

FEDERAL REGISTER

VOLUME 34 • NUMBER 155

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Pages 13141-13255

Part I

(Part II begins on page 13193)

Agencies in this issue—

The President
Agricultural Research Service
Business and Defense Services Administration
Civil Aeronautics Board
Civil Service Commission
Comptroller of the Currency
Consumer and Marketing Service
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
Interagency Textile Administrative Committee
Interstate Commerce Commission
Reclamation Bureau
Securities and Exchange Commission

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1969, and specifies how they are affected.

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Title 3—THE PRESIDENT

Proclamation 3921

NATIONAL ARCHERY WEEK

By the President of the United States of America

A Proclamation

Archery, which in centuries past was a major means of livelihood and warfare, today is one of the fastest growing forms of competitive sport and recreational activity in the United States.

The skills of the bow and arrow are taught in thousands of school physical education programs; archery rapidly is becoming a major intercollegiate sport; and the manufacture of archery equipment is a significant industry.

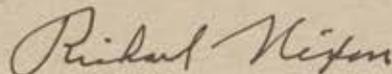
In 1972 archery will become an official Olympic sport, which is further evidence of its growing popularity and increased stature.

To give recognition to the development of archery as a major sport and to the role of the United States as host to the world archery championships this year, the Congress, by Senate Joint Resolution 85, has requested the President to proclaim the period from August 26, 1969, through September 1, 1969, as National Archery Week.

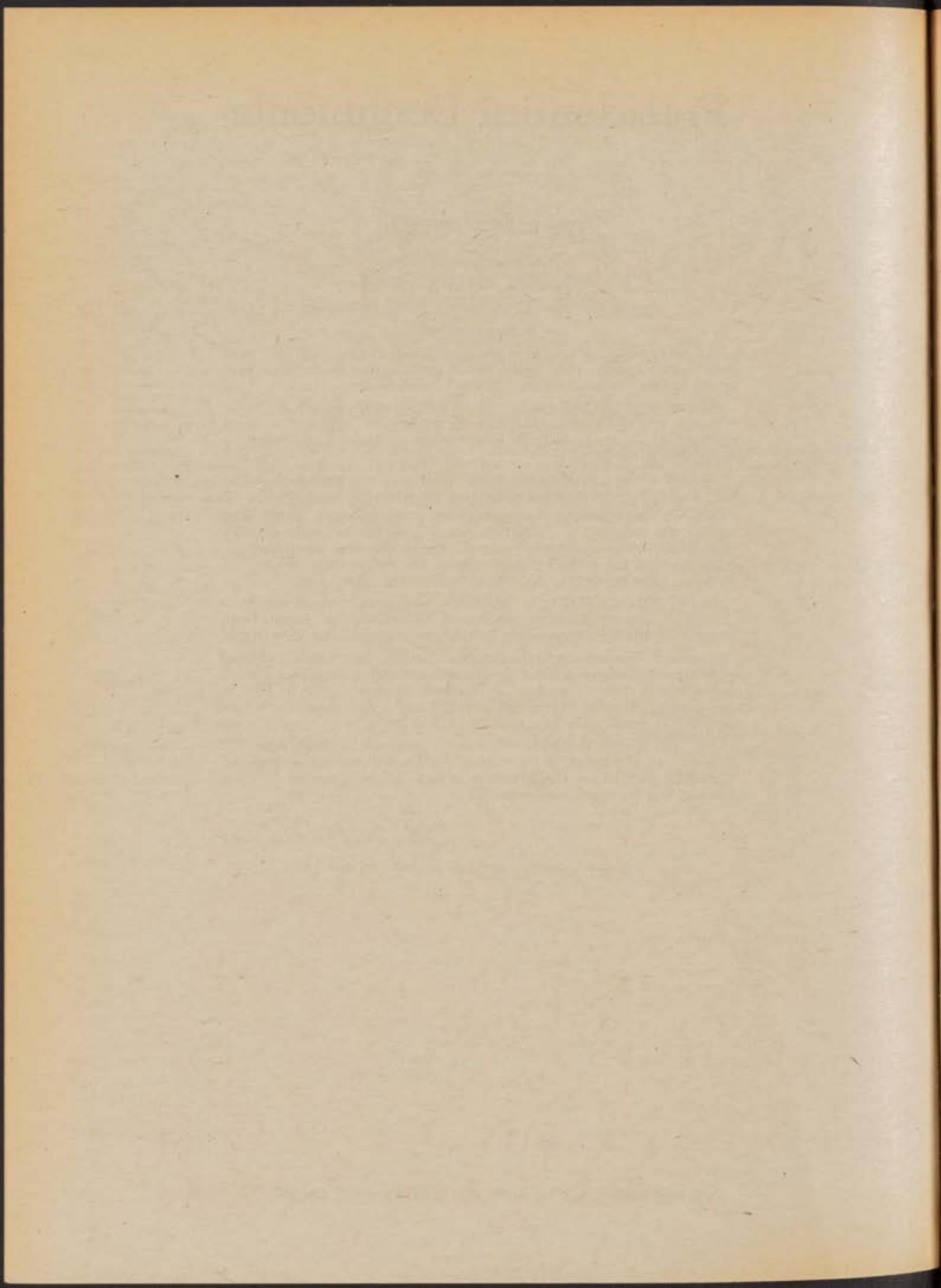
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the period from August 26 through September 1, 1969, as National Archery Week.

I invite the Governors of the States and appropriate officials of local governments to issue similar proclamations; and I urge recreational agencies, sportsmen's groups, and interested individuals to join in promoting activities which will preserve and enhance archery as an exciting and enjoyable link with mankind's past.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of August, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.



[F.R. Doc. 69-9683; Filed, Aug. 13, 1969; 10:42 a.m.]



Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 550—PAY ADMINISTRATION (GENERAL)

Specific Exceptions

Section 550.505 is amended by adding a new paragraph (p) which excepts the pay of members of the District of Columbia Council and of the Board of Education of the District of Columbia from the dual pay statute, 5 U.S.C. 5533(a).

§ 550.505 Specific exceptions.

(p) Pay for service as a member of the District of Columbia Council or the Board of Education of the District of Columbia.

(5 U.S.C. 5533)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[P.R. Doc. 69-9597; Filed, Aug. 13, 1969;
8:47 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Fruits and Vegetables

OKRA FROM MEXICO

Pursuant to the authority conferred by § 319.56-2 of the regulations (7 CFR 319.56-2) supplemental to the Fruit and Vegetable Quarantine (Notice of quarantine No. 56, 7 CFR 319.56), under sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 159, 162), and section 106 of the Federal Plant Pest Act (7 U.S.C. 150ee), paragraph (b) of administrative instructions appearing as 7 CFR 319.56-2k is hereby amended to read as follows:

§ 319.56-2k Okra from Mexico.

(a) Administrative instructions prescribing method of treatment of okra from Mexico. * * *

(b) Interpretation re importation of okra from Mexico. (1) Edible okra produced in Mexico may enter the United States at any time during the year, under permit and subject to inspection at the port of entry, but without fumigation except as provided in subparagraph (6) of this paragraph, if destined to the State

of Arizona, New Mexico, Oklahoma, or Texas, which is the generally infested pink bollworm regulated area designated in § 301.52-2a of this chapter.

(2) Edible okra produced in Mexico may enter the United States during the period December 1 to May 15, inclusive, under permit and subject to inspection at the port of entry, but without fumigation except as provided in subparagraph (6) of this paragraph, if destined to any part of the United States except California.

(3) Edible okra produced in Mexico may enter the United States during the period January 1 to March 15, inclusive, under permit and subject to port of entry inspection, but without fumigation except as provided in subparagraph (6) of this paragraph, if destined to California. (Edible okra produced in Mexico and destined to California is subject to permit, port of entry inspection and fumigation requirements if it is to enter the United States during the period March 16 to December 31, inclusive.)

(4) Edible okra produced in Mexico may enter the United States during the period May 16 to November 30, inclusive, under permit and subject to port of entry inspection requirements, but without fumigation except as provided in subparagraph (6) of this paragraph, if destined to the States of Alaska, Colorado, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, or Wyoming, or the District of Columbia, or any part of Illinois, Kentucky, Missouri, or Virginia, north of the 38th parallel.

(5) Edible okra produced in Mexico may enter the United States during the period May 16 to November 30, inclusive, under permit and subject to port of entry inspection and fumigation requirements if destined to the State of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Nevada, North Carolina, South Carolina, or Tennessee or any part of Illinois, Kentucky, Missouri, or Virginia south of the 38th parallel.

(6) Edible okra produced in Mexico is subject to fumigation requirements if any pests of quarantine importance, in the judgment of the inspector, are found upon port of entry inspection.

(Sec. 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 162, 150ee. Interprets or applies sec. 5, 37 Stat. 316; 7 U.S.C. 159, 29 P.R. 16210, as amended, 33 P.R. 15485; 7 CFR 319.56-2)

This amendment of the administrative instructions shall become effective upon publication in the FEDERAL REGISTER.

The purpose of this amendment is to coordinate the provisions of the administrative instructions specifying the periods

of the year when unfumigated okra may enter the regulated areas of the United States from Mexico, with the provisions for the movement of okra within the regulated areas of the United States under the Domestic Pink Bollworm Quarantine and regulations (7 CFR 301.52, 301.52-1 et seq.).

The amendment in part relieves restrictions and in order to be of maximum benefit to persons subject to the restrictions, it should be made effective as promptly as possible. Insofar as the amendment may be deemed to impose more stringent requirements than heretofore prescribed, it should be made effective promptly to prevent the spread of plant pests into the United States. Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 8th day of August 1969.

[SEAL] F. A. JOHNSTON,
Director,
Plant Quarantine Division.

[P.R. Doc. 69-9592; Filed, Aug. 13, 1969;
8:47 a.m.]

PART 321—RESTRICTED ENTRY ORDERS

Subpart—Foreign Potatoes

SPECIAL PROVISION FOR IMPORTATION FROM BERMUDA AND CANADA

Under the authority of sections 1, 5, and 9 of the Plant Quarantine Act of August 20, 1912 (7 U.S.C. 154, 159, 162; 37 Stat. 315, 316, 318), § 321.8 of the restricted entry order (7 CFR 321.1 et seq.) relating to the importation of potatoes is hereby amended to read as follows:

§ 321.8 Special provision for the importation of potatoes from Bermuda and Canada (except Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia).

Potatoes may be imported from Bermuda and Canada (except Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia) into the United States free of any restrictions under this subpart.

(Secs. 1, 5, 9, 37 Stat. 315, 316, 318; 7 U.S.C. 154, 159, 162; 29 P.R. 16210, as amended, 33 P.R. 15485; 7 CFR 321.1 et seq.)

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER, when it shall supersede the amendment effective December 8, 1965, 30 P.R. 15141.

The purpose of this amendment is to lessen restrictions on the importation of potatoes from the Province of British Columbia, Canada. On July 21, 1965, British Columbia was excluded from the area in Canada from which potatoes could be exported to the United States free of any plant quarantine restrictions. This action was taken as an emergency measure following reports by the Canadian Department of Agriculture that an infestation of the golden nematode (*Heterodera rostochiensis*) had been discovered on Vancouver Island in the Province of British Columbia. Following extensive surveys of potato fields on the mainland of British Columbia, it was determined that the mainland was apparently free of the pest. Accordingly, § 321.8 was amended on December 8, 1965, to authorize the entry of seed potatoes from British Columbia (other than Vancouver Island) when they were accompanied by a certificate of the Canada Department of Agriculture certifying that the seed potatoes were from mainland fields that had been surveyed for golden nematode with negative results. Entry of table stock potatoes was still restricted from the entire Province of British Columbia.

On March 21, 1969, the Canada Department of Agriculture indicated that they were reducing the golden nematode quarantine zone in British Columbia to include only the Land District of South Saanich on Vancouver Island, following an intensive sampling in British Columbia general land areas four times and the nursery areas five times with no evidence of golden nematode infestations. This relaxation by the Canada Department of Agriculture now permits the unrestricted movement of potatoes to other areas of Canada from British Columbia except the Land District of South Saanich.

Since there appears to be no reason to restrict the movement of potatoes into the United States from British Columbia except from the Land District of South Saanich, this amendment lifts the special restrictions that were imposed in 1965 for all areas of British Columbia, except the Land District of South Saanich. Now, potatoes grown in the Land District of South Saanich on Vancouver Island or in Newfoundland are eligible for entry into the United States only upon compliance with the restrictions in this subpart.

Inasmuch as this amendment relieves restrictions heretofore imposed, it should be made effective promptly in order to be of maximum benefit to importers of potatoes. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of August 1969.

[SEAL] R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.
[P.R. Doc. 69-9594; Filed, Aug. 13, 1969;
8:47 a.m.]

PART 330—FEDERAL PLANT PEST REGULATIONS

Soil From Parts of Canada Exempted From Certain Regulations

Pursuant to § 330.108 of the Federal Plant Pest Regulations (7 CFR 330.108) issued under the authority of section 106 of the Federal Plant Pest Act of May 23, 1957 (7 U.S.C. 150ee; 71 Stat. 33), the administrative instructions in 7 CFR 330.300a are hereby amended to read as follows:

§ 330.300a Administrative instructions exempting soil from parts of Canada from certain restrictions.

Soil of Canadian origin except soil from Newfoundland and the Land District of South Saanich on Vancouver Island of British Columbia may be moved into or through the United States from Canada free from the permit requirements of § 330.300 and the release requirements of § 330.105 but subject to inspection under § 330.105 and disposal under § 330.106, if the inspection discloses any plant pest new to or not theretofore widely prevalent or distributed within and throughout the United States. Such soil is also subject to all applicable requirements under Part 319 of this chapter.¹

(Sec. 106, 71 Stat. 33; 7 U.S.C. 150ee; 29 F.R. 16210, as amended, 33 F.R. 15485; 7 CFR 330.108)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

This amendment relieves restrictions on the movement of soil from the Province of British Columbia, Canada. All areas in British Columbia have been declared free of any evidence of the golden nematode by the Canada Department of Agriculture except the Land District of South Saanich on Vancouver Island. Infestations of the golden nematode still exist in Newfoundland and the Land District of South Saanich. Soil from these two areas in Canada may be authorized entry for certain purposes subject to the permit and other requirements in this subpart (7 CFR 330.300). It is therefore found upon good cause, under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to this document are impracticable and good cause is found for making this document effective less than 30 days after its publication in the FEDERAL REGISTER.

¹ Sod from Canada is regulated by § 319.37-5 of this chapter.

Done at Hyattsville, Md., this 8th day of August 1969.

[SEAL] F. A. JOHNSON,
Director,
Plant Quarantine Division.
[P.R. Doc. 69-9595; Filed, Aug. 13, 1969;
8:47 a.m.]

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports (7 CFR 354.1), effective July 13, 1969 (34 F.R. 11548), administrative instructions (7 CFR 354.2), effective August 19, 1967, as amended February 9, 1968, April 19, 1968, July 25, 1968, December 14, 1968, February 19, 1969, June 6, 1969, and July 12, 1969 (32 F.R. 11981, 33 F.R. 2757, 5987, 10561, 18580, 34 F.R. 2351, 9025, 11547), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are hereby amended by adding to the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

OUTSIDE METROPOLITAN AREA

THREE HOURS

Add: Aberdeen Proving Ground, Md. (served from Baltimore, Md.).
Add: Elizabeth City, N.C. (served from Norfolk, Va.).

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 8th day of August 1969.

[SEAL] F. A. JOHNSON,
Director,
Plant Quarantine Division.
[P.R. Doc. 69-9593; Filed, Aug. 13, 1969;
8:47 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 289]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.589 Valencia Orange Regulation 289.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date

hereof. Such committee meeting was held on August 12, 1969.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 15, 1969, through August 21, 1969, are hereby fixed as follows:

- (i) District 1: 353,000 cartons;
- (ii) District 2: 431,000 cartons;
- (iii) District 3: 16,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 13, 1969.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable
Division, Consumer and Marketing Service.

[F.R. Doc. 69-9689; Filed, Aug. 13, 1969; 11:35 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

- Sec.
- 1.227 Orange County-La Palma Civic Center Authority (California).
 - 1.228 Parking Authority, Huntington Beach, Calif.
 - 1.229 Montclair Fire Authority.
 - 1.230 Los Angeles Convention and Exhibition Center Authority.
 - 1.231 Kansas State Board of Regents, Stadium, Addition Revenue Bonds, Wichita State University.
 - 1.232 San Bernardino Public Safety Authority.
 - 1.233 Alaska State Housing Authority State Lease Revenue Bonds.
 - 1.234 San Jose Civic Improvement Authority.
 - 1.235 Northwest Bergen County Sewer Authority.
 - 1.236 Los Angeles County-La Mirada Public Facilities Authority.
 - 1.237 Lake Texarkana Water Supply Corp.
 - 1.238 Riverside General Hospital Authority.

§ 1.227 Orange County-La Palma Civic Center Authority (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$800,000 Orange County-La Palma Civic Center Authority Revenue Bonds for purchase, dealing in underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Orange County-La Palma Civic Center Authority is a public entity created under the laws of California by an agreement between the City of La Palma and the County of Orange. Under this agreement the Authority is authorized to acquire sites for

and to acquire, construct, and lease public buildings for governmental services, including administrative and meeting facilities, public safety facilities, and library facilities and to issue bonds to finance such projects. The Authority is issuing these bonds to finance the construction of a Civic Center, including a city hall, public safety buildings, and a library, which will be leased to the City.

