OF PALOUSE \*

Length of wood	Unit of sale	Maximum price
4 ft.	Cord	\$10.00
16 in. or shorter	Cord	12.00

#### THE CITY OF COLFAX

4 ft.	Cord	\$12.00
16 in. or shorter	Cord	14.00

(c) The maximum prices for sales of mixed mill slabwood, green or dry, shall be:

(1) For sales of wood cut to 16 in. lengths or shorter delivered to the premises of the consumer in the city of Colfax, Washington, \$10.00 per cord.

(2) For sales of wood cut to 16 in. lengths or shorter in the city of Colfax, Washington, f. o. b. seller's distribution yard, \$8.50 per cord.

(d) *Definitions.* For the purpose of this order:

(1) The term "city of Colfax" shall include the territory within a radius of five miles from the corporate limits of said city.

(2) The term "city of Palouse" shall include the territory within a radius of five miles from the corporate limits of said city, except that it shall not include any territory located in the State of Idaho.

(e) If in March, 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(f) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(g) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon its issuance.

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

Issued this 20th day of September 1943.

L. F. GENTNER,  
Acting Regional Administrator.

[F. R. Doc. 45-15614; Filed, September 24, 1943; 5:02 p. m.]

[Region VIII Order G-59 Under 18 (c) of GMPR]

#### FIREWOOD IN IDAHO AND LEWIS COUNTIES, IDAHO

Order No. G-59 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Certain firewood in Idaho and Lewis Counties, Idaho.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(a) The maximum prices for certain sales and deliveries of specified kinds of

firewood in Idaho and Lewis Counties, Idaho, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby adjusted so that the maximum prices therefor shall be the prices set forth in paragraph (b).

(b) The maximum prices for sales of fir, tamarack, and pine forest wood, green or dry, delivered to the premises of the consumer at any point in Idaho and Lewis Counties, Idaho, shall be:

(1) For wood cut in 4 ft. lengths, \$9.00 per cord.

(2) For wood cut in 16 in. lengths or less, \$12.00 per cord.

(c) If in March, 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances, discounts, and other price differentials.

(d) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by the Emergency Price Control Act of 1942, as amended.

(e) This order may be revoked, amended, or corrected at any time.

This order shall become effective upon its issuance.

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

Issued this 20th day of September 1943.

L. F. GENTNER,  
Regional Administrator. \*

[F. R. Doc. 43-15615; Filed, September 24, 1943; 5:02 p. m.]

#### LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER 51

The following orders under General Order No. 51 were filed with the Division of the Federal Register on September 23, 1943.

#### REGION III

Detroit Order No. 5,—Amd. 11, Filed 5:06 p. m.

The following orders under General Order 51 were filed with the Division of the Federal Register on September 24, 1943.

#### REGION I

Springfield Order No. 6, Filed 12:21 p. m.

#### REGION II

Scranton Order No. 7, Filed 12:34 p. m.  
Binghamton Order No. 7, Filed 12:34 p. m.

#### REGION III

Lexington Order No. 9,—Amd. 1, Filed 12:16 p. m.  
Detroit Order No. 8 Filed 12:16 p. m.  
Saginaw Order No. 13,—Amd. 4, Filed 12:15 p. m.  
Louisville Order No. 5, Revised Filed 12:15 p. m.  
Louisville Order No. 6, Revised Filed 12:35 p. m.  
Louisville Order No. 7, Revised Filed 12:35 p. m.

#### REGION IV

Nashville Order No. 7, Filed 12:16 p. m.  
Jackson Order No. 6, Filed 12:16 p. m.



Birmingham Order No. 3, 4, 5, 6, 7, Revocation Filed 12:15 p. m.  
Birmingham Order No. 10, Filed 12:21 p. m.

## REGION VI

Bismarck Order No. 3,—Amd. 3, Filed 12:32 p. m.  
Sioux Falls Order No. 6, Filed 12:31 p. m.  
Moline Order No. 8, Filed 12:33 p. m.  
Rockford Order No. 4,—Amd. 2, Filed 12:34 p. m.  
Springfield Order No. 11,—Amd. 1, Filed 12:32 p. m.  
Springfield Order No. 12,—Amd. 1, Filed 12:32 p. m.  
Duluth-Superior Order No. 4,—Amd. 1, Filed 12:30 p. m.  
Duluth-Superior Order No. 8, Filed 12:30 p. m.  
Sioux City Order No. 4,—Amd. 1, Filed 12:30 p. m.  
Sioux City Order No. 8,—Amd. 1, Filed 12:31 p. m.  
Fargo-Moorhead Order No. 10, Filed 12:33 p. m.  
Fargo-Moorhead Order No. 13, Filed 12:31 p. m.  
Pierre Order No. 4, Filed 12:32 p. m.  
Pierre Order No. 4,—Amd. 1, Filed 12:32 p. m.