(2) The City as required by its agreement with the County, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$800,000 Orange County-La Palma Civic Center Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated Oct. 15, 1968.)

§ 1.228 Parking Authority, Huntington Beach, Calif.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$2,300,000 (1968) Parking Revenue Bonds of the Parking Authority of the City of Huntington Beach for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Parking Authority of the City of Huntington Beach is a public body corporate and politic created by the laws of California but authorized to function only upon a finding of need. The city council has made the appropriate finding and, in accordance with the law, has declared itself to be the parking authority. Under the law a parking authority is authorized to issue revenue bonds to finance public parking facilities and may issue such bonds without obtaining the approval of the electors of the city where the bonds are issued to finance a project which is to be leased to the city and where the principal of and interest on the bonds are to be payable from rentals paid by the city under such lease. The authority is issuing these bonds to finance the acquisition and construction of parking facilities which will be leased to the City.

(2) Under the lease rental agreement the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion therefore that the \$2,300,000 (1968) Parking Revenue Bonds of the Parking Authority

of the City of Huntington Beach are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated Oct. 16, 1968.)

§ 1.229 Montclair Fire Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$1,170,000 Montclair Fire Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Montclair Fire Authority is a public entity created under the laws of California by an agreement between the City of Montclair and the Monte Vista Fire Protection District. Under this agreement the Authority is authorized to acquire a site for, and to construct, fire protection buildings, facilities and appurtenances to be leased to and operated by the City and to issue bonds to finance the project. The Authority is issuing these bonds to finance the construction of a fire department headquarters, a substation and a maintenance and training facility.

(2) The City, as required by its agreement with the District, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$1,170,000 Montclair Fire Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Comptroller's letter dated Dec. 31, 1968.)

§ 1.230 Los Angeles Convention and Exhibition Center Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$20,500,000 Los Angeles Convention and Exhibition Center Authority Revenue Bonds, Series B, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles Convention and Exhibition Center Authority is a public entity created under the laws of California by an agreement between the City of Los Angeles and the County of Los Angeles. Under this agreement the Authority is authorized to construct and lease to the City a convention and exhibition center and to issue bonds to finance the project. The Authority has issued \$18 million Series A bonds to finance the acquisition of the site, demolition, architectural fees, and miscellane-

ous financing expenses for the Los Angeles Convention and Exhibition Center. It is issuing these bonds (Series B) to finance construction of the center.

(2) Under the lease rental agreement the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on both the Series A and Series B bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, in accordance with our ruling of February 5, 1968 (§ 1.205) relating to the Series A bonds, that the \$20,500,000 Los Angeles Convention and Exhibition Center Authority Revenue Bonds, Series B, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. (Comptroller's letter dated Dec. 31, 1968.)

§ 1.231 Kansas State Board of Regents, Stadium Addition Revenue Bonds, Wichita State University

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$750,000 Kansas State Board of Regents, Stadium Addition Revenue Bonds, Wichita State University, for purchase, dealing in, underwriting, and limited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) Wichita State University is under the jurisdiction, control, and management of the Kansas State Board of Regents. The Board is authorized under the laws of Kansas to issue revenue bonds and pledge student fees for the payment of such bonds in order to finance the construction of various buildings including stadia, or additions thereto, constructed by the Board for any institution under its jurisdiction.

(2) The Board is issuing these bonds to finance about half the cost of a stadium addition that will more than double the seating capacity of the present stadium at Wichita State University. Private contributions of \$750,000 have already been received to cover the remaining cost. Revenues from a 25¢ per credit hour increase in student fees and from other sources are expected to provide amounts sufficient to meet annual interest and principal payments on these bonds.

(c) *Ruling.* It is our conclusion that the \$750,000 Kansas State Board of Regents, Stadium Addition Revenue Bonds, Wichita State University, are issued by an agency of the State of Kansas for university purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for purchase, dealing in, underwriting and holding by national banks within the 10 percent limitation with respect to aggregate holdings of obligations issued by the Kansas State Board of Regents. (Comptroller's letter dated Jan. 9, 1969.)

§ 1.232 San Bernardino Public Safety Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$7,200,000 San Bernardino Public Safety Authority Revenue Bonds, Second Issue, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The San Bernardino Public Safety Authority is a public entity created under the laws of California by an agreement between the City of San Bernardino and the County of San Bernardino. Under this agreement the Authority is authorized to acquire land, construct public safety buildings (jail, juvenile hall and related facilities) to be leased to and operated by the County and to issue bonds to finance such projects. The Authority has issued \$2,830,000 First Issue bonds to finance the construction of a juvenile hall. It is issuing these bonds to finance jail facilities.

(2) The County, as required by its agreement with the City, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, in accordance with our ruling of July 26, 1968 (§ 1.218) relating to the First Issue bonds, that the \$7,200,000 San Bernardino Public Safety Authority Revenue Bonds, Second Issue, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Feb. 12, 1969.)

§ 1.233 Alaska State Housing Authority State Lease Revenue Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$5,750,000 State Lease Revenue Bonds (Courthouse Acquisition Project) of the Alaska State Housing Authority for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Alaska State Housing Authority is a public corporate authority under the laws of the State of Alaska. The Authority is authorized to provide for the acquisition and financing of public building projects for lease to the State. The Authority is issuing its general obligation bonds to finance the acquisition of existing State court and office buildings and the sites thereof at Anchorage and Fairbanks. The State is authorized to lease needed space and specifically these premises.

(2) The State of Alaska which possesses general powers of taxation has promised in the lease rental agreement to pay the Authority, for the right to

use and occupy the projects, annual rentals in amounts sufficient to enable the Authority to make the annual principal and interest payments on these bonds and the Authority has pledged these rentals to secure such payments. The bonds of the Authority are thus supported by the faith and credit of the State.

(c) *Ruling.* It is our conclusion, therefore, that the \$5,750,000 Alaska State Housing Authority State Lease Revenue Bonds (Courthouse Acquisition Project) are general obligations of a State or political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated Feb. 25, 1969.)

§ 1.234 San Jose Civic Improvement Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$8,000,000 San Jose City Improvement Authority Lease Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The San Jose Civic Improvement Authority is a public entity created under the laws of California by an agreement between the City of San Jose and the Redevelopment Agency of the City of San Jose. Under this agreement the Authority is authorized to acquire land, to construct and lease public buildings and to issue bonds to finance such projects. It is issuing these bonds to finance the acquisition of land for and the construction by the City of the San Jose Community Theatre. The completed project will be leased to and operated by the City.

(2) The City, as required by its agreement with the Agency, has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$8,000,000 San Jose Civic Improvement Authority Lease Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Comptroller's letter dated May 28, 1969.)

§ 1.235 Northwest Bergen County Sewer Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$6,000,000 Sewer System Bonds of the Northwest Bergen County Sewer Authority for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Northwest Bergen County Sewer Authority, established under the laws of the State of New Jersey by a resolution of the Board of Chosen Freeholders of the County of Bergen, is a body politic and corporate and a governmental instrumentality of the State. The Authority has power under New Jersey law to finance, construct, acquire, and operate a sewer system within its district. It is issuing these bonds for that purpose.

(2) A number of Bergen County municipalities have as authorized by New Jersey law entered into perpetual service contracts with the Authority. These contracts provide for the payment by the municipalities of service charges calculated, as required by law, to provide such amounts (in addition to other available funds) as will be required by the Authority for payments of principal and interest of any of its bonds or other obligations, operating expenses, maintenance of reserves and to extinguish any existing deficits. These municipalities which possess general powers of taxation have thus committed their faith and credit in support of the bonds of the Authority.

(c) *Ruling.* It is our conclusion that the \$6 million Sewer System Bonds of the Northwest Bergen County Sewer Authority are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 29, 1969.)

§ 1.236 Los Angeles County-La Mirada Public Facilities Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$1,375,000 Los Angeles County-La Mirada Public Facilities Authority, Regional Park Facilities Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Los Angeles County-La Mirada Public Facilities Authority is a public entity created under the laws of California by an agreement between the City of La Mirada and the County of Los Angeles. Under this agreement the Authority is authorized to acquire land, construct buildings and facilities for a public library and for a public park, both to be leased to and operated by the County, and to issue bonds to finance such projects. The Authority is issuing these bonds to complete the general development of La Mirada Regional Park including the construction of ball fields, parking lots and picnic areas. It is expected that additional bonds will be issued later to finance the construction of a public library.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses

general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$1,375,000 Los Angeles County-La Mirada Public Facilities Authority, Regional Park Facilities Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 29, 1969.)

§ 1.237 Lake Texarkana Water Supply Corporation.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$8,400,000 Lake Texarkana Water Supply Corporation Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) Lake Texarkana Water Supply Corp. was organized as a nonprofit water supply corporation under a provision of Texas law which authorizes the formation of such a corporation for the purpose of furnishing a water supply service to cities and others. The Corporation is authorized to issue bonds to finance the acquisition of water projects. A city is authorized by law to enter into a contract for the purchase of water systems from such a corporation and to agree to make periodic payments to the corporation in amounts which together with other income of the corporation will be sufficient to pay the principal of and interest on the bonds of the corporation. The law also authorizes a city to provide for the levying of a tax to make such payments.

(2) The Corporation owns facilities for the treatment and transportation of water to the Cities of Texarkana, Texas and Arkansas. Bonds issued to finance the existing facilities are now outstanding in the amount of \$2,435,000. The Corporation has entered into a contract with the City of Texarkana, Tex. under which the Corporation will finance and construct extensions and improvements to these facilities and will sell to the City, and the City will purchase, the resulting system which will serve the City, a number of neighboring municipalities and other users. Construction of the project will be assisted by a federal grant of \$3 million. The Corporation is issuing these bonds to finance the remaining costs and to refund the outstanding bonds.

(3) In the purchase contract the City has unconditionally promised to make periodic payments to the Corporation in amounts which will be sufficient to pay the principal of and interest on these bonds. The contract also provides that the periodic payments shall be payable from a continuing, direct annual ad valorem tax on all taxable property in the City sufficient to make such payments in each year. The City has by ordinance levied such a tax. The City which possesses general powers of taxation has

thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the \$8,400,000 Lake Texarkana Water Supply Corporation Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated June 18, 1969.)

§ 1.238 Riverside General Hospital Authority.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the \$2,130,000 Riverside General Hospital Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Riverside General Hospital Authority is a public entity created under the laws of California by an agreement between the County of Riverside and the City of Riverside to lease an existing site and hospital from the County and to finance and construct additional hospital facilities which with existing facilities are to be leased to and operated by the County. The Authority is issuing these bonds for that purpose.

(2) The County has unconditionally promised in the lease rental agreement to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The County which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion that the \$2,130,000 Riverside General Hospital Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks. (Acting Comptroller's letter dated July 23, 1969.)

[SEAL]

J. T. WATSON,
Acting Comptroller
of the Currency.

AUGUST 8, 1969.

[F.R. Doc. 69-9602; Filed, Aug. 13, 1969; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 69-AL-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On June 13, 1969, a notice of proposed rule making was published in the FED-

ERAL REGISTER (34 F.R. 9348) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the effective period of the Minchumina, Alaska, control zone and was identified as Airspace Docket No. 69-AL-3. The airspace docket number only was amended to 69-AL-8 by publication of F.R. Doc. 69-8470 (34 F.R. 12103) on July 18, 1969.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., September 30, 1969, as hereinafter set forth.

In 71.171 (34 F.R. 4557) the Minchumina, Alaska, control zone is amended by deleting "RR, from 0745 to 1545, local time, Wednesday through Sunday" and substituting therefore "RR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Anchorage, Alaska, on July 31, 1969.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 69-9586; Filed, Aug. 13, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9935) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Idaho Falls, Idaho, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are adopted subject to the following change. Amend the description of the Idaho Falls, Idaho, control zone by deleting "That airspace extending upward from the surface * * *".

Since this change is minor in nature, notice and public procedure hereon are unnecessary.

Effective date. These amendments shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the Idaho Falls, Idaho, control zone is amended to read:

IDAHO FALLS, IDAHO

Within a 5-mile radius of Fanning Field, Idaho Falls, Idaho (latitude 43°31'05" N., longitude 112°04'05" W.) within 3.5 miles each side of the Idaho Falls VOR 223° radial, extending from the 5-mile-radius zone to 11 miles southwest of the VOR; within 3.5 miles each side of the Idaho Falls VOR 080° radial, extending from the 5-mile radius zone to 11 miles northeast of the VOR and within 3 miles each side of the 036° bearing from the Idaho Falls RBN, extending from the 5-mile-radius zone to 9 miles northeast of the RBN.

In § 71.181 (34 F.R. 4637) the Idaho Falls transition area is amended to read:

IDAHO FALLS, IDAHO

That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 5 miles southeast of the Idaho Falls VOR 036° and 216° radials, extending from 21.5 miles northeast to 18.5 miles southwest of the VOR and within 6 miles northwest and 9 miles southeast of the 029° radial of the Pocatello VORTAC extending from 23 to 47 miles northeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the intersection of longitude 112°30'00" W., and the south edge of V-298, thence via the south edge of V-298 and V-328 to longitude 111°38'00" W., thence south via this longitude to the INT of an arc of a 23-mile-radius circle centered on the Idaho Falls VOR, thence clockwise via the 23-mile-radius arc to longitude 112°10'00" W., thence direct to latitude 43°20'30" N., longitude 112°45'30" W., thence direct latitude 43°32'00" N., longitude 112°35'00" W., thence to latitude 43°50'20" N., longitude 112°30'00" W., thence direct to point of beginning.

[F.R. Doc. 69-9587; Filed, Aug. 13, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 24, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9756) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Pocatello, Idaho, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the Pocatello, Idaho, control zone is amended to read as follows:

POCATELLO, IDAHO

Within a 5-mile radius of Pocatello Municipal Airport (lat. 42°54'35" N., long. 112°35'25" W.), and within 3 miles each side of the Pocatello VORTAC 252° radial, extending from the 5-mile radius zone to 8.5 miles west of the VORTAC.

In § 71.181 (34 F.R. 4637) the Pocatello, Idaho, transition area is amended to read as follows:

POCATELLO, IDAHO

That airspace extending upward from 700 feet above the surface within 4.5 miles southeast and 11 miles northwest of the Pocatello VORTAC 048° radial, extending from the VORTAC to 28 miles northeast of the VORTAC; within 9.5 miles north and 4.5 miles south of the 252° radial extending from 18.5 miles west to 1.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 43°11'30" N., longitude 112°10'00" W., thence to latitude 42°52'00" N., longitude 112°11'45" W., thence clockwise via a 23-mile radius arc centered on the Pocatello VORTAC to longitude 113°00'00" W., thence to 43°20'30" N., longitude 112°45'00" W., thence to point of beginning.

[F.R. Doc. 69-9588; Filed, Aug. 13, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On June 27, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 9936) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Montrose, Colo., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Montrose, Colo., control zone is amended by deleting the numerals " * * * 2 * * * " and " * * * 7 * * * " in the second and third lines respectively and substituting " * * * 4 * * * " and " * * * 14 * * * " therefor.

In § 71.181 (34 F.R. 4637) the Montrose, Colo., transition area is amended to read:

MONTROSE, COLO.

That airspace extending upward from 700 feet above the surface within 5 miles northeast and 9.5 miles southwest of the Montrose VOR 313° and 133° radials extending from 7 miles southeast to 24.5 miles northwest of the VOR.

[F.R. Doc. 69-9589; Filed, Aug. 13, 1969; 8:47 a.m.]

[Airspace Docket No. 69-WE-45]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Control Zone

On July 1, 1969, a notice of proposed rule making was published in the FEDERAL REGISTER (34 F.R. 11101) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations which would alter the descriptions of the Rawlins, Wyo., control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are adopted subject to the following changes.

In the proposed amendment to the Rawlins control zone add the word " * * * zone * * * " after " * * * 5-mile radius * * * ". In the description of the Rawlins transition area delete all after " * * * 6 miles south of the * * * " and substitute therefor " * * * 089° and 269° bearings from the Sinclair RBN extending from 8 miles west to 18.5 miles east of the RBN."

Since these changes are editorial in nature, notice and public procedure hereon are unnecessary.

Effective date. These amendments shall be effective 0901 G.m.t., October 16, 1969.

Issued in Los Angeles, Calif., on August 5, 1969.

WILLIAM R. KRIEGER,
Acting Director, Western Region.

In § 71.171 (34 F.R. 4557) the description of the Rawlins, Wyo., control zone is amended by adding " * * * " and within 2 miles each side of the 269° bearing from the Sinclair RBN extending from the 5-mile radius zone to the radiobeacon."

In § 71.181 (34 F.R. 4637) the Rawlins, Wyo., transition areas are amended to read:

RAWLINS, WYO.

That airspace extending upward from 700 feet above the surface within 5 miles each side of the 089° bearing from the Sinclair RBN extending from the RBN to 11.5 miles east; that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 6 miles south of the 089° and 269° bearings from the Sinclair RBN extending

from 8 miles west to 18.5 miles east of the RBN.

[F.R. Doc. 69-9590; Filed, Aug. 13, 1969; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8A2214) filed by Hoffmann-La-Roche, Inc., Nutley, N.J. 07110, and other relevant material concludes that the food additive regulations should be amended to provide for the safe use of disodium EDTA (disodium ethylenediaminetetraacetate) in combination with sodium ascorbate of ascorbic acid as a cure accelerator for cooked sausage. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1056(b)(1) is amended by alphabetically inserting in the table a new item, as follows:

§ 121.1056 Disodium EDTA.