Copies of these orders can be obtained from the issuing offices.

ERVIN H. POLLACK,  
Head, Editorial and Reference Section.

[F. R. Doc. 43-15670; Filed, September 25, 1943; 4:40 p. m.]

[Region I Order G-2 Under MPR 376]

## CARROTS IN NEW ENGLAND

## Correction

In F.R. Doc. 43-15068 appearing in the first column of page 12721 of the issue for Friday, September 17, 1943, the second paragraph (b) should read (d).

[Region VII Order G-8 Under Rev. MPR 122]

## SOLID FUELS IN DENVER

## Correction

In F.R. Doc. 43-14814 appearing on page 12586 of the issue for Tuesday, September 14, 1943, in Table I—Delivered Prices the footnote reference on the last four items in the price per ton column should be reference to footnote 3.

## SECURITIES AND EXCHANGE COMMISSION.

## PHILADELPHIA STOCK EXCHANGE

## PLAN DECLARED EFFECTIVE

Plan of Philadelphia Stock Exchange for "special offerings" declared effective.

The Philadelphia Stock Exchange, pursuant to rule X-10B-2 (d), having filed on September 10, 1943, a plan for special offerings contained in Chapter XVIII, sections 1-8, inclusive, of the rules of the Philadelphia Stock Exchange; and

The Securities and Exchange Commission, having given due consideration to the terms of such plan, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof and rule X-10B-2 (d) thereunder, hereby declares such plan to be effective,

on the condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may suspend or terminate the effectiveness of said plan by sending at least ten days' written notice to the Philadelphia Stock Exchange suspending or terminating the effectiveness of such plan.

Effective September 23, 1943.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 43-15621; Filed, September 25, 1943; 10:10 a. m.]

[File No. 70-781]

CENTRAL OHIO LIGHT & POWER COMPANY  
ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of September, A. D. 1943.

Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, having filed a declaration pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and the Order of the Commission dated February 19, 1941, File No. 70-228, with respect to the declaration and payment of dividends in the aggregate amount of \$20,000 to the holders of its common stock in October, 1943; and

Said declaration having been filed on August 28, 1943, and notice of said filing having been duly given in the form and manner prescribed by rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission having considered the declaration and it appearing that the payment of dividends as proposed will not be detrimental to the public interest or the interest of investors or consumers and that no adverse findings are required under section 12 (c);

It is ordered, Pursuant to said rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in rule U-24 and to the additional terms and conditions set forth in the order aforesaid dated February 19, 1941, that said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 43-15622; Filed, September 25, 1943; 10:10 a. m.]

[File No. 70-784]

CRESCENT PUBLIC SERVICE COMPANY AND  
OKLAHOMA UTILITIES COMPANY

## NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penn-

sylvania, on the 23d day of September, A. D. 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Crescent Public Service Company, a registered holding company ("Crescent"), and Oklahoma Utilities Company ("Oklahoma"), a wholly-owned subsidiary of Crescent.

All interested persons are referred to said declaration or application (or both), which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

Oklahoma proposes to sell to Indian Electric Cooperative, Inc., an electric cooperative financed through the Rural Electrification Administration, all of its electric properties located in the State of Oklahoma for a base price of \$237,000, subject to certain adjustments.

Oklahoma proposes to utilize a portion of the proceeds of the aforesaid sale to redeem its 6% First Mortgage Bonds, due October 1, 1954, outstanding in the principal amount of \$72,000 and held by Crescent. Oklahoma proposes to utilize the balance of the proceeds of the aforesaid sale to reduce its 7% unsecured Promissory Note outstanding in the principal amount of \$874,350 and held also by Crescent.

Both the aforesaid First Mortgage Bonds and the unsecured Promissory Note are pledged under the Trust Indenture of Crescent's Collateral Trust 6% Income Bonds, Series B, due October 1, 1954, presently outstanding in the principal amount of \$3,100,700. The amounts to be paid by Oklahoma on its First Mortgage Bonds and on its unsecured Promissory Note will be paid to the Trustee under the Indenture of Crescent's Income Bonds.

Crescent proposes to expend an amount equivalent to such proceeds in the purchase of its Income Bonds and to procure payment to it of the funds so deposited with the Trustee by surrendering for cancellation the bonds so purchased. The purchases by Crescent will be made in the open market at the lowest prices available.

The said Indenture of Crescent's Income Bonds requires, among other things, that as a prerequisite to the voting of the securities of Oklahoma in favor of the sale of properties owned by Oklahoma, sixty days' written notice be given to holders of the Income Bonds and written consent be obtained from at least 25% in principal amount of the Income Bonds at the time outstanding, and that it must appear that there have not been filed with said Trustee the written objections of the holders of 25% or more in principal amount of the Income Bonds at the time outstanding. The material to be sent to registered holders of the Income Bonds in solicitation of their consent to the proposed transaction has been filed as part of the present declaration or application, and it is requested that the declaration in this respect be permitted to become effective pursuant to rule U-62.