Food	Limitation (parts per million)	Use
(b) * * *		
(1) * * *		
***	***	***
Cooked sausage.	36	As a cure accelerator with sodium ascorbate or ascorbic acid.
***	***	***

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is required, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied

by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 6, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-9571; Filed, Aug. 13, 1969;
8:45 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

OLEFIN POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 9B2355) filed by Enjay Polymer Laboratories, Post Office Box 45, Linden, N.J. 07036, and other relevant material, concludes that § 121.2501(d)(6) of the food additive regulations should be amended as set forth below to clarify the temperature conditions to be used for determining compliance with the Mooney viscosity specifications prescribed for olefin copolymers described in paragraph (a)(3)(iii) of that section. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2501(d)(6) is revised to read as follows:

§ 121.2501 Olefin polymers.

(d) * * *

(6) *Mooney viscosity—olefin copolymers described in paragraph (a)(3)(iii) of this section.* Mooney viscosity is determined by ASTM Method D 1646-63, using the large rotor at a temperature of 212° F., except that a temperature of 260° F. shall be used for those copolymers whose Mooney viscosity cannot be determined at 212° F. The apparatus containing the sample is warmed for 1 minute, run for 8 minutes, and viscosity measurements are then made.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the ob-

jections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 6, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-9570; Filed, Aug. 13, 1969;
8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTI-BIOTIC-CONTAINING DRUGS

Microbiological Agar Diffusion Assay; Change in Polymyxin B Working Standard Stock Solution

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 141 is amended as follows to improve the microbiological agar diffusion assay:

In § 141.110 *Microbiological agar diffusion assay*, paragraph (b) *Preparation of working standard stock solutions and standard response line solutions*, the table is amended:

1. For the item "Polymyxin B" by changing "10,000 units per ml. in distilled water" in the third column to read "Distilled water" and by changing "1,000 units" in the fifth column to read "10,000 units".

2. By adding to the end of the table a new footnote reading "Add 2 milliliters of distilled water for each 5 milligrams of weighed working standard material."

The amendments herein improve an assay method and are nonrestrictive and noncontroversial in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 7, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-9572; Filed, Aug. 13, 1969;
8:45 a.m.]

SUBCHAPTER D—HAZARDOUS SUBSTANCES

PART 191—HAZARDOUS SUBSTANCES: DEFINITIONS AND PROCEDURAL AND INTERPRETATIVE REGULATIONS

Photographic Color-Processing Kits; Exemption From Certain Labeling Requirements

Section 191.63(a)(25) conditionally exempts from the requirements of the Federal Hazardous Substances Act the outer cartons of certain kits containing a variety of solvents and cleaning agents. The Commissioner of Food and Drugs has received a request to amend said regulation to include photographic color-processing kits.

The Commissioner concludes that full compliance with the labeling requirements of section 2(p)(1) of the act is unnecessary for the adequate protection of public health and safety (1) if the outer carton of such kits bears warnings adequate to alert the user to the fact that the kit contains substances that may be hazardous and (2) if each individual container of a hazardous substance in the kit and accompanying literature (if any) bearing directions for use are properly labeled.

Therefore, pursuant to the provisions of the act (sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262) and under authority delegated to the Commissioner (21 CFR 2.120), § 191.63(a) is amended by revising the introductory text of subparagraph (25) to read as follows:

§ 191.63 Exemption for small packages, minor hazards, and special circumstances.

(a) * * *

(25) Cleaning and spot removing kits intended for use in cleaning carpets, furniture, and other household objects; kits intended for use in coating, painting, antiquing, and similarly processing furniture, furnishings, equipment, sidings, and various other surfaces; and kits intended for use in photographic color processing are exempt from the requirements of section 2(p)(1) of the act and § 191.7: *Provided*, That:

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the Federal Hazardous Substances Act contemplates such modification of labeling requirements under certain conditions.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 3(c), 74 Stat. 374; 15 U.S.C. 1262)

Dated: August 7, 1969.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 69-9573; Filed, Aug. 13, 1969;
8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARKANSAS

WAPANOCCA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Wapanocca National Wildlife Refuge, Ark., is permitted only on the area designated by signs as open to hunting. This open area, comprising 1,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and seasons covering the hunting of mourning doves subject to the following special conditions:

- (1) Hunting dates: September 1, 3, 6, 9, 13, 16, and 20, 1969.
- (2) No hunters will be permitted within the hunting areas before 11:45 a.m. daily.
- (3) All firearms must be encased and/or unloaded when outside designated hunting areas.
- (4) When a successful limit has been taken the hunter must leave the hunting area immediately.
- (5) Retrievers used by hunters will be kept under control at all times.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through September 20, 1969.

HOLLA BEND NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Holla Bend National Wildlife Refuge, Ark., is permitted only on the areas designated by signs as open to hunting. This open area, comprising approximately 800 acres, is delineated on a map available at refuge headquarters, Russellville, Ark. 72801; and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations and seasons covering the hunting of mourning doves, subject to the following special conditions:

- (1) Hunting dates are September 1, 6, 10, and 13 from 12 noon until official sunset.

(2) Retrievers used by hunters will be kept under control at all times.

(3) All firearms must be encased and/or unloaded when outside designated hunting areas.

(4) Crows may also be taken during this hunt.

(5) Hunters may not enter the refuge earlier than 12 a.m. daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 20, 1969.

MISSISSIPPI

YAZOO NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves on the Yazoo National Wildlife Refuge, Miss., is permitted only on the areas designated by signs as open to hunting. These open areas, comprising approximately 1,000 acres, are delineated on a map available at refuge headquarters, Route 1, Hollandale, Miss. 38748; and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State and Federal regulations and seasons covering the hunting of mourning doves, subject to the following special conditions:

- (1) Hunting dates: September 13, 15, 17, 20, 22, 24, 27, 1969.
- (2) No hunters will be permitted within the hunting areas before 11:45 a.m. daily.
- (3) Retrievers used by hunters will be kept under control at all times.
- (4) All firearms must be encased and/or unloaded when outside designated hunting areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 27, 1969.

SOUTH CAROLINA

CAPE ROMAIN NATIONAL WILDLIFE REFUGE

Public hunting of rails on the Cape Romain National Wildlife Refuge, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising 11,638 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations covering the hunting of rails subject to the following special conditions:

- (1) Open season: October 7 through November 25, 1969.
- (2) Guns must be encased or otherwise rendered incapable of firing except when in the designated hunting area.
- (3) The use of dogs is permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50,

Code of Federal Regulations, Part 32, and are effective through November 25, 1969.

W. L. TOWNS,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

AUGUST 7, 1969.

[F.R. Doc. 69-9577; Filed, Aug. 13, 1969; 8:46 a.m.]

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MARYLAND

EASTERN NECK NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Eastern Neck National Wildlife Refuge, Md., is permitted only on the area designated by signs as open to hunting. This open area, comprising 2,169 acres, is delineated on maps available at refuge headquarters, Rock Hall, Md., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) White-tailed deer may be taken from sunrise to sunset during the following open season:

Bow and arrow hunt only: October 18, 20, 21, and 22, 1969.

Muzzle loading rifles and shotgun hunt only: October 25, 27, 28, and 29, 1969.

(2) Bag limits; One deer, either sex.
(3) All participants in the deer hunt must report at the designated check station before entering or leaving the refuge. All deer killed must be presented for examination at the check station.

(4) Hunters may not enter the refuge before three-fourths hour before sunrise and check out no later than 1 hour after sunset.

(5) Possession of loaded weapons before or after legal hunting hours is prohibited.

(6) Muzzle-loading rifles must be .40 caliber or larger.

(7) All hunters must enter and leave the refuge by way of State Road 445 only. Entry by boat is prohibited.

(8) Dogs are prohibited.

(9) Unauthorized entry into any building or designated "Closed Area" is prohibited.

(10) Hunters must not hunt or possess loaded guns or arrows notched in bow on the county roads or designated parking areas.

(11) Vehicles must be parked only in designated parking areas.

(12) During the gun hunt all hunters must furnish and wear so as to be readily visible, red, yellow, or orange caps, hats,

vests, shirts, or coats while on the hunting area.

(13) Hunters under 18 years of age must be accompanied by an adult.

(14) Camping and fires are prohibited.

(15) Hunters shall not disturb, damage, or destroy any unharvested crops.

(16) A Federal permit will be required of all participants in the deer hunts. Permits will be limited to 350 per day for the bow and arrow hunt and 150 per day for the firearms hunt. They will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received no later than September 19, 1969, at the Eastern Neck National Wildlife Refuge, Route 2, Box 193, Rock Hall, Md. 21661. Permits will not be transferable nor will permits be issued at the checking station on any day of the hunt.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 29, 1969.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer is permitted on 97 percent of the Carolina Sandhills National Wildlife Refuge. This open area is designated by signs as open to hunting and delineated on a map available from refuge headquarters, McBee, S.C., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting shall be in accordance with all applicable State regulations and subject to the following special conditions:

(1) Season: October 27–November 1 and November 6–8, 1969.

(2) Hunters may not enter hunting area prior to 5 a.m., e.s.t., and must leave by 6:30 p.m. e.s.t.

(3) Weapons: Same as allowed for deer hunting on State Game Management Areas. Pistols are not permitted.

(4) Only male deer with visible antlers may be taken. Illegal to shoot or pursue white (albino) deer.

(5) Deer drives permitted only on designated areas.

(6) Each hunter must sign a register at refuge headquarters or at the Lake Bee Recreation Area each day before he hunts.

(7) Individuals under 18 years of age must be accompanied by a responsible adult.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 8, 1969.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on the Chincoteague National Wildlife Refuge, Va., is permitted only on areas designated by signs as open to hunting. This open area, comprising 5,200 acres, is delineated on maps available at refuge headquarters, Chincoteague, Va., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Hunting and bag limits shall be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: Sika deer and white-tailed deer.

(2) Permit: A free Federal permit will be required of all participants in the hunt.

(3) Hunting hours: In accordance with State regulations; in addition, all hunters must be out of the hunting area by 1 hour after legal hunting hours.

(4) Scouting: Scouting will be permitted from sunrise to sunset on the 3 days preceding the hunt.

(5) Check Out—All deer must be checked out at the refuge office prior to removal from the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1969.

PRESQUILLE NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Presquille National Wildlife Refuge is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be in accordance with all ap-

plicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions.

(1) A Federal permit costing \$2 for a 2-day hunt will be required. Permits will be issued for a 2-consecutive-day period. Permits will be limited to 75 for each 2-day period and will be issued in advance of the season to hunters selected by an impartial drawing from applications received. Applications must be received on a post card no later than September 26, 1969, at the Presquille National Wildlife Refuge, Post Office Box 658, Hopewell, Va. 23860. Permits are nontransferable.

(2) White-tailed deer may be taken with bow and arrow only from sunrise to 4 p.m., e.s.t. (5:00 e.d.t.) on October 16, 17, 22, 23, 28, and 29 and November 3 and 4, 1969.

(3) Bag limits: One deer per day, either sex.

(4) All hunters must enter the refuge on the refuge ferry at 5 a.m., e.s.t. Entry by boat is prohibited. There will be an official State checking station on the refuge.

(5) All travel on the refuge will be on foot or by refuge vehicles. Horses and dogs are prohibited.

(6) Possession of firearms on the refuge is prohibited.

(7) Hunters shall not disturb, damage or destroy any unharvested crops.

(8) Camping, fires, and littering are prohibited.

(9) All arrows in the possession of each hunter must be marked with the permit number issued to the hunter. The marking may be accomplished in any manner so long as the number is clearly visible.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 4, 1969.

C. EDWARD CARLSON,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 8, 1969.

[F.R. Doc. 69-9578; Filed, Aug. 13, 1969;
8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 417]

PROCEDURAL METHODS FOR IMPLEMENTING COLORADO RIVER WATER CONSERVATION MEASURES WITH LOWER BASIN CONTRACTORS AND OTHERS

Extension of Time for Further Comments

On July 11, 1969 (34 F.R. 11499), the Department published a notice of proposed rule making which would revise Part 417 of Title 43 of the Code of Federal Regulations. The time for submitting written comments, suggestions, or objections was designated as within 30 days of publication of the notice in the FEDERAL REGISTER, i.e., no later than August 10, 1969.

Additional time for submitting comments has been requested by interested parties. The requested additional time is considered warranted and in the public interest. Accordingly, the time for submitting written comments, suggestions, or objections is extended for an additional 30 days beyond August 10, 1969.

JAMES R. SMITH,

Assistant Secretary of the Interior.

AUGUST 8, 1969.

[F.R. Doc. 69-9579; Filed, Aug. 13, 1969; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Approval of Expenses and Fixing of Rate of Assessment for 1969-70 Fiscal Period and Carryover of Unexpended Funds

Consideration is being given to the following proposals submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Industry

Committee, during the period April 1, 1969, through March 31, 1970, will amount to \$32,541.

(b) That there be fixed, at one and one-half cents (\$0.015) per standard package or equivalent quantity of Tokay grapes, the rate of assessment payable by each handler in accordance with § 926.46 of the aforesaid marketing agreement and order.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ending March 31, 1969, be carried over in accordance with § 926.47 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: August 8, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-9596; Filed, Aug. 13, 1969; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED PEACHES

Identity Standard; Listing of Erythorbic Acid and Ascorbic Acid as Optional Ingredients

Notice is given that a petition has been filed by the National Canners Association, 1133 20th Street NW., Washington, D.C. 20036, proposing that the standard of identity for canned peaches (21 CFR 27.2) be amended to permit the optional addition of erythorbic acid or ascorbic acid in an amount no greater than necessary to preserve color.

Grounds given in support of the proposal are that erythorbic acid and ascorbic acid have been shown to be useful as color fixatives for canned peaches of both the cling and freestone varieties packed in containers other than tin-coated cans.

Accordingly, it is proposed that § 27.2 Canned peaches; identity; label state-

ment of optional ingredients be amended:

1. In paragraph (a) to provide for use of erythorbic acid or ascorbic acid as an optional ingredient in an amount no greater than necessary to preserve color; and

2. In paragraph (d) to require the label statement "Erythorbic acid added _____" or "Ascorbic acid added _____" as applicable, the blank being filled in with "to preserve color," or "to protect color."

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), all interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding this proposal within 60 days following the date of publication of this notice in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, and may be accompanied by a memorandum or brief in support thereof.

Dated: August 6, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[F.R. Doc. 69-9574; Filed, Aug. 13, 1969; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 21298]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS; USE OF CERTAIN TURBOJET AIRCRAFT

Certificated Takeoff Weight With Passenger Capacity of 12 Persons in Planeload Charter Operations in Carriage of Mail

AUGUST 11, 1969.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 298 of the economic regulations so as to permit the Postmaster General to utilize air taxi operators for the carriage of mail in planeload operations in turbojet aircraft with maximum certificated takeoff weight in excess of 12,500 and under 27,000 pounds and with maximum passenger capacity of 12 persons. The principal features of the proposed amendments are explained in the explanatory statement below, and the text

of the proposed amendments is also set forth below. The amendments are proposed under authority of sections 204(a), 401(a), 406, and 416(b) of the Act, 72 Stat. 743, 754, 763 and 771; 49 U.S.C. 1324, 1371, 1376, 1386.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before September 15, 1969, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. In Docket 20791 the Postmaster General has petitioned the Board to amend Part 298 (Classification and Exemption of Air Taxi Operators), inter alia, so as to authorize the use of aircraft exceeding 12,500 pounds certificated takeoff weight for the carriage of mail.¹ *Provided*, That such aircraft is operated only on mail schedules fixed by the Postmaster General and no other revenue traffic is carried on such flights. The regulation currently authorizes the carriage of passengers or property in planeload charter in turbojet aircraft having a maximum certificated weight of over 12,500 and under 27,000 pounds provided that the maximum passenger capacity thereof does not exceed 12 persons. In support of the petition, the Postmaster General asserts, inter alia, that the extension of the turbojet exemption to include a mail authorization will not suffice since, when the speed of turbojet aircraft is not required, the Department may need the capacity of other types of aircraft exceeding 12,500 pounds gross takeoff weight. Thus, the Department does not wish to be restricted in the carriage of mail in large aircraft to the use of turbine-powered aircraft.

Considering the matters set forth in the petition, we tentatively find a need for the Postmaster General to use turbojet aircraft in excess of 12,500 pounds and under 27,000 pounds certificated takeoff weight with passenger capacity of not more than 12 persons in planeload operations for the carriage of mail. Ac-

cordingly, the proposed rule would extend the present large aircraft exemption to include the transportation of mail in planeload operations.

Except to the extent granted herein, the request of the Postmaster General for a rule making proceeding to amend Part 298 so as to permit the use of large aircraft in the transportation of mail is denied. If the volume of mail is sufficient to require the use of large aircraft, it would seem that the certificated route carriers should be in a position to perform this carriage. In those situations where the services of the route carriers do not meet the Department's needs, the Department and the air taxi operators can use the Board's existing procedures for securing an exemption from the terms of Part 298.

It is proposed to amend Part 298 of the economic regulations (14 CFR Part 298) as follows:

1. Amend paragraphs (a) and (i) of § 298.21 to read as follows:

§ 298.21 Scope of service authorized; geographical, equipment and mail service limitations, insurance and reporting requirements.

(a) *General scope.* Subject to the prohibitions of paragraphs (b), (c), (d), (f), and (g) of this section, the exemption authority provided to air taxi operators by this part shall extend to the direct air transportation of persons, property and mail (subject to the limitations imposed in §§ 298.3(a) and 298.13) (1) in aircraft having a maximum takeoff weight of 12,500 pounds or less, and (2) in planeload charter flights in turbojet aircraft having a maximum certificated takeoff weight of over 12,500 pounds and under 27,000 pounds² and a maximum passenger capacity of not more than twelve (12) persons: *Provided, however*, That the authorization in subparagraph (2) of this paragraph shall not be applicable to operations within the States of Alaska or Hawaii. For purposes of this section, "charter flight" means air transportation performed by an air taxi operator on a time, mileage, or trip basis where the entire capacity of one or more aircraft has been engaged (i) for the movement of persons and property (a) by a person for his own use, or (b) by a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons and/or their property, as agent or representative of such group, or (ii) for the transportation of mail for the Post Office Department.

(i) *Filing of reports by operators of turbojet aircraft.* Air taxi operators

²The carriers are cautioned that the safety regulations of the FAA applicable to air taxi aircraft in excess of 12,500 pounds may be different from those applicable to aircraft weighing 12,500 pounds or less and that, as in the case of all operations conducted under this part, the operations with aircraft in excess of 12,500 pounds must be conducted pursuant to applicable safety regulations.

which engage in air transportation with turbojet aircraft whose maximum certificated takeoff weight is over 12,500 pounds shall file with the Board's Bureau of Accounts and Statistics, not later than 15 days after the end of each calendar quarter, a report setting forth the points between which each charter flight performed with such aircraft is operated during such quarter and, with respect to each flight, the number of passengers and/or pounds of cargo transported, the number of pounds of mail transported, the charter price, and the model aircraft used.

[F.R. Doc. 69-9606; Filed, Aug. 13, 1969; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18574; RM-1426]

FM BROADCAST STATIONS

Table of Assignments, Catlettsburg, Ky.; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202, *Table of assignments*, FM Broadcast Stations (Lineville and Roanoke, Ala.; Bloomington, Ind.; St. George, S.C.; Muskegon, Mich.; Paintsville and Jackson, Ky.; Exmore, Va.; Montour Falls, N.Y.; Catlettsburg, Ky.; Winona, Miss.; Braddock Heights or elsewhere in Maryland, Virginia or West Virginia); Docket No. 18574, RM-1394, RM-1397, RM-1400, RM-1405, RM-1407, RM-1416, RM-1420, RM-1426, RM-1431, RM-1404.

1. On June 20, 1969, the Commission released a notice of proposed rule making in this proceeding (FCC 69-669) inviting comments on a number of proposals to amend the FM Table of Assignments, including the assignment of Channel 224A to Catlettsburg, Ky. The time for filing comments has expired and the date designated for filing reply comments is August 8, 1969.

2. On August 8, 1969, K & M Broadcasting Co. (K & M), by its attorney, filed a request for an extension to and including September 1, 1969, in which to file reply comments. It states that on July 28, 1969, Charbert Industries, Inc., licensee of Stations WCMI-AM-FM, Ashland, Ky., filed comments, including a lengthy engineering statement, to the proposed rule making. K & M further states that in order for it to respond properly to Charbert's comments, it will be necessary to obtain assistance from its consulting engineer who will be on vacation for most of the month of August. It therefore finds it necessary to have additional time in which to complete an engineering statement.

3. We are of the view that the requested time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing reply comments is extended to and including September 2, 1969.

¹Insofar as the petition seeks extension of the authorization for air taxi operators to transport mail for the Post Office Department, action on this aspect was taken in EDR-160, Apr. 25, 1969, and the authorization was extended to June 30, 1974, by ER-580, adopted June 12, 1969, effective July 1, 1969, 34 F.R. 9552. Insofar as the petition seeks authorization to use large aircraft for the transportation of mail, action is being taken in this rule making proceeding. Action on the petition in all other respects is being separately taken in Docket 20791.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended and § 0.281(d)(8) of the Commission rules.

Adopted: August 8, 1969.

Released: August 11, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,
GEORGE S. SMITH,
Chief, Broadcast Bureau.

[F.R. Doc. 69-9613; Filed, Aug. 13, 1969;
8:49 a.m.]

[47 CFR Part 73]

[Docket No. 18434; FCC 69-863]

ADVERTISING OF CIGARETTES

**Order Extending Time for Filing Reply
Comments**

In the matter of amendment of Part 73 of the Federal Communications Commission rules with regard to the advertising of cigarettes; Docket No. 18434.

Our notice in this matter (34 F.R. 1959) issued a "serious" call for volun-

tary action to end cigarette advertising in the broadcast field (see paragraphs 12 and 16, notice). There have been most important recent developments in this respect (see Hearings on H.R. 6543 before the Consumer Subcommittee of the Senate Commerce Committee, July 22, 1969). So that the comments may more concretely reflect these developments, we are extending, on our own motion, the time for filing reply comments for 60 days.

Accordingly, it is ordered, That the time for filing reply comments is extended to October 17, 1969.

Adopted: August 6, 1969.

Released: August 8, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 69-9614; Filed, Aug. 13, 1969;
8:49 a.m.]

¹ Commissioners Hyde, Chairman; Wadsworth and Johnson absent.

Notices

DEPARTMENT OF COMMERCE

Business and Defense Services
Administration

HARTFORD HOSPITAL ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Service Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00696-33-46500. Applicant: Hartford Hospital, 80 Seymour Street, Hartford, Conn. 06115. Article: Ultramicrotome, LKB 8800 Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for advanced light microscopy and ultimately for electron microscopic examination. The initial primary use will be to enhance histologic diagnostic capability especially where applied to certain surgical pathology specimens such as liver, renal, bowel, and brain biopsy material. In the case of the latter, continuity between nervous tissue elements is a primary concern which needs extremely thin sections to determine the specific relationship between synapsing structures. Application received by Commissioner of Customs: June 27, 1969.

Docket No. 69-00697-33-46500. Applicant: Veterans Administration Hospital,

50 Irving Street NW., Washington, D.C. 20422. Article: Ultramicrotome, Model LKB 8800 Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used to produce ultrathin sections for electron microscopic examination. The primary uses are for nervous tissue. In the nervous tissue, the primary study is synaptology. Because the continuity between nervous tissue elements is of primary concern, there is a need for extremely thin sections to determine the specific relationship between these synapsing structures. Therefore, it is mandatory that we cut long series of equal thickness serial section. These sections should be easily varied by the operator between the values of 50 Å to 2 microns and it should be possible to easily and rapidly change the serial sectioning thickness. Application received by Commissioner of Customs: June 27, 1969.

Docket No. 69-00698-33-46500. Applicant: Department of Health, Education, and Welfare—PHS—CPE, National Air Pollution Control Administration, 411 West Chapel Hill Street, Durham, N.C. 27701. Article: Ultramicrotome, Model LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in a research project designed to define the morphologic alterations in alveolar macrophages following exposure to various air pollutants. The most significant aspect of this work involves examination of the individual alveolar macrophage cells with the electron microscope at magnifications of 5000-75,000. In order to view these cells in the electron microscope they must first be embedded in epoxy resins and sectioned in a range of uniform thicknesses of 50-750 angstroms. Application received by Commissioner of Customs: June 27, 1969.

Docket No. 69-00699-40-74700. Applicant: University of Dayton, Department of Mechanical Engineering, 300 College Park Drive, Dayton, Ohio 45409. Article: Simulators (mechanical engineering). Manufacturer: Tecquipment, Ltd., U.K. Intended use of article: The article will be used for laboratory demonstration and instruction of undergraduate mechanical engineering students. Application received by Commissioner of Customs: June 27, 1969.

Docket No. 69-00702-33-46500. Applicant: University of Nebraska College of Medicine, 42d and Dewey Avenue, Omaha, Nebr. 68105. Article: Ultramicrotome, Model LKB 8800 Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used primarily for sectioning embryonic tissue or whole embryos in serial form. The applicant must be able to obtain alternately single sections of greater than 0.1 micron thickness and long series of serial sections of equal

thickness (approximately 50 angstroms), allowing location and identification by light microscopy of certain cell types (for example germ cells) using toluidine blue stained thick sections, and then with serial ultrathin sections reconstruct the fine structure of these cells. Application received by Commissioner of Customs: June 30, 1969.

Docket No. 69-00703-00-46040. Applicant: California Institute of Technology, 1201 East California Boulevard, Pasadena, Calif. 91109. Article: Specimen Chamber, No. 171-040(a). Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to provide space for the miniature diffraction lens for an electron microscope. Application received by Commissioner of Customs: June 30, 1969.

Docket No. 69-00706-00-46040. Applicant: Massachusetts General Hospital, Orthopedic Research, Parkman Street Gate, Boston, Mass. 02114. Article: Shutter Exposure Meter, No. 171-460. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used for exact measurement of the electron current falling on the final viewing screen and determination of the most favorable exposure time in order to obtain properly blackened negatives of the tissue under study. Application received by Commissioner of Customs: June 30, 1969.

Docket No. 69-00708-01-77040. Applicant: Virginia Polytechnic Institute, Blacksburg, Va. 24061. Article: Mass spectrometer, Model RMU-6E. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article will be used for research in the following areas:

- A. Quantitative analysis of mixtures.
 - B. Qualitative identification of organic, inorganic, and organometallic compounds.
 - C. Study of ionization efficiency curves for singly and multiply charged positive ions.
 - D. Studies of negative ion formation in unimolecular decomposition reactions.
 - E. Study of ionization efficiency curves for negative ions.
 - F. Studies of ion-molecule reactions for positive and negative ions.
 - G. Lifetimes of metastable ions and "metastable ion mass spectra."
 - H. Formation of negative ions via surface ionization.
 - I. Studies of free radicals generated thermally and photochemically.
- Application received by Commissioner of Customs: June 30, 1969.

CHARLEY M. DENTON,
Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[F.R. Doc. 69-9563; Filed, Aug. 13, 1969; 8:45 a.m.]

UNIVERSITY OF OKLAHOMA ET AL.
Notice of Applications for Duty-Free
Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Scientific Instrument Evaluation Division, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Scientific Instrument Evaluation Division, Department of Commerce, Washington, D.C.

A copy of each comment filed with the Director of the Scientific Instrument Evaluation Division must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose application the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 69-00614-33-46070. Applicant: University of Oklahoma, Norman, Okla. 73069. Article: Scanning electron microscope, Model JSM-2 and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used as a faculty-staff, graduate student, and undergraduate student research tool, as well as a teaching aid in the instruction of a special course in scanning electron microscopy. Specific projects are: Research on the classification and nomenclature of fleas, studies of spores, and pollen, research on the shell structure of brachiopods, study of mineral grain-surface reactions as a result of intrastatal solutions, and clay mineral orientation studies as an influence on soil problems. All the above projects involve active participation by graduate students. Application received by Commissioner of Customs: May 15, 1969.

Docket No. 69-00686-65-46040. Applicant: New York University, University Heights, Bronx, N.Y. 10453. Article: Electron microscope, Model JEM-120 and accessories. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article will be used for studies of the nature and structure of defects in crystals of both metals and semiconductors, as well as for studies involving the use of the article

and accompanying accessories in the transmission mode (bright and dark field), and in high resolution replication and fractography. In relating structure properties, a quantitative analysis of the dislocation substructure is intended, for example, determination of the Burgers vectors. In this way, the scientific objective in each program can be achieved. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69-00687-00-46040. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Accessories for Elmiskop IA electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles will be used for updating an existing electron microscope presently in use. These accessories are intended to provide additional capability for the study of dislocation arrangements of metallurgical structures. Application received by Commissioner of Customs: June 23, 1969.

Docket No. 69-00688-33-46500. Applicant: University of Oregon, Department of Biology, Eugene, Oreg. 97403. Article: Ultra microtome, Model "OmU2". Manufacturer: C. Reichert Werke AG, Austria. Intended use of article: The article will be used for research on sectioning single cells to better understand the structure of the cellular components involved in cell division, for work on the micro-ultrastructure of individual components of the substructure of muscle and for other research requiring the routine production of ultrathin serial sections. Application received by Commissioner of Customs: June 24, 1969.

Docket No. 69-00689-98-40500. Applicant: Purdue University, West Lafayette, Ind. 47907. Article: Interferometer, Fabry-Perot, standard model. Manufacturer: SOPRA, France. Intended use of article: The article will be used for the instruction of students in the following courses: Physics, 351, 352, and 524. Students will learn the basic properties of a Fabry-Perot interferometer, as well as how to adjust the surfaces for exact parallelism and how to measure reflectivity, finesse, free spectral range, and transmission coefficient. They will make both visual and photographic determinations of small wavenumber separations. Application received by Commissioner of Customs: June 25, 1969.

Docket No. 69-00692-00-00500. Applicant: University of Chicago, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Article: Deflector, R F separator structure. Manufacturer: CSF Compagnie Generale De Telegraphie Sans Fil, France. Intended use of article: The article will be used as a component of a R F separator which is used in particle accelerator experiments in high energy physics. It will guide selected subatomic particles from the synchrotron to a liquid hydrogen chamber. Application received by Commissioner of Customs: June 26, 1969.

Docket No. 69-00694-33-46040. Applicant: Williams College, Office of the Treasurer, Hopkins Hall, Main Street,

Williamstown, Mass. 01267. Manufacturer: Philips Electronics, NVD., The Netherlands. Intended use of article: The article will be used for studying biochemical and ultrastructural factors involved in the qualitative change in hemoglobin synthesis that occurs during throxin-induced metamorphosis of tadpoles in the bullfrog, *Rana catesbeiana*. It will also be used for studying physiological and histological changes related to endocrine control of metamorphosis in lower vertebrates, especially newts and salamanders. Application received by Commissioner of Customs: June 26, 1969.

Docket No. 69-00695-33-46500. Applicant: University of Missouri—Columbia, Purchasing Department, General Services Building, Columbia, Mo. 65201. Article: Ultramicrotome, LKB 8800A Ultratome III. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used for ultrathin sectioning for electron microscopy. Currently several research projects are being carried out in various areas of the nervous system: the preoptico-neurohypophysial system in the grass frog, the mammillary body in the rabbit, the subfornical organ, the subcommissural organ, the area postrema and the pineal body in various large and small animals. Application received by Commissioner of Customs: June 27, 1969.

CHARLEY M. DENTON,
 Assistant Administrator for Industry Operations, Business and Defense Services Administration.

[P.R. Doc. 69-9564; Filed, Aug. 13, 1969; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration
CALGON CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Calgon Corp., Box 1346, Pittsburgh, Pa. 15230, has withdrawn its petition (FAP 9B2381), notice of which was published in the FEDERAL REGISTER of January 31, 1969 (34 F.R. 1568), proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of partially hydrolyzed copolymers of acrylamide and dimethyldiallylammonium chloride as a retention aid and flocculent employed prior to the sheet-forming process in the manufacture of

paper and paperboard intended for use in contact with food.

Dated: August 7, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[P.R. Doc. 69-9575; Filed, Aug. 13, 1969;
8:46 a.m.]

PILLSBURY CO.

Notice of Filing of Petition for Food Additive Glucan Polysaccharide

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (MF 3421V) has been filed by The Pillsbury Co., 608 Second Avenue South, Minneapolis, Minn. 55402, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of a whole spray-dried fermentation product produced by fermentation of carbohydrate substrates by the fungus *Sclerotium rolfsii* and related species where the fermentation is carried out under conditions that produce glucan polysaccharide. The whole spray-dried product is for use as a suspending and emulsifying agent in liquid-feed concentrates to be used in feed for ruminants.

Dated: August 6, 1969.

R. E. DUGGAN,
Acting Associate Commissioner
for Compliance.

[P.R. Doc. 69-9576; Filed, Aug. 13, 1969;
8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order 69-8-35]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority August 7, 1969.

Agreement adopted by Joint Conference 1-2-3 of the International Air Transport Association relating to specific commodity rates; Docket 18650, Agreement CAB 20745, R-91 through R-93.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and

promulgated in an IATA letter dated July 23, 1969, names additional specific commodity rates, as set forth in the attachment hereto, which reflect significant reductions from the general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 20745, R-91 through R-93, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 69-9608; Filed, Aug. 13, 1969;
8:48 a.m.]

[Docket No. 20334, etc.]

ST. LOUIS-DAYTON/COLUMBUS/ PITTSBURGH PROCEEDING

Notice of Hearing

St. Louis-Dayton/Columbus/Pittsburgh Subpart M proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding previously postponed until further notice is to be held on August 21, 1969, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., August 8, 1969.

[SEAL] MILTON H. SHAPIRO,
Hearing Examiner.

[P.R. Doc. 69-9607; Filed, Aug. 13, 1969;
8:48 a.m.]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service

Commission authorizes the Department of Commerce to fill by noncareer executive assignments in the excepted service the positions of Deputy Director for Planning, Office of Foreign Direct Investments; and Deputy Director for Operations, Office of Foreign Direct Investments.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioner.

[P.R. Doc. 69-9598; Filed, Aug. 13, 1969;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignments

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the positions of Deputy Director and Chief, Policy Review Staff in the Office of Foreign Direct Investments.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[P.R. Doc. 69-9599; Filed, Aug. 13, 1969;
8:48 a.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, F.R. Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from "General Deputy, Land and Facilities Development Administration" to "Deputy Director, Community Resources Development Administration, Office of the Assistant Secretary for Metropolitan Development".