It appearing to the Commission that it is appropriate in the public interest



and in the interest of investors and consumers that a hearing be held with respect to said matter and that said application or declaration shall not be granted or permitted to become effective except pursuant to further order of this Commission;

*It is ordered,* That a hearing on said matter under the applicable provisions of said Act and rules of the Commission thereunder be held on September 30, 1943, at 10:00 a. m., E. W. T., at 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 the hearing will be held;

*It is further ordered,* That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order to Crescent Public Service Company, Oklahoma Utilities Company, and the Corporation Commission of the State of Oklahoma; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with these proceedings, or proposing to intervene herein shall file with the Secretary of the Commission on or before September 28, 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 such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the 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 said application and declaration, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be paid for the electric assets of Oklahoma is reasonable;

(2) Whether the proposed use of the proceeds of the sale by Crescent to purchase its Collateral Trust 6% Income Bonds in the open market is in conformity of the applicable provisions of the Act;

(3) Whether the solicitation material to be sent to the bondholders of Crescent contains full disclosure of all pertinent facts involved in the proposed transactions;

(4) Whether, if the proposed transactions are approved by the Commission, it is necessary and appropriate to impose terms and conditions in the public interest and for the protection of investors and consumers and, if so, what terms and conditions should be imposed.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 43-15623; Filed, September 25, 1943; 10:10 a. m.]

[File No. 1-813]

THE ATLANTA AND CHARLOTTE AIR LINE  
RAILWAY COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 24th day of September, A. D., 1943.

The Baltimore 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 Capital Stock of The Atlanta and Charlotte Air Line Railway Company; 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 October 4, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 43-15633; Filed, September 25, 1943; 11:03 a. m.]

[Files 34-7, 52-23, 52-21]

MIDLAND UTILITIES CO., ET AL.

NOTICE OF FILING AND ORDER FOR CONSOLIDATION AND HEARING

In the Matter of Midland Utilities Company, File No. 34-7, 52-23; Hugh M. Morris, trustee of the Estate of Midland United Company, and Jay Samuel Hartt and Clarence A. Southerland, trustees of the Estate of Midland Utilities Company, File No. 52-21.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of September, 1943.

Notice is hereby given that an application for approval of a Plan of Reorganization for Midland Utilities Company, a debtor in reorganization proceedings instituted in the District Court of the United States for the District of Delaware under section 77B of the Bankruptcy Act, has been filed, pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935, by Clarence A. Southerland and Jay Samuel Hartt, successor trustees of the estate of Midland Utilities Company, a registered holding company.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the plan therein proposed, which is summarized as follows:

1. The Plan of Reorganization ("Plan") provides that Midland Utilities Company ("Utilities"), a Delaware corporation, is to be continued in existence. Its certificate of incorporation will be amended so that it will thenceforth be authorized to have only one class of capital stock of a par value of \$5 per share, of which 450,635 shares will be issued

upon reorganization. Upon consummation of the plan, Utilities, as reorganized, will issue notes for fixed principal amounts in six series, designated A, B, C, D, E, and F. The A to D notes, respectively, will bear interest at 2% per annum. Series E and F notes will not bear interest. Payments of principal upon the notes shall be made, first, upon the notes of Series A until that series shall have been paid in full and, thereafter, to the remaining notes in alphabetical sequence. The notes of all series, in any event, mature and become due and payable five years from the effective date of the plan.

2. The issuance by Utilities, as reorganized, of cash and securities, to the present claimants of, and persons having an interest in, Utilities will be in full satisfaction and discharge of all claims and of all litigation pending between all parties, except as otherwise expressly provided in the plan. More specifically, the issuance of securities and cash pursuant to the plan will be in full settlement of (a) all claims of Continental Illinois National Bank & Trust Company of Chicago ("Continental Bank") against Utilities and Midland United Company (parent of Utilities), or either of them, and all counterclaims of Midland United Company ("United") and Utilities against the Continental Bank, (b) all claims of The Peoples Gas Light & Coke Company Service Annuity Trust ("Service Annuity Trust") against Utilities and United, or either of them, (c) all claims of Commonwealth Edison Company ("Commonwealth Edison"), The Peoples Gas Light & Coke Company ("Peoples Gas"), and Public Service Company of Northern Illinois ("Public Service") (collectively called "Chicago Operating Companies"), or any of them, against Utilities and United, or either of them, (d) all claims of the debenture holders of every kind, nature, and description, either upon the debentures or arising out of an alleged violation of the negative pledge clause of the Debenture Agreement, dated September 1, 1923, or otherwise, (e) all claims between Utilities and United, (f) all claims of Northern Indiana Public Service Company ("Northern Indiana") against Utilities, (g) all claims of Gary Electric & Gas Company ("Gary") against Utilities, and (h) all other allowed claims.

3. Provision is made for participation of the Prior Lien Stock but no provision is made for participation in the estate of Utilities by any of its other preferred stockholders or any of its common stockholders.

4. All assets owned by United and Utilities held as collateral by secured creditors (Continental Bank, Service Annuity Trust, and Chicago Operating Companies) will be transferred, assigned, and delivered to Hugh M. Morris, as trustee of the estate of Midland United Company ("United Trustee") and to Clarence A. Southerland and Jay Samuel Hartt, as successor trustees of the estate of Midland Utilities Company ("Utilities Trustees"), respectively.

5. Utilities, as reorganized, will pay the following amounts, and issue the following securities, to the following persons:



- (a) Continental Bank:
- (i) \$1,000,000 in cash;
  - (ii) A note of Series A for \$1,360,000;
  - (iii) A note of Series C for \$270,000;
  - (iv) A note of Series E for \$270,000.
- (b) Service Annuity Trust:
- (i) \$373.68 cash;
  - (ii) A note of Series B for \$1,082,000;
  - (iii) A note of Series C for \$124,000;
  - (iv) A note of Series E for \$124,000.
- (c) Commonwealth Edison Company:
- (i) \$408.55 in cash;
  - (ii) A note of Series D for \$1,405,000.
- (d) Peoples Gas:
- (i) \$748.47 in cash;
  - (ii) A note of Series D for \$1,115,000.
- (e) Public Service Illinois:
- (i) Cash in the sum of \$842.98;
  - (ii) A note of Series D for \$478,000.
- (f) Each debenture holder, upon surrender to Utilities of the debenture or debentures held by him, will receive for each \$1,000 principal amount of such debentures:
- (i) \$10 in cash;
  - (ii) A note of Series A for \$495;
  - (iii) A note of Series B for \$495;
  - (iv) A note of Series C for \$132.50;
  - (v) A note of Series E for \$132.50;
  - (vi) 40 shares of the capital stock of Utilities, as reorganized.
- (g) Northern Indiana:
- (i) A note of Series F for \$799,904.51;
  - (ii) A note of Series F in the amount of \$515,000.
- (h) Gary:
- (i) \$8,561.67 in cash;
  - (ii) A note of Series F for \$25,685.02.
- (i) All other allowed claims shall be settled, satisfied, and paid as follows:
- (1) All allowed claims exceeding \$500 shall receive 25% of the allowed amount in cash and the remaining 75% thereof in notes of Series F;
  - (2) All allowed claims in amounts of less than \$500 shall be paid in cash in full.
- (j) The prior lien stockholders of Utilities will receive for each share of prior lien stock presently held, one share of the capital stock of Utilities, as reorganized.

6. The intercompany-claim litigation between United and Utilities, together with the disposition of the liability of the respective companies for alleged borrowings from the Chicago Operating Companies, will be settled by the payment by Utilities, as reorganized, to the Chicago Operating Companies, of the cash and securities noted above, and by the payment of \$263,677.50 in cash by United to Utilities.

7. The Board of Directors of Utilities, as reorganized, will consist of five directors. The members of the initial Board of Directors shall be designated, subject to the approval of this Commission, by the following: (a) Continental Bank, one candidate; (b) Service Annuity Trust and Chicago Operating Companies, as a group, one candidate; (c) former debenture holders, as a group, two candidates; and (d) former prior lien stockholders, as a group, one candidate. Until the Series A notes shall have been paid in full, Continental Bank shall continue to designate, subject to approval of this Commission, one director. Until the Series B notes shall have been paid in full, Service Annuity Trust and Chicago Operating Companies, as a group, and thereafter, until the Series D notes shall have been paid in full, the Chicago Operating Companies, alone, shall continue to designate, subject to the approval of this Commission, one director.

Attorneys and counsel in the reorganization proceedings for the Utilities trustees and for the United trustee shall

not be retained by Utilities, as reorganized, without the approval of this Commission.

8. Forthwith upon the taking effect of the plan, Utilities will register as a holding company under the Public Utility Holding Company Act of 1935, and shall consent to the entry of orders by this Commission in accordance with sections 11 (b) (1) and 11 (b) (2) of such Act. In the event that all of the notes of Utilities, as reorganized, shall not be paid in full at maturity, Utilities shall be dissolved and liquidated according to law, unless this Commission otherwise directs.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to such plan, either as filed or as modified, or any other plans which may be proposed by any person having a bona fide interest in the reorganization, in accordance with the provisions of section 11 (f) of the Act; and

It further appearing that, on August 26, 1937, an application was filed by the Debenture Holders' Committee for Midland Utilities Company, acting under a Deposit Agreement dated July 15, 1934 ("Emerich Committee"), for a report as to a Plan of Reorganization for Midland Utilities Company, pursuant to section 11 (g) of the Public Utility Holding Company Act of 1935 (File No. 34-7); and