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[P.R. Doc. 69-9600; Filed, Aug. 13, 1969;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Report 452]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Appli- cations Accepted for Filing²

AUGUST 11, 1969.

Pursuant to §§ 1.227(b)(3) and 21.26 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

¹ All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

² The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

- 523-C2-P-70—The Mountain States Telephone & Telegraph Co. (KOF095), C.P. to add auxiliary test station to be located at 3001 Second Avenue North, Billings, Mont., to operate on frequencies 157.95, 158.01 MHz.
- 524-C2/C1-AL-(13)-70—Golden State Telephone Co. (KMM584), (KMM672), (KMM650), (KMA746), Consent to assignment of license from: Golden State Telephone Co., Assignor to: California Interstate Telephone Co., Assignee.
- 389-C2-R-70—New York Telephone Co. (KEC932), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: from: Sept. 10, 1969, to Sept. 10, 1970.
- 4807-C2-R-70—New York Telephone Co. (KED350), Renewal of (Developmental) license expiring Sept. 10, 1969. Term: from: Sept. 10, 1969, to Sept. 10, 1970.
- 4737-C2-R-70—New York Telephone Co. (KEK278), Renewal of (Developmental) license expiring Sept. 9, 1969. Term: from: Sept. 9, 1969, to Sept. 9, 1970.
- 529-C2-P-(3)-70—Radiopaging, Inc. (New), C.P. for a new 2-way station. Frequencies: 454.125, 454.300, 454.225 MHz. Location: 111 Northeast Second Avenue, Miami, Fla.
- 530-C2-P-(2)-70—Electronic Engineering Co. (KAF242), C.P. for additional base channels to operate on frequencies 454.050, 454.300 MHz at a new site to be identified as location No. 2: Ninth and Pleasant Streets, Des Moines, Iowa.
- 531-C2-P-70—Empire Communications Co. (New), C.P. for a new 1-way-signaling station. Frequency: 158.70 MHz. Location: Capitol Hill, Eugene, Oreg.
- 532-C2-P-70—General Telephone Co. of Illinois (New), C.P. for a new 2-way station. Frequency: 152.81 MHz. Location: 111 South Main Street, Kewanee, Ill.
- 550-C2-P-70—Waco Communications, Inc. (New), C.P. for a new (1-way) station to be located approximately 2 miles southwest of Belton, Tex., to operate on frequency 158.70 MHz.
- 551-C2-P-(2)-70—AAA Anserphone, Inc., Jackson (New), C.P. for a new (2-way) station to be located at the Deposit Guaranty Bank Building, corner of Capital and Lamar Streets, Jackson, Miss., to operate on frequencies 454.30 and 454.35 MHz.
- 557-C2-P-70—Answerite Professional Telephone Service (New), C.P. for a new (1-way) station to be located at 418 West 13th Street, Sanford, Fla., to operate on frequency 158.700 MHz.
- 558-C2-P-70—Mobilfone (New), C.P. for a new (1-way) station to be located at 2501 Suntuide Road, Corpus Christi, Tex., to operate on frequency 152.24 MHz.
- 559-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for a new (2-way) station to be located at town of Rib Mountain, 2.5 miles south of Wausau, Wis., to operate on frequency 152.660 MHz.
- 560-C2-P-70—General Telephone Co. of Wisconsin (New), C.P. for a new (1-way) station to be located at 0.1 mile north of Route No. 23, 1.55 miles east of Plymouth Township, Wis., to operate on frequency 158.100 MHz.
- 562-C2-P-70—Central Exchange Mobile Radio (KMM599), C.P. to replace transmitter operating on frequency 454.10 MHz; change the antenna system and relocate same to 500 University Avenue, Palo Alto, Calif.
- 563-C2-P-70—Bair Communications (KIY520), C.P. for an additional base channel to operate on frequency 454.125 MHz. Station location: 557 Southeast Avenue E, Belle Glade, Fla.
- 564-C2-MP-70—St. Cloud & Loop Answering Service (KLF580), Modification of C.P. to relocate the base facilities operating on frequency 152.09 MHz to 1,600 feet south of Highway No. 15 and County Road No. 137, St. Cloud, Minn.
- 565-C2-MP-70—Radio Paging Service (KLF600), Modification of C.P. to replace the transmitter operating on frequency 152.24 MHz and change the antenna system located at Broadway and Avenue L, Lubbock, Tex.
- 585-C2-P-70—Chesapeake & Potomac Telephone Co. of Virginia (KFL924), C.P. for an additional base channel to operate on frequency 152.75 MHz and change the antenna system located at 10 Harpersville Road, Newport News, Va.
- 586-C2-P-70—Clifton Telephone Co. (KLB579), C.P. to replace the base transmitter operating on frequency 152.69 MHz. Station location: On State Highway No. 215, 0.5 mile southwest of Clifton, Tex.

Major Amendment

- 2974-C2-P-69—Wisconsin Telephone Co. (New), To operate on frequency 158.10 MHz. All other particulars to remain the same as reported on public notice dated Dec. 2, 1968, Report No. 416.
- 3626-C2-P-69—Central Exchange Mobile Radio (KMM599), Station Location: 500 University Avenue, Palo Alto, Calif. All other particulars to remain the same as reported on public notice dated Dec. 30, 1968, Report No. 420.

RURAL RADIO SERVICE

- 524-C2/C1-AL-(13)-70—Golden State Telephone Co. (KNL47), Consent to assignment of license from: Golden State Telephone Co., Assignor, to: California Interstate Telephone Co., Assignee.
- 566-C1-P/ML-70—Gulf Coast Telephone Co., Inc. (KKT89), C.P. and modification of license for an additional antenna to operate on existing frequencies 459.50 and 459.60 MHz at temporary locations within the territory of the grantee (Gulf of Mexico).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

- 440-C1-P-70—American Telephone & Telegraph Co. (KAA64), C.P. to change point of communication from Lowden, Iowa, to West Branch, Iowa, operating on frequency 3930 MHz and change the antenna system for station located at 3 miles east-northeast of Morse, Iowa.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)—continued

- Southwestern Bell Telephone Co., Eight (8) C.P. applications for additional facilities to establish a point-to-point microwave radio system between St. Louis-Jefferson City, Mo.; between Jefferson City-Mexico, Mo., and between Columbia-Mexico, Mo., as follows:
- 441-C1-P-70—Southwestern Bell Telephone Co. (KPP53), Add frequencies 6330.7 and 11,525 MHz toward Gray Summit, Mo. Station location: 1010 Pine Street, St. Louis, Mo.
- 442-C1-P-70—Southwestern Bell Telephone Co. (KPP54), Add frequencies 6049.0 and 11,075 MHz toward St. Louis, Mo., and 5997.1 and 10,795 MHz toward Hermann, Mo. Station location: Gray Summit, 4.2 miles north of Pacific, Mo.
- 443-C1-P-70—Southwestern Bell Telephone Co. (KPP55), Add frequencies 6249.1 and 11,245 MHz toward Gray Summit, Mo., and 6264.0 and 11,525 toward Holts Summit, Mo. Station location: 1.5 miles southeast of Hermann, Mo.
- 444-C1-P-70—Southwestern Bell Telephone Co. (KPP60), Add frequencies 6375.2, 11,6125, 6256.5, and 11,225 MHz toward Holts Summit, Mo. Station location: 311 Madison Street, Jefferson City, Mo.
- 445-C1-P-70—Southwestern Bell Telephone Co. (KPP56), Add frequencies 6011.9 and 11,075 MHz toward Hermann, Mo., 6004.5, 10,815, 6123.1, and 10,795 MHz toward Jefferson City, Mo., 6078.6, 10,775, and 5960.0 MHz toward Kingdom City, Mo., and 5997.1 MHz toward Prairie Home, Mo. Station location: 1 mile north of Holts Summit, Mo.
- 446-C1-P-70—Southwestern Bell Telephone Co. (New), C.P. for a new fixed station to be located at 0.75 mile southwest of Kingdom City, Mo., to operate on frequencies 6189.8, 6308.4, and 11,405 MHz toward Mexico, Mo., and 6212.0, 6330.7, and 11,665 MHz toward Holts Summit, Mo.
- 447-C1-P-70—Southwestern Bell Telephone Co. (New), C.P. for a new fixed station to be located at 201 East Promade, Mexico, Mo., to operate on frequencies 6056.4, 10,955, and 5987.8 MHz toward Kingdom City, Mo.
- 448-C1-P-70—Southwestern Bell Telephone Co. (KPP57), Add frequency 6249.1 MHz toward Holts Summit, Mo. Station location: 3 miles west-southwest of Prairie Home, Mo.
- 524-C2-AL-(8)-70—Golden State Telephone Co., Consent to assignment of license from Golden State Telephone Co., Assignor, to: California Interstate Telephone Co., Assignee. Stations: KNL65, Elk Hills, Calif.; KNL66, Buttonwillow, Calif.; KNH83, Bakersfield, Calif.; KMJ37, Taft, Calif.; KMO87, McKittrick, Calif.; KMO88, Lost Hills, Calif.; KNETL, New Cuyama, Calif.; KNE72, near New Cuyama, Calif.
- 526-C1-P-70—California-Pacific Utilities Co. (New), C.P. for a new fixed station to be located at the corner of 10th and Bush Streets, Carlin, Nev., to operate on frequency 2119.4 MHz toward Elko, Nev., via passive repeater.
- 527-C1-P-70—California-Pacific Utilities Co. (New), C.P. for a new fixed station to be located at 670 Idaho Street, Elko, Calif., to operate on frequency 2169.4 MHz toward Carlin, Nev., via passive repeater.
- 553-C1-P-70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at 500 East Bluff Drive, Anchorage, Alaska, to operate on frequencies 6315.84, 6375.14, and 6345.49 MHz toward Twelvemile, Alaska.
- 554-C1-P-70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at Twelvemile, 1.6 kilometers west of Twelvemile Lake, Alaska, to operate on frequencies 6775, 6855, and 6815 MHz toward Scotty Lake, Alaska, and frequencies 6063.8, 6123.1, and 6093.45 MHz toward Anchorage, Alaska.
- 555-C1-P-70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at 4 kilometers east of Talkeetna, Alaska, to operate on frequencies 11,365, 11,535, and 11,685 MHz toward Scotty Lake, Alaska.
- 556-C1-P-70—RCA Global Communications, Inc. (New), C.P. for a new fixed station to be located at Scotty Lake, 9.5 kilometers west of Talkeetna, Alaska, to operate on frequencies 10,755, 10,915, and 11,075 MHz toward Talkeetna, Alaska, and frequencies 6595, 6675, and 6635 MHz toward Twelvemile, Alaska.
- 567-C1-P-70—Gulf Coast Telephone Co. (New), C.P. for a new fixed station to be located at Vermilion Area, Block 215, Platform A, Gulf of Mexico, offshore from Louisiana, to operate on frequency 2125.2 MHz.
- 568-C1-P-70—Gulf Coast Telephone Co. (New), C.P. for a new fixed station to be located at Vermilion Area, Block 131, Platform A, Gulf of Mexico, off Louisiana to operate on frequency 2175.2 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)

- 206-C1-MP-70—Minnesota Microwave, Inc. (KOC70), Modification of C.P. (5806-C1-P-68) to (a) change station location to lat. 46°00'20" N., long. 95°57'35" W., and (b) change azimuths toward Breckenridge and Fergus Falls, Minn., to 305°02' and 352°07', respectively. Station location: Elbow Lake, Minn.
- 534-C1-TC-(9)-70—United Video, Inc., Consent to transfer of control from Gene W. Schneider, et al., Transferors, to: Livingston Oil Co., Transferee. Stations: KGB96, Rolla, Mo.; KGC21, Waynesville, Mo.; KYO25, Olney, Ill.; WAD73, Union, Mo.; WAD73, Belle, Mo.; WAN79, Lebanon, Mo.; WAN80, Marshfield, Mo.; WAN81, Springfield, Mo.; WAN82, Phelps, Mo.
- 539-C1-ML-70—West Texas Microwave Co. (KKT90), Modification of license to permit carriage of audio programming of KWXI-FM to Brownfield, Tex., for delivery to Radio Station KKUB.
- 547-C1-TC-(11)-70—Minnesota Microwave, Inc., Consent to transfer of control from Paul J. Schmitt, et al., Transferors, to: Dynasonics, Inc., Transferee. Stations: KAY61, Willmar, Minn.; KCM71, Rockford, Minn.; KCM72, Cold Springs, Minn.; KCM73, Little Falls, Minn.; KCM74, Benson, Minn.; KCM75, Montevideo, Minn.; KOC70, Elbow Lake, Minn.; KYC43, Brainerd, Minn.; KYC44, Ben Draper, Minn.; KYC45, Beauty Lake, Minn.; KZS97, Morris, Minn.
- 552-C1-AL-(2)-70—Southwest Texas Transmission Co., Consent to assignment of license from Southwest Texas Transmission Co., Assignor, to: United Video, Inc., Assignee. Stations: KSP97, Vandalia, Ill.; KSP98, Effingham, Ill.

[P.R. Doc. 69-9615; Filed, Aug. 13, 1969; 8:49 a.m.]

[Docket No. 18499; FCC 69R-330]

MIDWEST RADIO-TELEVISION, INC.

Memorandum Opinion and Order
Enlarging Issues

In re applications of Midwest Radio-Television, Inc., Docket No. 18499, File No. BR-659, File No. BRCT-49; for renewal of licenses of Stations WCCO and WCCO-TV, Minneapolis, Minn.

1. This proceeding involves the applications of Midwest Radio-Television, Inc. (Midwest), for renewal of the licenses of its broadcast Stations WCCO-AM and WCCO-TV, Minneapolis, Minn. By memorandum opinion and order, FCC 69-261, 16 FCC 2d 943, released March 21, 1969, the Commission designated these applications for hearing on the following issues:

a. To determine whether the licensee and its owners have an undue concentration of control of the media of mass communications in the Minneapolis-St. Paul area.¹

b. To determine whether or not Midwest Radio-Television, Inc., has used its position in the newspaper field so as to obtain rights to broadcast sporting events, particularly in the area of professional baseball, football, and hockey teams.

c. To determine whether or not newspaper ownership of broadcast facilities in the Minneapolis-St. Paul area has resulted in reciprocal advantages to Midwest Radio-Television, Inc., to the disadvantage of competing broadcast licensees.

d. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned renewal applications would serve the public interest.

The burden of proceeding with the introduction of evidence on Issues a, b, and c, above, was placed on the Broadcast Bureau and Hubbard Broadcasting, Inc. (Hubbard) (licensee of Station KSTP, St. Paul, Minn.), who was named a party to the proceeding. The burden of proof with respect to all issues was placed on Midwest. Presently before the Review Board is a petition addressed to the issues, filed May 26, 1969, by Midwest,² requesting the Board to: (a) Shift the burden of proof on Issues a, b, and c to Hubbard and the Bureau; (b) modify Issue a (undue concentration of control) by conditioning its resolution on an ad-

¹ On Apr. 23, 1969, the Commission issued a Specification Order (FCC 69-373, 17 FCC 2d 290) designed to specify the facts and matters in issue in this proceeding. In addition, Issue "a" was amended to read:

To determine whether the licensee and its owners have an undue concentration of control of the media of mass communications in the Minneapolis-St. Paul area or any broader geographic area including Minneapolis-St. Paul.

² Also before the Board are: Comments, filed June 10, 1969, by Hubbard; and the Broadcast Bureau's comments in partial opposition, filed June 10, 1969.

verse resolution of Issues b and c;³ and (c) permit the adduction of evidence with regard to Midwest's "past and present operation of its stations."

Burden of proof. 2. Midwest argues that both the burden of going forward with the introduction of evidence and the burden of proof on Issues a, b, and c should be on Hubbard and the Broadcast Bureau. Citing section 309(e) of the Communications Act,⁴ D & E Broadcasting Co., FCC 65-620, 5 RR 2d 475,⁵ and Lamar Life Broadcasting Co., 3 FCC 2d 784, 7 RR 2d 445 (1966),⁶ Midwest concludes that:

*** where a hearing arises out of a complaint, or an issue is added as a result of a petition to enlarge, the Commission, under the doctrine of D. & E., will place the burden of proof on the party making the charges or seeking the enlargement.

Midwest avers that the "complaint" filed in this proceeding⁷ is tantamount to a petition to deny filed by a competing station in WCCO's home market; and that therefore, pursuant to D & E Broadcasting Co., supra, the burden of proof should be on the party making the charges. Midwest argues that this is not a case in which the applicant has peculiar, or first-hand knowledge of the facts underlying the issues, and that to require Midwest to bear the burden of proof on the charges involved would invite abuses of the Commission's processes by indicating to potential complainants that the burden of proof will be placed upon the applicant when an informal complaint (rather than a petition to deny) is filed.