It further appearing that the Commission, on July 5, 1940, having entered its Notice of and Order for Further Hearing (File No. 34-7) wherein it was ordered that the evidence adduced at such hearing would be used in connection with the consideration of the said proposed plan of reorganization, or any other plan of reorganization of Midland Utilities Company which may be the subject of an application filed pursuant to the Public Utility Holding Company Act of 1935; and

It further appearing that an application, as amended, was filed by Hugh M. Morris, as trustee of the estate of Midland United Company, for approval of a plan of reorganization for Midland United Company and Midland Utilities Company (File No. 52-21); and

The Commission, on February 25, 1943, having entered its Notice of Filing and Order for Consolidation and Hearing, wherein it was ordered that the proceedings filed at File No. 34-7 and at File No. 52-21 be consolidated; and

It further appearing that hearings have been held on such consolidated proceeding (File No. 34-7 and File No. 52-21) and that the consolidated proceeding has been continued subject to the order of the Commission; and that the foregoing consolidated proceeding, filed at File No. 34-7 and File No. 52-21, is related to, and that the evidence offered in respect to such matters may have a bearing upon, the application for approval of the Plan of Reorganization for Midland Utilities Company filed by Clarence A. Southerland and Jay Samuel Hartt, successor trustees of Midland Utilities Company, and filed as File No. 52-23, and that substantial savings of time and expense will result if the matters are further consolidated;

It is ordered, That the consolidated proceeding (at File No. 34-7 and File No. 52-21) be, and hereby is, consolidated with the application filed at File No. 52-23.

It is further ordered, That hearing on such proceedings, under the applicable provisions of said Act and rules of the Commission, will be held on October 5, 1943, at 11:00 a. m., E. W. T., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, before the trial examiner heretofore designated to preside. On such day, the hearing room clerk in Room 318 will advise as to the room where such hearing will be held.

It is further ordered, That, without limiting the issues to be considered in this consolidated proceeding, particular attention will be directed at said hearing, in respect to the Plan of Reorganization for Midland Utilities Company, filed by Clarence A. Southerland and Jay Samuel Hartt, successor trustees of the estate of Midland Utilities Company, to the following matters and questions:

1. Whether the proposed plan is fair and equitable to the persons affected.

2. Whether the proposed plan is feasible.

3. 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.

4. Whether the various transactions proposed in connection with the plan meet the requirements of applicable sections of the Public Utility Holding Company Act of 1935, particularly sections 7, 10, 11, and 12, thereof, and the Rules and Regulations promulgated thereunder, and of the Bankruptcy Act as amended, including (but without limitation) the proposals as to the following matters:

(a) The surrender to the United States and the Utilities trustees of the United collateral and the Utilities collateral held by the secured creditors;

(b) The payment of the amounts and issuance of securities by Utilities, as reorganized, and the receipt thereof by the persons specified in the Plan;

(c) The provisions relating to the terms and conditions of the securities to be issued by Utilities, as reorganized;

(d) The amendment of the certificate of incorporation of Utilities and the terms and provisions of such amendment;

(e) The provision determining the manner in which the Board of Directors of Utilities, as reorganized, is to be designated; and generally the provisions for the future management of Utilities;

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing copy of this order, by registered mail, to Hugh M. Morris, trustee of the estate of Midland United Company, Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, the Debenture Holders' Committee for Midland Utilities Company acting under a Deposit Agreement, dated July 15, 1934, and to such other persons who have been granted leave to participate in this proceeding, not less than ten days prior to the date herein-



before fixed as the date of the hearing; and that Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, shall serve notice of the hearing aforesaid by mailing copy of this order by registered mail to all parties of record in the reorganization proceedings, No. 1073, in the United States District Court for the District of Delaware, not less than seven days prior to the date hereinbefore fixed as the date of the hearing; and that notice of said hearing is hereby given to subsidiaries of said Midland Utilities Company, the security holders of said Midland Utilities Company and of the subsidiaries thereof, consumers of said companies, States, municipalities and political subdivisions of States within which are located any of the utility assets of Midland Utilities Company and all subsidiaries thereof or under the laws of which any of such companies are incorporated, all state commissions, state securities commissions, and all agencies, authorities, judicial bodies, or instrumentalities of the United States of America and of one or more states, municipalities or other political subdivision having jurisdiction over Midland Utilities Company or any subsidiaries thereof or over any of the businesses, affairs, or operations of any of them; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not later than seven days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-15634; Filed, September 25, 1943; 11:09 a. m.]

[File No. 47-29]

CENTRAL ARKANSAS PUBLIC SERVICE CORPORATION ET AL.

ORDER PERMITTING WITHDRAWAL

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of September, A. D. 1943.

In the matter of Central Arkansas Public Service Corporation, Citizens Electric Company, Consumers Gas Company, Hot Springs Water Company, Hot Springs Street Railway Company.

Central Arkansas Public Service Corporation, a registered holding company and a subsidiary of Federal Light & Traction Company, also a registered holding company, and its subsidiaries Citizens Electric Company, Consumers Gas Company, Hot Springs Water Company, and Hot Springs Street Railway Company having filed joint applications and declarations regarding the merger of such companies; and

It now appearing that Central Arkansas Public Service Corporation has disposed of its interests in its subsidiary companies and has been liquidated and dissolved; and

Request having been made that the aforesaid applications and declarations

be permitted to be withdrawn and the Commission finding that such request should be granted:

*It is so ordered.*

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-15635; Filed September 25, 1943; 11:08 a. m.]

[File No. 58-50]

CHARLES TRUE ADAMS, ET AL.

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23d day of September A. D. 1943.

In the matter of Charles True Adams, trustee of the Estate of Utilities Power & Light Corporation, Debtor, Derby Gas & Electric Corporation, a Delaware corporation, The Derby Gas and Electric Company, a Connecticut corporation, The Wallingford Gas Light Company, a Connecticut corporation, and The Derby Gas and Electric Corporation of Connecticut, a Connecticut corporation.

Charles True Adams, as Trustee of the Estate of Utilities Power & Light Corporation, Debtor, Derby Gas & Electric Corporation, a Delaware corporation, The Derby Gas and Electric Company, a Connecticut corporation, The Wallingford Gas Light Company, a Connecticut corporation, and The Derby Gas and Electric Corporation of Connecticut, a Connecticut corporation, having on January 27, 1940 filed a joint application and on May 15, 1940 an amendment thereto, pursuant to applicable sections of the Public Utility Holding Company Act of 1935, requesting approval of a plan of liquidation of Derby Gas & Electric Corporation and the merger of its subsidiaries, The Derby Gas and Electric Company and The Wallingford Gas Light Company, into The Derby Gas and Electric Corporation of Connecticut; and

A hearing having been held with respect to said application and said hearing having been continued subject to call of the Trial Examiner; and

Derby Gas & Electric Corporation and Ogden Corporation, successor to Utilities Power & Light Corporation, having on September 20, 1940 filed a plan of corporate simplification of Derby Gas & Electric Corporation pursuant to section 11 (e) of the Act (File No. 54-27); the Commission having, by order, approved the said plan, as amended;

Derby Gas & Electric Corporation and Ogden Corporation having subsequently requested the withdrawal of the application filed on January 27, 1940, and amendment thereto because of the consummation of the plan of corporate simplification of Derby Gas & Electric Corporation pursuant to section 11 (e) of the Act and other changed circumstances; and it appearing to the Commission that such request for withdrawal of said application should be granted;

*It is ordered*, That said request of Derby Gas & Electric Corporation and Ogden Corporation be, and it hereby is,

granted, and said application as amended is hereby deemed withdrawn.

By the Commission.

[SEAL] ORVAL DuBOIS,  
Secretary.

[F. R. Doc. 43-15636; Filed September 25, 1943; 11:08 a. m.]

[File Nos. 54-45, 59-48]

SOUTHERN UNION GAS COMPANY, ET AL.  
NOTICE OF FILING OF APPLICATION 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 21st day of September, A. D. 1943.

The Commission having entered its order herein on September 19, 1942 pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 directing that Southern Union Gas Company (formerly named Texas Southwestern Gas Company) divest itself of all its interest in, and of all ownership and control of, certain designated companies and certain designated properties;

Notice is hereby given that on September 13, 1943, Southern Union Gas Company filed an application requesting the entry of an order by this Commission under section 11 (c) of the Act extending for one year the time within which to comply with the order of September 19, 1942, above described.

All interested persons are referred to said application which is on file in the office of the Commission for full details concerning the application.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said application and for other purposes;

*It is ordered*, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a. m., E. W. T., on the 5th day of October, 1943, in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice, on or before September 30, 1943.

*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 above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the 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 such application, particular attention will be directed at the hearing to (1) whether Southern Union Gas Company has exercised due diligence in its efforts to comply with the Commission's order of September 19, 1942, and (2) whether an extension of time for compliance with



said order is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Southern Union Gas Company and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-15637; Filed, September 25, 1943; 11:09 a. m.]

[File No. 59-38, 54-84]

UNITED PUBLIC UTILITIES CORP., ET AL.

#### NOTICE OF FILING 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 20th day of September 1943.

In the Matter of United Public Utilities Corporation, File No. 59-38; United Public Utilities Corporation, and Cap. F. Bourland Ice Company, File No. 54-84.