3. The Review Board is of the view that, regardless of whether Clark's "complaint" is tantamount to a petition to

deny, the burden of proof was appropriately placed on Midwest. If the complaint is not akin to a petition to deny, the burden of proof must, according to section 309(e), be placed on the applicant. While D & E Broadcasting Co., supra, requires, as a matter of fairness, the filing of a bill of particulars and, in certain cases, an initial hearing presentation by the Bureau, the applicant is still required to carry the burden of proof, unless the issue is specified pursuant to a petition to enlarge or deny. Moreover, even if the Board were to accept petitioner's contention that the instant complaint is tantamount to a petition to deny, the burden of proof would nevertheless be properly placed on Midwest. In D & E Broadcasting Co., the Commission recognized that in cases designated as a result of a petition to deny (or a petition to enlarge), there would be exceptions to the general rule imposing the burden of proof under misconduct issues on the complaining party. Such exceptional circumstances exist herein. It is abundantly clear from even a cursory view of the designated issues and the Commission's specification order, that much of the information sought under the designated issues is peculiarly within the knowledge of the applicant and concerns Midwest's use of broadcast facilities.⁸ As such, the burden of proof under the issues in this proceeding was properly upon the applicant. See Elyria-Lorain Broadcasting Co., FCC 65-857, 6 RR 2d 191, released September 29, 1965. Thus, it would appear that, regardless of the manner in which this proceeding was instituted, Midwest was charged with an appropriate burden and its present request to shift said burden will therefore be denied. See Office of Communications of the United Church of Christ v. FCC, Case No. 19,409, _____ U.S. App. D.C. _____, F. 2d _____, decided June 29, 1969.

Modification of Issue a. 4. Midwest contends that Issue a (undue concentration of control) would not have been specified and, in fact, no hearing would have been required, but for the charges which underlie Issues b and c in this proceeding. Petitioner argues that Midwest's ownership interests in communications media and the potential influence or power inherent in the licensee would not have required a renewal hearing; that the Commission has granted numerous regular renewals of license for Stations WCCO and WCCO-TV with full knowledge of the media interests held by Midwest stockholders; and that the Commission's designation of the Midwest application for hearing does not reflect a change of Commission policy.⁹ Peti-

³ For example, the instant inquiry involves questions as to station and newspaper policy, contractual relationships and the existence of reciprocal dealing.

⁴ Midwest alleges that in the periods immediately before and after the designation of Station WCCO renewal applications for hearing, the Commission has granted renewals, without hearing, for entities presenting as great or even a greater degree of control of mass media than is alleged to exist here.

tioner notes that the question of concentration of control of mass media is presently the subject of a rule making proceeding (i.e., rule making in Docket No. 18499), and submits that the instant proceeding is not the proper forum for considering changes in the Commission's multiple ownership rules. Midwest concludes that in the event that Issues b and c herein are resolved favorably to the applicant, resolution of Issue a should await the outcome of current rule making; and that the matters raised by Issue a should be reached only upon the establishment of the changes under Issues b and c herein.

5. A review of the Commission's specification order for Issue a herein, discloses that the two areas of inquiry encompassed by Issues b and c do not represent the exclusive interest of the Commission in Midwest's renewal application. Major portions of the inquiry called for by Issue a exist independently of matters raised by the other issues in this proceeding.¹⁰ Moreover, the specification of an undue concentration of control issue separate and apart from the specification of the other issues in this proceeding does not represent a departure from previous Commission standards or the imposition of unpromulgated rules on this applicant. Recently, in Lee Enterprises, Incorporated, FCC 69-797, _____ FCC 2d _____, released July 25, 1969, the Commission denied a petition for reconsideration of a designation order stating:

*** the Commission's ownership rules, limiting a single owner to seven stations in each broadcast medium, does not constitute a blanket authorization for any party to acquire the maximum number of broadcast holdings in the type of situation before us where the problem of possible undue control results, at least in part, from ownership in nonbroadcast media.¹¹

Therefore, in the Board's opinion, no legal or logical basis has been presented for conditioning consideration of Issue a on a prior adverse resolution of any other issue in this proceeding.

Programming evidence. 6. Midwest argues that the basic public interest determination herein cannot be made if the record is bereft of evidence as to the manner in which the licensee has served the public in the past and proposes to serve the public in the future; and that therefore the adduction of evidence as to "the overall programming and operating records of Station WCCO and WCCO-TV" should be authorized. The

¹⁰ For example, the specification order indicates the Commission's concern with the relationship of Midwest's broadcast facilities and other mass communications media and, as the Bureau suggests, whether the affiliated media are "speaking with a common voice."

¹¹ The Commission also cites American Television Co., Inc., 12 FCC 2d 518 (1968); Gale Broadcasting Co., Inc., FCC 69-25, 15 RR 2d 337, released January 17, 1969; and Chronicle Broadcasting Co., 16 FCC 2d 882 (1969) as instances where an undue concentration of control issue has been previously specified.

⁵ The Broadcast Bureau opposes Midwest's requests to modify the designation order and submits, in part, that Rule 1.111 precludes reconsideration of such orders absent "unusual circumstances" or new facts. However, pleadings which are directed to matters which were not thoroughly discussed or considered in the order of designation may be properly considered on their merits by the Board. Atlantic Broadcasting Company, 4 FCC 2d 943, 3 RR 2d 599 (1966); WATR, Inc. (WATR-TV), 16 FCC 2d 844, 15 RR 2d 900 (1969).

⁶ Section 309(e) of the Communications Act reads, in part:

The burden of proceeding with the introduction of evidence and the burden of proof shall be upon the applicant, except that with respect to any issue presented by a petition to deny or a petition to enlarge the issues, such burdens shall be as determined by the Commission.

⁷ In D & E Broadcasting Co., the Commission outlined its policy with respect to the allocation of evidentiary burdens where issues involving serious charges of misconduct were being specified, and, on the facts of that case, stated that the burdens should have been imposed on the Broadcast Bureau.

⁸ In Lamar Life Broadcasting Co., the Commission placed the burdens of proof upon the intervenors and the Bureau on issues which related to alleged improper use of a licensee's broadcast facility.

⁹ The instant hearing is based, in part, upon the allegations by Mr. Garfield Clark, manager of Station KSTP, St. Paul, Minn., submitted to the U.S. Senate Antitrust Subcommittee in connection with its consideration of S. 1312, the Failing Newspaper Act.

Broadcast Bureau interposes no objection to the addition of an issue similar to that framed in Chronicle Broadcasting Co., 18 FCC 2d 120, 16 RR 2d 494 (1969); and the Board is of the view that such disposition is appropriate herein. The public interest would best be served if Midwest is permitted to make a showing as to portions of its past broadcast record in mitigation of any adverse findings which may result from an unfavorable resolution of Issues b and c herein.¹² However, no consideration will be given to alleged meritorious programming instituted after the licensee received notice that action against it was being contemplated by the Commission; and the issue specified herein will be added without prejudice to the rights of the parties to argue subsequently regarding the weight which should be accorded the evidence adduced. See Wagoner Radio Co., 12 FCC 2d 978, 13 RR 2d 114 (1968).

7. Accordingly, it is ordered, That the petition addressed to the issues, filed May 26, 1969, by Midwest Radio-Television, Inc., is granted to the extent indicated below, and is denied in all other respects; and

8. It is further ordered, That the issues in this proceeding are enlarged by the addition of the following issue:

(d) Whether the past programming of Stations WCCO and WCCO-TV, particularly with regard to public service programming was of such high quality as to constitute a countervailing factor in the resolution of this case insofar as it relates to Issues b and c, above.

and existing Issue d is redesignated as Issue e; and

9. It is further ordered, That the burdens of proceeding with the introduction of evidence and proof on the issue added herein shall be on Midwest Radio-Television, Inc.

Adopted: August 6, 1969.

Released: August 7, 1969.

FEDERAL COMMUNICATIONS
COMMISSION,¹³

[SEAL] BEN F. WAPLE,

Secretary.

[P.R. Doc. 69-9616; Filed, Aug. 13, 1969;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP70-26]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

AUGUST 7, 1969.

Take notice that on August 1, 1969, Arkansas Louisiana Gas Co. (Applicant),

¹² As indicated in Chronicle Broadcasting Co., supra, evidence of meritorious broadcast performance is not relevant to the undue concentration of control issue (Issue a herein).

¹³ Review Board Member Nelson not participating.

Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP70-26 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate a tap and delivery facilities to effect a direct sale and delivery of gas to Dierks Forests, Inc., for industrial consumption at its sawmill in South Arkansas. The estimated annual and peak day requirements of the customer are as follows:

	Annual volume (Mcf)	Peak day volume (Mcf)	Annual revenue
First year	599,000	2,600	\$159,315
Second year	613,000	3,000	177,770
Third year	752,000	3,850	221,840

Total estimated cost of the proposed facilities are placed at \$309,310. Financing will be from cash on hand and contribution by the customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 4, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[P.R. Doc. 69-9565; Filed, Aug. 13, 1969;
8:45 a.m.]

[Docket No. CP63-80]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition To Amend

AUGUST 7, 1969.

Take notice that on July 29, 1969, Midwestern Gas Transmission Co. (Applicant), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP63-80 a motion to amend the orders of the Commission issued in said docket on January 25, 1963; June 2, 1965, and August 25, 1967. Applicant proposes to construct and operate additional facilities and to inject additional base gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The Commission's orders of January 25, 1963, and June 2, 1965, authorized Applicant to construct and operate facilities for the injection of natural gas into certain reservoirs in the Nevins Field, Edgar County, Ill., the Elbridge Field, Edgar County, Ill., and the State Line Field, Clark County, Ill., and Vigo County, Ind.; to evaluate the characteristics of these reserves and to determine capabilities of same as gas reservoirs. By the Commission's order of August 28, 1967, Applicant was authorized to construct and operate additional facilities and to render a natural gas storage service to two of its Southern System contract demand customers, Northern Indiana Public Service Co. and Northern Illinois Gas Co. Applicant proposes to drill, complete, and connect to the gathering system two additional injection withdrawal wells and inject an additional 5,550,000 Mcf of base gas over an estimated 5-year period. To be able to do this, Applicant requests that the authorized storage capacity be increased by 5,550,000 Mcf to 19,350,000 Mcf. Applicant states that no additional financing is required to complete this project.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 2, 1969, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[P.R. Doc. 69-9566; Filed, Aug. 13, 1969;
8:45 a.m.]

[Docket No. R170-103, etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.
Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

AUGUST 6, 1969.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

¹ Does not consolidate for hearing or dispose of the several matters herein.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing

of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.²

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 22, 1969.

By the Commission.^{3a}

[SEAL] **KENNETH F. PLUMB,**
Acting Secretary.

² If an acceptable general undertaking, as provided in Order No. 377, has previously been filed by a producer, then it will not be necessary for that producer to file an agreement and undertaking as provided herein. In such circumstances the producer's proposed increased rate will become effective as of the expiration of the suspension period without any further action by the producer.

^{3a} This order was adopted before Chairman White left the Commission.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R170-103	Union Oil Co. of California, Los Angeles, Calif. 90017, Attention: Mr. C. E. Smith.	200	*1	Texas Gas Transmission Corp. (Block 276 Field, Eugene Island Area, Offshore Louisiana).	\$54,000	7-7-69	*8-7-69	*8-8-69	**18.5	**20.0	
R170-104	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	464	*1	Southern Natural Gas Co. (West Delta Block 42 Field, Offshore Louisiana).	\$2,400	7-11-69	*8-11-69	*8-12-69	**18.5	**20.0	
R170-105	Cities Service Oil Co., Post Office Box 300, Tulsa, Okla. 74102.	311	*1	Michigan Wisconsin Pipe Line Co. (Ship Shoal Block 206, Offshore Louisiana).	1,350	7-14-69	*8-14-69	*8-15-69	**18.5	**20.0	

¹ Contract dated Jan. 10, 1969.

² The stated effective date is the first day after expiration of the statutory notice, or 1 day from the date of initial delivery, whichever is later.

³ The suspension period is limited to 1 day.

⁴ Pursuant to Paragraph (A) of Opinion No. 546-A issued Mar. 20, 1969.

⁵ Pressure base is 15.025 p.s.i.a.

⁶ Subject to upward and downward B.T.U. adjustment.

⁷ Area base rate for gas-well gas under contracts dated after Oct. 1, 1968, as established in Opinion No. 546.

These three proposed increased rates, from 18.5 cents to 20 cents per Mcf (subject to upward and downward B.T.U. adjustment), involve sales of third vintage gas-well gas in Offshore Louisiana and were filed pursuant to Ordering Paragraph (A) of Opinion No. 546-A which lifted the indefinite moratorium imposed in Opinion No. 546 as to sales of offshore gas-well gas under contracts entitled to a third vintage price (18.5 cents as adjusted for quality) and permitted such producers to file for contractually authorized increases up to the price established in Opinion No. 546 for onshore gas-well gas. The producers involved herein were issued temporary certificates in Dockets Nos. CI69-795 (Union Oil), CI69-1082 (Humble), and CI69-1096 (Cities Service) authorizing the collection of the third vintage prices established in Opinion No. 546 (18.5 cents for offshore gas-well gas and 17 cents for casing-head gas). Such certificates were accepted by the producers as issued. Deliveries have not as yet commenced thereunder.

Consistent with prior Commission action on similar rate filings, we conclude that

these producers' proposed rate increases should be suspended for 1 day from the date shown in the "Effective Date Column" on Appendix "A" hereof, or for 1 day from the date of initial delivery, whichever is later. Thereafter, the proposed increased rates may be placed in effect subject to refund under the provisions of section 4(e) of the Natural Gas Act pending the outcome of the Area Rate Proceeding in Docket No. AR69-1.

[F.R. Doc. 69-9569; Filed, Aug. 13, 1969; 8:45 a.m.]

[Project 713]

UTAH POWER & LIGHT CO.
Notice of Application for Surrender of License (Major)

AUGUST 7, 1969.

Public notice is hereby given that application for surrender of license has been filed with the Commission by Utah

Power & Light Co. (correspondence to Lee S. Sherline, 815 Connecticut Avenue, NW., Washington, D.C. 20006, and S. G. Baucom, R. B. Porter, Post Office Box 899, Salt Lake City, Utah 84110), licensee for project No. 713 Utah, known as the Mill Creek Project located on Mill Creek in Salt Lake County, Utah.

The project consists of (1) a rock filled timber crib diversion dam and intake; (2) a 9,075-foot long wood stave pipeline; (3) a steel penstock about 780 feet long; (4) a power house containing one generating unit of 300 kw capacity; (5) a 3.91 mile long 12.5 kv transmission line; and (6) appurtenant facilities.

Applicant states that the various parts of the plant are over 60 years old and must be replaced in order to continue the operation of the project, and that such replacement and continued maintenance costs would be uneconomical in that the

energy supplied by this project can be obtained at a lesser cost from licensee's interconnected system.

Except for the 12.5 kv transmission line which would continue to serve customers in Mill Creek Canyon, the project would be retired and dismantled within 1 year after Commission approval of this application.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 17, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[P.R. Doc. 69-9567; Filed, Aug. 13, 1969;
8:45 a.m.]

[Project 2679]

VIRGINIA ELECTRIC AND POWER CO. Notice of Amendment of Application for Preliminary Permit

AUGUST 7, 1969.

Public notice is hereby given that an amendment has been filed with the Commission to the application for Preliminary Permit filed on June 12, 1968 by Virginia Electric and Power Co. (correspondence to: Mr. E. B. Crutchfield, Senior Vice President, Virginia Electric and Power Co., Post Office Box No. 1194, Richmond, Va. 23209) for unconstructed Project No. 2679, known as the Marble Valley Pumped Storage Project to be located on the Calfpasture River and Little Mill Creek, in Rockbridge, Augusta, and Bath Counties, Va., near Craigsville, Goshen, Staunton, and Lexington, Va., affecting lands of the United States within George Washington National Forest.

The primary purpose of the amendment is to have the application conform to applicant's present plan regarding capacity installation. The Marble Valley Pumped Storage Project as it is presently proposed would consist of: (1) A 7-mile long, 2,000-acre (up from 1,830 acres) lower reservoir (normal full pool elevation to be determined within the range of 1575-1595 feet) created by a 160-foot high, 2,500-foot long earth and rock-fill dam located on the Calfpasture River about 2 miles south of the Rockbridge County line; normal operations would cause a 10-foot fluctuation in pool elevation; (2) a 1.75 mile long, 400-acre (up from 380 acres) upper reservoir (normal full elevation to be determined within

the range of 2,460-2,500 feet) created by a 200-foot high, 2,000-foot long rockfill dam located on Little Mill Creek about 1,000 feet south of the Bath County line in George Washington National Forest; (3) a conduit between the two reservoirs; (4) a powerhouse with an initial installation of 1 million kw and provision for an ultimate installation of 1,500,000 kw (up from 1 million kw); (5) transmission lines connecting the project to the applicant's interconnected system; and (6) appurtenances.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 26, 1969, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Those persons or groups who have previously filed protests or petitions to intervene need not file new protests or petitions. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[P.R. Doc. 69-9568; Filed, Aug. 13, 1969;
8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRO- DUCED OR MANUFACTURED IN INDIA

Entry or Withdrawal From Warehouse for Consumption

AUGUST 8, 1969.

On August 31, 1967, the Government of the United States, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded an agreement with the Government of India concerning exports of cotton textiles and cotton textile products from India to the United States.

Among the provisions of the agreement, as extended, is that applying a specific export limitation to Categories 18 and 19 for the agreement year which began on October 1, 1968. Entries into the United States for consumption and withdrawals from warehouse for consumption of cotton textiles in Categories 18 and 19, produced or manufactured in India and exported to the United States

on or after October 1, 1968, have exceeded the level provided for in the agreement. Consultations with the Government of India concerning these exports are now in progress. A subject of such consultations will be provision for the entry of goods affected by the directive published below.

Accordingly, there is published below a letter of August 8, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that as soon as possible, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 18 and 19, produced or manufactured in India and exported during the period beginning July 1, 1969, and extending through September 30, 1969, be prohibited.

STANLEY NEHMER,
*Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Secretary
for Resources.*

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY
COMMITTEE

COMMISSIONER OF CUSTOMS,
*Department of the Treasury,
Washington, D.C. 20226.*

AUGUST 8, 1969.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 31, 1967, between the Government of the United States and India, and in accordance with the procedures outlined in Executive Order 11052 of September 23, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Categories 18 and 19 produced or manufactured in India and which have been exported from India during the period beginning July 1, 1969, and extending through September 30, 1969.

Cotton textiles which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be subject to this directive.

A detailed description of Categories 18 and 19 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico. Any appropriate adjustments to, or termination of, this directive pursuant to the bilateral cotton textile agreement referred to above will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The actions taken with respect to the Government of India and with respect to imports of cotton textiles and cotton textile products from India have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs,

being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-68). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

MAURICE H. STANS,
Secretary of Commerce, Chairman,
President's Cabinet Textile Advisory
Committee.

[P.R. Doc. 69-9601; Filed, Aug. 13, 1969;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2512]

AXE-HOUGHTON FUND A, INC., ET AL.

Notice of Filing of Application and Granting Application

AUGUST 8, 1969.

Notice is hereby given that Axe-Houghton Fund A, Inc. ("Fund A"), Axe-Houghton Fund B, Inc. ("Fund B"), and Axe Science Corp. ("Science Fund"), 400 Benedict Avenue, Tarrytown, N.Y. 10591, open-end diversified investment companies registered under the Investment Company Act of 1940 ("Act") and affiliated persons of each other (collectively called "Applicants"), have filed a joint application pursuant to sections 6(c), 17(b), and 17(d) of the Act and Rule 17d-1 promulgated under section 17(d) of the Act for an order of the Commission exempting from the prohibitions of section 17(a) of the Act the proposed exercise by Applicants of warrants for the purchase of shares of common stock of General Aircraft Corp. ("GAC"), formerly Hello Aircraft Corp., and granting the application pursuant to Rule 17d-1 with respect to the acquisition by Applicants of said common stock of GAC. All interested persons are referred to the application on file with the Commission for a statement of Applicants' representations, which are summarized below.

Applicants represent that GAC, a Delaware corporation, is engaged in the manufacture and sale of aircraft. As of April 8, 1969, GAC had issued and outstanding 909,441 shares of common stock, of which Fund A owned 10,000 shares or 1.10 percent, Fund B owned 10,000 shares or 1.10 percent, and Science Fund owned 41,000 shares or 4.51 percent. In addition, 30,000 shares of GAC's common stock, or 3.30 percent, were owned by Axe-Houghton Stock Fund ("Stock Fund") which is also registered under the Act as an open-end, diversified investment company.

Fund A, Fund B and Science Fund also owned \$200,000, \$50,000, and \$250,000, respectively, of GAC's 6 percent notes, due May 1, 1969, and warrants to purchase 40,000, 10,000, and 50,000 shares, respectively, of GAC's common stock at a purchase price of \$9 per share.

On April 28, 1969, each of the applicants mailed to GAC "notices of subscription" exercising in full the warrant held by it and agreeing to make full payment within 10 days of the receipt by it of an order by the Commission permitting the transaction. The 6 percent notes will be surrendered in part payment for the shares.

After the consummation of the proposed transactions (assuming there are no other issuances or reacquisitions by GAC of its common stock), Fund A would own 50,000 shares or 4.95 percent, Fund B would own 20,000 shares or 1.98 percent, and Science Fund would own 91,000 shares or 9.01 percent of the common stock of GAC then outstanding.

Each of the four funds, Fund A, Fund B, Stock Fund and Science Fund (the "Funds") has on its board of directors individuals who are also directors of one or more of the other Funds, one person serves as a director of each of the Funds and some of the officers of each of the Funds also serve the other Funds in similar capacities. Each of the Funds employs Axe Securities Corp. as its principal underwriter, and Fund A, Fund B and Stock Fund employ E. W. Axe & Co., Inc. as investment adviser. Science Fund employs as investment adviser Axe Science Management Co., Inc., which may be under common control with E. W. Axe & Co., Inc. and Axe Securities Corp. Some of the officers and directors of each of the Funds are affiliated with Axe Science Management Co., Inc., E. W. Axe & Co., Inc. and Axe Securities Corp.

Three persons are each a senior officer or a director of each of the Funds and a senior officer and a director of the investment advisers of each of the Funds. As such, they, or any one of them, might be deemed indirectly to control or hold with power to vote the GAC Common Stock owned by the Funds, which in the aggregate constitutes more than 5 percent of GAC's voting securities outstanding. Although neither they nor the Funds admit that they, or any one of them, were considered to have such control or power, GAC would be deemed to be an affiliated person of theirs, or such one. Since each of such persons is a senior officer or a director of each of the Funds, each of them is affiliated with each of the Funds and GAC may therefore be regarded as an affiliated person of an affiliated person of each of the Funds.

GAC has reported to its shareholders earnings for the years ended December 31, 1967 and 1968 of \$346,046 or \$48 per share and \$36,554 or \$0.03 per share, respectively. The last bid and asked price quoted for GAC's common stock on April 28, 1969, were \$11 and \$11½ respectively. The last bid and asked price quoted for such shares on July 18, 1969 were \$8¾ and \$8¾ per share, respectively.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to

the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling securities or property to such registered company, unless the Commission upon application pursuant to section 17(b) grants an exemption from section 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable, and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d-1 thereunder, taken together, provide, as here pertinent, that it shall be unlawful for an affiliated person of a registered investment company, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants do not concede that such section 17(d) of the Act and Rule 17d-1 are applicable to the proposed transactions, but seek relief thereunder in order to eliminate any question as to full compliance with section 17 of the Act.

Notice is further given that any interested person may, not later than August 25, 1969, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the

Commission upon the basis of the showing contained in said application, unless an order for hearing shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-9581; Filed, Aug. 13, 1969;
8:46 a.m.]

COMMERCIAL FINANCE CORPORATION OF NEW JERSEY

Order Suspending Trading

AUGUST 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and all other securities of Commercial Finance Corporation of New Jersey (a New Jersey corporation), being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered. Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 9, 1969, through August 18, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-9582; Filed, Aug. 13, 1969;
8:46 a.m.]

[File No. 1-4563]

COMMONWEALTH UNITED CORP.

Order Suspending Trading

AUGUST 8, 1969.

The common stock, \$1 par value, of Commonwealth United Corp., a California corporation, being listed and registered on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, and the Pacific Coast Stock Exchange, the 6 percent convertible subordinated debentures due 1983, being listed and registered on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange, the warrants for \$1 par common stock and the \$1.05 convertible preferred stock being listed and registered on the American Stock Exchange, and the Pacific Coast Stock Exchange, pursuant to the provisions of the Securities Exchange Act of 1934 and all other securities of Commonwealth United Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered. Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Pacific Coast Stock Exchange, and the Philadelphia-Baltimore-Washington Stock Exchange, and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 11, 1969, through August 20, 1969, both dates inclusive.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-9583; Filed, Aug. 13, 1969;
8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

AUGUST 8, 1969.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10-cent par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered. Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period August 10, 1969, through August 19, 1969, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-9584; Filed, Aug. 13, 1969;
8:46 a.m.]

[File No. 24D-2821]

GENERAL RESOURCES

Order Permanently Suspending Exemption

AUGUST 7, 1969.

I. General Resources (issuer), a Utah corporation with offices located at 4092 South State Street, Salt Lake City, Utah, filed with this Commission on December 11, 1968, a notification on Form 1-A and an offering circular relating to a proposed offering of 5 million shares of common stock at 1-cent per share for an aggregate of \$50,000 for the purpose of obtaining an exemption from the registration requirements of the Securities

Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder.

II. The Commission on May 26, 1969 temporarily suspended the Regulation A exemption of the Issuer, stating that it had reasonable cause to believe from information reported to it by the staff that:

A. The terms and conditions of Regulation A were not complied with, in that:

1. The Form 1-A filed on behalf of the issuer failed to disclose Curtis Minerals as an affiliate and predecessor of the issuer;

2. The Form 1-A failed to disclose sales of unregistered securities by the issuer's affiliates within 1 year prior to the filing of the Form 1-A and present and proposed offerings of securities by affiliates;

3. The offering circular filed on behalf of the issuer failed to disclose that net cash proceeds of the offering were to be used, in significant part, to repay a loan incurred in the acquisition of shares of stock of an affiliate of the issuer;

4. The offering circular failed to disclose all material transactions within the past 2 years between the issuer and persons affiliated with and controlling the issuer;

5. The offering circular failed to include accurate and adequate financial statements of the issuer.

B. The offering circular as filed contained untrue statements of material facts and omitted to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose the names of certain promoters and affiliates of the issuer;

2. The failure to disclose accurately the assets and liabilities of the issuer;

3. The failure to disclose certain material transactions between the issuer and its promoters and affiliates;

4. The failure to set forth accurately the use to which proceeds of the offering would be applied.

C. The offering would have been made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the activities described above.

III. No hearing having been requested by the issuer within 30 days after the entry by the Commission of the order temporarily suspending the exemption of the issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors to permanently suspend the exemption of the issuer under Regulation A.

It is ordered. Pursuant to Rule 261(b) of the General rules and regulations under the Securities Act of 1933, as amended that the exemption of the issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 69-9585; Filed, Aug. 13, 1969;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1321]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FOR- WARDER APPLICATIONS

AUGUST 8, 1969.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR 1100.247 as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d) (3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER

¹ Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 531 (Sub-No. 253), filed July 11, 1969. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Post Office Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from plantsite of Nalco Chemical Co., at or near Garyville, La., to points in Louisiana, Texas, Oklahoma, Arkansas, Mississippi, Alabama, Georgia, Florida, and Tennessee. NOTE: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 1222 (Sub-No. 35), filed July 16, 1969. Applicant: THE REINHARDT TRANSFER COMPANY, a corporation, 1410 10th Street, Portsmouth, Ohio 45662. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic foam, cellular or expanded products* (except in bulk), from Midland, Mich., to points in Illinois, Indiana, Kentucky, Ohio, West Virginia, and that part of Pennsylvania on and west of U.S. Highway 219; and (2) *plastic products and plastic coated aluminum* (except in bulk), from Findlay, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, West Virginia, and that part of Pennsylvania on and west of U.S. Highway 219. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 2230 (Sub-No. 16), filed July 18, 1969. Applicant: MACK'S TRANSPORT SERVICE, INC., 1215 North 17th Street, Lincoln, Nebr. 68508. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, not designed for general highway use, and *parts and accessories* for such vehicles when moving at the same time and with the same vehicles of which they are a part and on which they are to be installed, between Lincoln, Nebr., on the one hand, and, on the other, points in the United States (except Alaska and

Hawaii). NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 2860 (Sub-No. 60), filed July 11, 1969. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, N.J. 08360. Applicant's representative: Alvin Altman, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container components and supplies* used in the manufacture and distribution of metal containers and closures, from the plantsites of Crown Cork & Seal Co., Inc., in Philadelphia, Pa., Baltimore, Md., and Winchester, Va., to points in the State of Florida. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Philadelphia, Pa., or Washington, D.C.

No. MC 8544 (Sub-No. 25), filed July 22, 1969. Applicant: GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex. 77011. Applicant's representative: Desmond A. Barry (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, also glass and plastic containers, caps, covers, cartons, and related commodities*; (1) from Waco, Tex., to points in Oklahoma, and (2) from Ada, Okla., to Fort Worth, Tex. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held in Oklahoma or Texas.

No. MC 10345 (Sub-No. 88), filed July 18, 1969. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 1905 West Mount Hope Avenue, Lansing, Mich. 48901. Applicant's representative: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles* (except trailers), assembled in Canada for the Pontiac Division, General Motors Corp., in truckaway service, in secondary movements, from Pitcairn, Pa., to points in Pennsylvania, Ohio, West Virginia, and to Frostburg and Cumberland, Md., restricted to vehicles which have had an immediately prior movement by rail. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Chicago, Ill.; Washington, D.C.; or anywhere in Middlewest.

No. MC 10761 (Sub-No. 242), filed July 24, 1969. Applicant: TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representatives: L. G.

Naldow (same address as above), also A. Alvis Layne, Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), *classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, serving the plantsites of Browning Arms Co., and the Tenbrook Co., at or near Arnold, Jefferson County, Mo., as off-route points in connection with carrier's presently held authority to and from St. Louis, Mo. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 17211 (Sub-No. 9), filed July 24, 1969. Applicant: JESCO MOTOR EXPRESS, INC., 139 Columbus Road, Mount Vernon, Ohio 43050. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures and supplies*, from Perrysville, Ohio, and points in Ripley Township, Holmes County, Ohio, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and materials and supplies used in the manufacture of plumbing fixtures and supplies, on return, under contract with Mansfield Sanitary, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 25798 (Sub-No. 197), filed July 18, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses, as described in sections A and C of appendix I to the report in descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk), in tank vehicles; (1) from the plantsite and/or storage facilities utilized by Thies Packing Company, Inc., at or near Great Bend, Kans., and (2) from the plantsite and/or storage facilities utilized by Hyp Plains Dressed Beef, Inc., at or near Dodge City, Kans., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. **NOTE:** Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Kansas City or Wichita, Kans.

No. MC 25798 (Sub-No. 198), filed July 18, 1969. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Post Office Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pet foods*, from Cambridge, Md., to points in Florida, Georgia, North Carolina, and South Carolina, and (2) *pet foods, and canned goods*, in straight and mixed shipments, from Cambridge, Md., to points in Alabama. **NOTE:** Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 26396 (Sub-No. 41), filed July 22, 1969. Applicant: POPELKA TRUCKING CO., a corporation, Box 958, Livingston, Mont. 59047. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Park County, Mont., to points in Illinois, Indiana, Iowa, and Nebraska. **NOTE:** Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 27754 (Sub-No. 15), filed July 21, 1969. Applicant: FRANK J. KUBLY TRANSFER, INC., 1202 18th Street, Monroe, Wis. 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Monroe, Wis., to points in Minnesota and Fargo, N. Dak.; (2) *empty malt beverage containers*, from points in Minnesota and Fargo, N. Dak., to Monroe, Wis.; and (3) *cheese and cheese whey*, from Forreston, Ill., to Peru, Ind., and points in Wisconsin. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 29120 (Sub-No. 108), filed July 7, 1969. Applicant: ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Post Office Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: H. Lauren Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk in tank vehicles, commodities requiring special equipment, livestock, hides or skins, and commodities injurious or contaminating to other lading), between Cleveland, Ohio, and Spencer, Iowa; (1) from Cleveland, Ohio, over U.S. Highway 20 to junction U.S. Highway 20 and Alternate U.S. Highway 20, near Maumee, Ohio, thence over Alternate U.S. Highway 20 to junction Alternate U.S. Highway 20 and U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. High-

way 20 and U.S. Highway 169, near Fort Dodge, Iowa, thence over U.S. Highway 169 to junction U.S. Highway 169 and U.S. Highway 18, thence over U.S. Highway 18 to Spencer, Iowa, and return over the same routes, with service at all intermediate points in Ohio on U.S. Highway 20 and Alternate U.S. Highway 20; Emmetsburg, Iowa; and, off-route points in Cuyahoga, Summit, Stark, Wayne, Medina, and Lorain Counties, Ohio, and Ashland, Ohio, and (2) from Cleveland, Ohio, over U.S. Highway 20 to junction U.S. Highway 20, and Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 90 and unnumbered highway near Tomah, Wis., thence over unnumbered highway to junction unnumbered highway and U.S. Highway 16 at or near Tomah, Wis., thence over U.S. Highway 16 to junction U.S. Highway 16 and Minnesota Highway 4, near Sherburn, Minn., thence over presently authorized routes of Spencer, Iowa, and return over the same routes, with service at all intermediate points in Ohio on U.S. Highway 20 and Interstate Highway 90; and, off-route points in Cuyahoga, Summit, Stark, Wayne, Medina, and Lorain Counties, Ohio, Ashland, Ohio, and Emmetsburg, Iowa. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 31809 (Sub-No. 7), filed July 2, 1969. Applicant: CLAY'S TRANSFER CO., INC., Post Office Box 1131, Rocky Mount, N.C. 27801. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between points in North Carolina, located east of and including Rockingham, Gullford, Randolph, Montgomery, and Richmond Counties, N.C., restricted to traffic moving in shipper or consignee provided trailer, having prior or subsequent movement by rail in TOFC service. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 41404 (Sub-No. 84), filed July 3, 1969. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, food commodities, and food ingredients* (except commodities in bulk or liquid form in tank vehicles) when moving in mechanically refrigerated trailers. Restriction: Traffic restricted to destination States named herein, from Chicago, Ill., and its commercial zone as defined by the Commission, and from points in Cook, Du Page, Kendall, Lake, and Will Counties, Ill., to points in Alabama, Georgia, Louisiana,