The Commission having, by orders dated March 4, 1942 and April 23, 1943, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 directed, among other things, that United Public Utilities Corporation (UPU) divest itself of all of its interests in Cap. F. Bourland Ice Company (Bourland) and submit to the Commission for its approval in these proceedings appropriate applications or declarations for the purpose of complying with the provisions of the orders in accordance with the applicable standards of the Act; and the Commission having expressly reserved jurisdiction to enter such further orders as might be necessary or appropriate for the purpose of carrying out the provisions of the above-mentioned orders;

Notice is hereby given that UPU, a registered holding company, has filed with this Commission an application and declaration pursuant to sections 11 (b), 11 (e), 12 (c) and 12 (f) of the Act and Rules U-42 and U-46 thereunder with respect to various proposed transactions designated to accomplish the divestment of all its interest, direct and indirect, in Bourland. All interested persons are referred to said application and declaration, which are on file at the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

(1) UPU, pursuant to an agreement dated August 31, 1943, will sell to Walter Moorman and Ross Tankersley of Fort Smith, Arkansas, for \$50,000 in cash, all the outstanding shares (500) of capital stock, without par value, stated value \$100 per share, of Bourland. As a condition precedent to such sale of capital stock, and as provided in the agreement of sale, Bourland will distribute to UPU, as the sole stockholder of Bourland, in cash, a portion of its paid-in surplus in an amount equal to the net current assets of Bourland at the close of business on

August 31, 1943. It is estimated that the net current assets so defined were approximately \$23,600.

(2) The net cash proceeds from the transactions, estimated at \$71,450, will be deposited with the Provident Trust Company of Philadelphia, Trustee under Trust Indenture dated January 1, 1935, securing an issue of 6% Series A and 5½% Series B Collateral Trust Bonds, due January 1, 1960, of UPU and are to be applied to the redemption or purchase of such bonds. It is estimated that at a redemption premium of 4% approximately \$69,000 principal amount of 6% Series A bonds can be retired with an estimated saving of \$4,140 in annual interest charges.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said matters, and that said application and declaration should not become effective or be granted except pursuant to further order of the Commission;

It is ordered, That a hearing be held upon such matters on the 29th day of September 1943, at 10:00 A. M., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such applications may be granted and declarations become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at 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 the issues presented by said application and declaration, particular attention will be directed at the said hearing to the following matters and questions:

(1) Whether the proposed transactions are consistent with, and appropriate to carry out, Commission orders dated March 4, 1942 and April 23, 1943 (holding Company Act Release Nos. 3368 and 4268) and are consistent with the public interest and the interest of investors;

(2) Whether the proposed acquisition and retirement of its bonds by UPU meet the requirements of sections 9, 10 and 12 of the Act and all Rules and Regulations promulgated thereunder;

(3) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors or consumers to insure compliance with the requirements of the Public Utility Holding Company Act and the Rules and Regulations or Orders promulgated thereunder.

Notice of such hearing is hereby given to United Public Utilities Corporation, to Cap. F. Bourland Ice Company, to Provident Trust Company of Philadelphia,

Trustee, to the buyers, and to any other person whose participation in such proceedings may be in the public interest and for the protection of investors and consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceedings shall file with the Secretary of this Commission, on or before September 27th, 1943, his request or an application therefor as provided in Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 43-15638; Filed, September 25, 1943; 11:08 a. m.]

[File No. 70-766]

THE LITCHFIELD ELECTRIC LIGHT AND POWER COMPANY & NY PA NJ UTILITIES COMPANY

#### ORDER PERMITTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of September 1943.

The Commission having on August 13, 1942, entered an order pursuant to section 11 (b) (1) of the Public Utility Holding Company Act requiring that Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, a registered holding company, divest themselves of all their direct and indirect ownership, control and holding of securities issued by certain companies, including those of The Litchfield Electric Light and Power Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company, which is in turn a subsidiary of said Trustees; and

NY PA NJ Utilities Company, and its wholly-controlled subsidiary, The Litchfield Electric Light and Power Company, having filed an application-declaration proposing to effect partial compliance with the said order dated August 13, 1942, by the following transactions:

1. The sale by NY PA NJ Utilities Company of its interest in The Litchfield Electric Light and Power Company, consisting of the entire outstanding issue of 2,500 shares of common stock (with no par value), to The Connecticut Light and Power Company, a non-affiliate, for a base cash consideration of \$495,000;

2. The acquisition by NY PA NJ Utilities Company from The Litchfield Electric Light and Power Company of all of the latter's holdings of 280 shares of common stock of Atlantic Utility Service Corporation, for the stated consideration of \$3,710; and

3. Various other payments, indemnifications, and adjustments between the applicants-declarants as proposed in the application-declaration; and

Applicants-declarants having requested that the Commission's order to be entered in these proceedings contain findings in conformance with sections 371 (b) and 1808 (f) of the Internal Revenue Code, as amended; and



is permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 43-15632; Filed, September 25, 1943; 11:09 a. m.]

#### WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued September 24, 1943.

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

a legend substantially as follows: "The paragraphs on pages 2-5 of this Deben-ture, exclusive of the last paragraph on page 5, are deemed to be modified or amended to conform with the corresponding paragraphs and provisions of section 83 of the Company's Indenture of Mortgage and Deed of Trust dated as of September 1, 1939, as amended by Supplemental Indentures dated as of September 2, 1939, and July 1, 1943, respectively."

Said declaration having been filed on August 24, 1943, and notice of said filing having been duly given in the manner and form prescribed by rule U-23 under said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 7 (c) and 7 (g) of said Act are satisfied, that no adverse findings are necessary under section 7 (d) of said Act, and that it is appropriate that the declaration be permitted to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in rule U-24 that the aforesaid declaration be and hereby

#### SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
CMPL-24	105412	Humble Oil & Refining Co., Post Office Box 2180, Houston, Texas	Baytown, Texas	9/13/43
P-19-b	27536	Federal Works Agency, North Interior Building, Washington, D. C.	Davenport, Iowa	9/16/43

[F. R. Doc. 43-15582; Filed, September 24, 1943; 3:38 p. m.]

#### SOUTH CAROLINA DEPARTMENT OF HIGHWAYS

##### AMENDMENT OF REVOCATION ORDER

Builder: South Carolina Department of Highways, Columbia, South Carolina. South Carolina SN-FAP 2501 B (2) on U. S. Route 29 between Lyman and Greer.

The revocation order issued January 12, 1943 with respect to the above named project is hereby amended by striking paragraph 3 thereof and by substituting the following:

3. Prohibition of construction. The Builder shall neither perform nor permit the performance of any further construction or installation on the project, except further permitted construction being construction necessary to permit the completion of the north lane of the proposed dual lane pavement. Issued September 24, 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.  
[F. R. Doc. 43-15583; Filed, September 24, 1943; 3:38 p. m.]

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F. R. Doc. 43-15631; Filed, September 25, 1943; 11:09 a. m.]

[File No. 70-779]

#### ARKANSAS LOUISIANA GAS COMPANY

##### ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 21st day of September, A. D. 1943, Arkansas Louisiana Gas Company, a direct subsidiary of Arkansas Natural Gas Corporation, a registered holding company, and an indirect subsidiary of Cities Service Company, also a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 and the General Rules and Regulations promulgated thereunder relating to:

(1) The issue and sale at par and accrued interest from July 1, 1943, to the date of closing, of \$500,000 principal amount of First Mortgage Bonds, 2½% Series C, due 1945-1947, to two banks, and \$1,500,000 principal amount of First Mortgage Bonds, 3¼% Series D, due 1948-1953, to six insurance companies as follows:

Series of Bonds	Purchaser	Principal amount
2½% Series C	Guaranty Trust Company of New York	\$425,000
	Central Hanover Bank and Trust Company	75,000
3¼% Series D	The Equitable Life Assurance Society of the United States	750,000
	Metropolitan Life Insurance Company	550,000
	Massachusetts Mutual Life Insurance Company	80,000
	Sun Life Assurance Company of Canada	50,000
	Teachers Insurance and Annuity Association of America	50,000
	Provident Mutual Life Insurance Company of Philadelphia	40,000
		2,000,000

denture dated as of July 1, 1943, executed and delivered with the consent of the holders of all Bonds at the time outstanding under said Indenture of Mortgage and Deed of Trust. Reference is hereby made to said Supplemental Indenture."

(3) The alteration or modification of the 4¼% Debenture of Arkansas Louisiana Gas Company outstanding in the principal amount of \$6,500,000 due 1955, owned by Arkansas Natural Gas Corporation, by stamping or printing thereon

A public hearing having been held after appropriate notice, the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

It is ordered, That, pursuant to the applicable provisions of said Act, including sections 11 (b) (1), 10, and 12 thereof, the aforesaid application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in rule U-24 of the General Rules and Regulations; and

It is further ordered, That the sale by NY PA NJ Utilities Company of 2,500 shares of common capital stock of The Litchfield Electric Light and Power Company, which constitutes all the interest of NY PA NJ Utilities Company in The Litchfield Light and Power Company, to The Connecticut Light and Power Company, in accordance with the provisions of this application-declaration, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and to effectuate and to comply with a certain divestment order issued by the Commission on August 13, 1942, pursuant to said section, in a proceeding entitled "In the Matter of Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, Respondents, File No. 59-32".

(2) The alteration or modification of the outstanding First Mortgage Bonds of Arkansas Louisiana Gas Company, namely \$1,500,000 principal amount of 2¼% Series A, due 1943-1944, and \$9,700,000 principal amount of 3½% Series B, due 1945-1954, by stamping or printing thereon by or under the supervision of the Trustee of a legend substantially as follows: "The Indenture of Mortgage and Deed of Trust dated as of September 1, 1939 referred to in this Bond has been further amended by a Supplemental In-