Mississippi, and Tennessee. **NOTE:** Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 41875 (Sub-No. 10), filed July 1, 1969. Applicant: DRAPER CONSTRUCTION COMPANY, INC., 1600 Seventh Street NE., Roanoke, Va. 24012. Applicant's representative: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric controllers and instruments* requiring special equipment or special handling by reason of size or weight, and *parts and attachments* therefor, when moving therewith, from points in Roanoke and Augusta Counties, Va., to points in the United States (except points in Alaska, Hawaii, Tennessee, West Virginia, Kentucky, North Carolina, and South Carolina); and (2) *materials and supplies* used in the manufacture and assembly of the foregoing commodities named above on return movements. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 42261 (Sub-No. 103), filed July 24, 1969. Applicant: LANGER TRANSPORT CORP., Route 1 and Danforth Avenue, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Process clay*, in bulk, from Paulsboro, N.J., to points in Delaware, Michigan, Ohio, and Pennsylvania. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 42487 (Sub-No. 727), filed July 9, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Memphis, Tenn., and Wichita, Kans.; (1) from Memphis over Interstate Highway 40 to junction U.S. Highway 64 at or near Conway, Ark., thence over U.S. Highway 64 to junction Interstate Highway 40 at or near Alma, Ark., thence over Interstate Highway 40 to junction U.S. Highway 64 at or near Sallisaw, Okla., thence over U.S. Highway 64 to junction U.S. Highway 266 at or near

Warner, Okla., thence over U.S. Highway 266 to junction U.S. Highway 69 at or near Checotah, Okla., thence over U.S. Highway 69 to junction Oklahoma Highway 51 at or near Wagoner, Okla., thence over Oklahoma Highway 51 to junction Interstate Highway 35, and thence over Interstate Highway 35 to Wichita, and return over the same route; and (2) from Memphis, over Interstate Highway 40 to Oklahoma City, Okla., thence over Interstate Highway 35 to Wichita, and return over the same route, serving no intermediate points, as alternate routes for operating convenience only, in connection with (1) and (2) above. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 42487 (Sub-No. 729), filed July 11, 1969. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, Post Office Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, assembled automobiles, and those injurious or contaminating to other lading); (1) between Cheyenne, Wyo., and St. Joseph, Mo.; (a) from Cheyenne over U.S. Highway 30 to Interstate Highway 80, thence over Interstate Highway 80 to U.S. Highway 30, at or near Pine Bluffs, Wyo., thence over U.S. Highway 30 to junction Nebraska Highway 25, at or near Sutherland, Nebr., thence over Nebraska Highway 25 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Nebraska Highway 10, at or near Kearney, Nebr., thence over Nebraska Highway 10 to the Nebraska-Kansas State line, thence over Kansas Highway 8 to junction U.S. Highway 36, at or near Athol, Kans., and thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (b) from Cheyenne over Interstate Highway 80 to junction Nebraska Highway 10, at or near Kearney, Nebr., thence over Nebraska Highway 10 to the Nebraska-Kansas State line, thence over Kansas Highway 8 to junction U.S. Highway 36, at or near Athol, Kans., and thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between Billings, Mont., and St. Joseph, Mo.;

(a) from Billings over U.S. Highway 87 to junction Interstate Highway 90, at or near Kleenburn, Wyo., thence over Interstate Highway 90 to junction U.S. Highway 87, at or near Buffalo, Wyo., thence over U.S. Highway 87 to junction U.S. Highway 26, at or near Casper, Wyo., thence over U.S. Highway 26 to junction

U.S. Highway 30, at or near Ogallala, Nebr., thence over U.S. Highway 30 to junction Nebraska Highway 25, at or near Sutherland, Nebr., thence over Nebraska Highway 25 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Nebraska Highway 10, at or near Kearney, Nebr., thence over Nebraska Highway 10 to the Nebraska-Kansas State line, thence over Kansas Highway 8 to junction U.S. Highway 36, at or near Athol, Kans., and thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (b) from Billings over Interstate Highway 90 to junction Interstate Highway 25, at or near Buffalo, Wyo., thence over Interstate Highway 25 to junction U.S. Highway 26, approximately 3 miles west of Dwyer, Wyo., thence over U.S. Highway 26 to junction U.S. Highway 30, at or near Ogallala, Nebr., thence over U.S. Highway 30 to junction Nebraska Highway 25, at or near Sutherland, Nebr., thence over Nebraska Highway 25 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Nebraska Highway 10, at or near Kearney, Nebr., thence over Nebraska Highway 10 to the Nebraska-Kansas State line, thence over Kansas Highway 8 to junction U.S. Highway 36, at or near Athol, Kans., and thence over U.S. Highway 36 to St. Joseph, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. **NOTE:** Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Denver, Colo.

No. MC 50307 (Sub-No. 49), filed July 7, 1969. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burststein, 160 Broadway, New York, N.Y., 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between the New York, N.Y., commercial zone, points in New Jersey and Pennsylvania on the one hand, and, on the other, Woodsfield, Ohio. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 143), filed July 24, 1969. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Burlington and Kenosha, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Missouri. **NOTE:** Applicant states that there is a possibility of tacking the requested authority with various subs under MC-51146 and

pending subs. Applicant further states it does not seek duplicative authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 56679 (Sub-No. 31), filed July 8, 1969. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, Ga. Applicant's representative: B. K. McClain, 125 Milton Avenue SE., Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in Georgia and Tennessee, and Scottsboro, Ala., to points in Colorado, Wyoming, Montana, Idaho, Utah, Nevada, Oregon, and Washington. Note: Applicant states that it holds duplicate authority under its Subs 23 and 28, and if the authority sought herein is granted, it will be willing to cancel the aforesaid authority concurrent with the issuance of the new certificate. No duplicate authority is being sought. Applicant further states that it intends to tack with its regular route authority under its Sub 9. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Denver, Colo.

No. MC 57275 (Sub-No. 13), filed July 3, 1969. Applicant: SCHADE REFRIGERATED LINES, a corporation, 429 West Jackson, Phoenix, Ariz. 85003. Applicant's representative: Richard Minne, 609 Luhrs Building, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery and chocolate products* in mechanically controlled refrigerated vehicles, between Phoenix, Ariz., and points in that part of Arizona beginning at junction Bell Road and U.S. Highways 60-70-89, thence east to Lake Pleasant Road, thence north along Lake Pleasant Road to junction Carefree Highway, thence east along Carefree Highway to junction Cave Creek Road, thence north to town of Cave Creek and east to Carefree to junction Scottsdale Road, thence south along Scottsdale Road to junction Pinnacle Peak Road, thence east along Pinnacle Peak Road to junction unnumbered county road, thence south along unnumbered county road past Fort McDowell to junction Arizona Highway 87, thence east along Arizona Highway 87 to junction Stewart Mountain Dam Road, thence south along Stewart Mountain Dam Road past Stewart Mountain Dam to junction Old Bush Highway, thence southwesterly along Old Bush Highway to junction Ellsworth Road, thence south along Ellsworth Road to junction Hunt Highway near Maricopa County line, thence west and south along Hunt Highway to junction Arizona Highway 87, thence southeasterly along Arizona Highway 87 to Sacaton turnoff, thence along unnumbered highway to the town of Sacaton, thence westerly along Sacaton Road to junction Arizona Highway 93, thence north along Arizona Highway 93 to junction Bapchule Road, thence west along Bapchule Road to junction Maricopa Road, thence north along Maricopa Road to junction Komat-

ka Road, thence west along Komatka Road to St. Johns, thence north along Avenue 51 to Broadway (future interstate freeway), thence west along Broadway to 115th Avenue, thence north along 115th Avenue to junction U.S. Highway 80, thence along U.S. Highway 80 to Buckeye, Ariz., thence north along Cemetery Road to Buckeye Road, thence east along Buckeye to Cotton Lane, thence north along Cotton Lane to junction Beardsley Road, thence east along Beardsley Road to junction U.S. Highway 60-70, thence south along U.S. Highway 60-70 to point of beginning at Bell Road. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 59475 (Sub-No. 4), filed July 7, 1969. Applicant: CHICAGO AVENUE TRANSFER, INC., 335 East 78th Street, Minneapolis, Minn. 55420. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Minnesota. Note: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn.

No. MC 61440 (Sub-No. 121), filed July 18, 1969. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, Post Office Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat*, fresh and fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson & Co. at or near Hereford, Tex., to points in Illinois, Indiana, Kansas, Missouri, and Ohio, restricted to traffic originating at the plantsite and/or cold storage facilities utilized by Wilson & Co. at or near Hereford, Tex., and destined to points in the States so specified. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 61619 (Sub-No. 8), filed July 22, 1969. Applicant: GLENN L. HORMEL AND LAWSON E. LONGSTRETH, a partnership, doing business as L & H TRUCKING COMPANY, Rural Delivery No. 3, Spring Grove, Pa. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Spring Grove, Pa., to Clayton, Del., under a continuing contract with P. H. Glatfelter Co. Note:

If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 65697 (Sub-No. 42), filed July 22, 1969. Applicant: THEATRES SERVICE COMPANY, a corporation, Post Office Box 1695, Atlanta, Ga. 30301. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between the plantsite of Glasgow Manufacturing Division of R. R. Donnelley & Sons Co., Glasgow, Ky., and Nashville, Tenn., over U.S. Highway 31E, serving no intermediate points; and (2) between the plantsite of Glasgow Manufacturing Division of R. R. Donnelley & Sons Co., Glasgow, Ky., and Louisville, Ky., over U.S. Highway 31E, serving no intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Louisville, Ky.

No. MC 66194 (Sub-No. 10), filed July 10, 1969. Applicant: OWL TRUCK COMPANY, a corporation, 500 South Alameda Street, Compton, Calif. 90224. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which require the use of special equipment or special handling by reason of size or weight; and (2) *ammunition and explosives*, regardless of size or weight, between military installations and Department of Defense establishments located in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67500 (Sub-No. 4) filed July 9, 1969. Applicant: BLUE RIDGE TRUCKING COMPANY, a corporation, Koon Development, Asheville, N.C. 28803. Applicant's representative: Robert R. Williams, Jr., Post Office Box 7316, 4 South Pack Square, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) from Murphy, N.C., over U.S. Highway 64 to intersection with North Carolina Highway 60 near Ranger, N.C., thence over North Carolina Highway 60 to its intersection with U.S. Highway 76 near Morganton, Ga., thence over U.S. Highway 76 to Hiawassee, Ga., and return over the same route

servicing all intermediate points; (2) from Hayesville, N.C., over North Carolina Highway 69 and Georgia Highway 17 to Junction U.S. Highway 76, thence over U.S. Highway 76 to Young Harris, Ga., and return over the same route servicing all intermediate points; (3) from Hayesville, N.C., over North Carolina Highway 69 and Georgia Highway 17 to junction U.S. Highway 76, thence over U.S. Highway 76 to Hiawassee, Ga., and return over the same route servicing all intermediate points; (4) from Murphy, N.C., over U.S. Highway 64 to Ranger, N.C., thence over U.S. Highway 19 and 129 to intersection with Town Creek School Road south of Blairsville, Ga., and return over the same route, servicing all intermediate points, and serving plant of Owenby Manufacturing Co. on Town Creek School Road as an off-route point.

(5) Over State Roads 1578/1100 from intersection with U.S. Highway 64 east of Murphy to junction State Road 1112 at Warne, N.C.; thence over State Road 1112/Georgia 66 to Young Harris, Ga., and return over the same route, servicing all intermediate points; (6) over North Carolina Highway 175 from U.S. Highway 64 east of Hayesville, N.C., to Georgia State line thence over Georgia Highway 75 to Hiawassee, Ga., and return over the same route servicing all intermediate points; (7) from Murphy, N.C., to Chattanooga, Tenn., over U.S. Highway 64 and return over the same route, servicing all intermediate points; (8) from Canton, N.C., over State Road 110 or State Road 215 (alternate parallel roads) to intersection of U.S. Highway 276, thence on U.S. Highway 276 to Waynesville, N.C., and return over the same route servicing all intermediate points, and serving Cruso, N.C., approximately 6 miles east of the foresaid intersection on U.S. Highway 276 as an off-route point; (9) From intersection of U.S. Highway 19 and U.S. Highway 19A near Lake Junaluska, N.C., over U.S. Highway 19 to Bryson City, N.C., and return over the same route servicing all intermediate points; (10) over Interstate Highway 40 from its intersection with U.S. Highways 19 and 23 near Lake Junaluska, N.C., to Newport, Tenn., and return over the same route servicing all intermediate points; (11) from Murphy, N.C., over U.S. Highway 64 to Ducktown, Tenn., thence over Tennessee Highway 68 and Georgia Highway 5 to Blue Ridge, Ga., thence over U.S. Highway 76 to Morganton, Ga., and return over the same route servicing all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at Murphy, N.C., Chattanooga, Tenn., and Atlanta, Ga.

No. MC 74238 (Sub-No. 1), filed July 22, 1969. Applicant: KRIEGSMAN TRANSFER COMPANY, a corporation, 278 Koch Street, Pekin, Ill. 61554. Applicant's representative: Robert M. Kaske, 2017 Wisterial Road, Rockford, Ill. 61107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission and *new furniture*, between points in Illinois, Indiana, Iowa, Kentucky,

Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, Wisconsin, Colorado, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 77424 (Sub-No. 38), filed July 22, 1969. Applicant: WENHAM TRANSPORTATION INC., 3200 East 79th Street, Cleveland, Ohio 44104. Applicant's representative: J. G. Bamer (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *zinc or zinc alloy anodes, ingots, pigs, slabs, or spelter*, from Josephstown, Pa., to Union City, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 259), filed June 30, 1969. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representatives: J. P. Welsh (same address as above), also W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla. 73102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plywood*, from Holden, La., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New Orleans, La.

No. MC 85465 (Sub-No. 20), filed July 28, 1969. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Drawer 350, Scottsbluff, Nebr. 69361. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicle), from Scottsbluff and York, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 86913 (Sub-No. 28) (Correction), filed June 20, 1969, published in FEDERAL REGISTER issue of July 31, 1969, and republished as corrected, this issue. Applicant: EASTERN MOTOR LINES, INC., Post Office Box 649, Warrenton, N.C. Applicant's representative: Edward

G. Villalon, 1735 K Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Hardboard*, from Conway, N.C., and points within 10 miles thereof, to points in that part of Maine north of a line beginning at the Maine-New Hampshire State line near Gilead, Maine, and extending along U.S. Highway 2 to Bangor, Maine; thence along Alternate U.S. Highway 1 to Ellsworth, Maine, and thence along Maine Highway 3 to Bar Harbor, Maine; New York, N.Y., and points in Nassau, Queens, Kings, and Suffolk Counties, N.Y., that part of Pennsylvania on, south and east of a line beginning at the New Jersey-Pennsylvania State line near Easton, Pa., and extending along U.S. Highway 22 to Harrisburg, Pa., thence along Interstate Highway 83 (formerly U.S. Highway 111) to the Pennsylvania-Maryland State line near Maryland Line, Md., points in Montgomery County, Md., and Baltimore, Md., points in West Virginia south of U.S. Highway 50, and points in Tennessee east of U.S. Highway 25E, points in Virginia and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show the destination points of Montgomery County, Md., and Baltimore, Md., which was erroneously omitted in previous publication. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 87123 (Sub-No. 4), filed June 27, 1969. Applicant: ROSE HARE, doing business as MAX KAFER EXPRESS, 218 West 37th Street, New York, N.Y. 10018. Applicant's representative: Sheldon Hare (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between points in that part of New Jersey, on, north, and east of a line from Trenton, N.J., along U.S. Highway 206 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to the Atlantic Ocean, on the one hand, and, on the other, Philadelphia, Pa., and points in the New York, N.Y., commercial zone. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 88082 (Sub-No. 9), filed July 11, 1969. Applicant: ST. MARYS TRUCKING CO., INC., 1417 Hart Street, Post Office Box 765, Vincennes, Ind. 47591. Applicant's representative: Earl J. Thomas, 5850 North High Street, Worthington, Ohio 43085. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Fort Wayne, Ind., to points in Illinois, Kentucky, Michigan, and Ohio; and (2)

materials, equipment, and supplies used in the manufacture, sale, and distribution of paper and paper products, from points in Illinois, Kentucky, Michigan, and Ohio, to Fort Wayne, Ind. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 90794 (Sub-No. 3), filed July 25, 1969. Applicant: FT. VAN TRANSPORT CO., INC., 358 St. Marks Place, Staten Island, N.Y. 10301. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift vans*, loaded and unloaded, between Baltimore, Md., on the one hand, and, on the other, Staten Island, N.Y., and Port Newark, N.J., restricted to shipments having an immediately prior or subsequent movement by water and moving between piers or wharves used by Container Marine Lines Division of American Export Isbrandtsen Lines. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 93151 (Sub-No. 8), filed July 14, 1969. Applicant: ROWE CAMBRIDGE MOTOR TRANSPORTATION, INC., Rural Delivery No. 3, Tyrone, Pa. 16686. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, wood pulp, and waste paper*, from Tyrone, Pa., to points in Massachusetts, Maine and Michigan, and Poughkeepsie, N.Y., and all intermediate points on U.S. Highway 9 between Poughkeepsie and New York, N.Y.; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from destination points in (1) above, to Tyrone, Pa.; under a continuing contract or contracts with Westvaco Corp. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 94201 (Sub-No. 72), filed July 22, 1969. Applicant: BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala. 35903. Applicant's representative: Maurice F. Bishop, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metals, metal alloys, ores, and chemicals* (except commodities in bulk), between the plantsites, warehouses, production and distribution facilities of Consolidated Aluminum Corp. located at or near New Johnsonville, and Jackson, Tenn., on the one hand, and, on the other, points in Texas, Arkansas, Missouri, Iowa, Minnesota, and States east thereof. **NOTE:** Applicant states it does not in-

tend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 754), filed July 2, 1969. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts and agricultural commodities*, otherwise exempt from economic regulation under section 203(b)6 of the Act, when transported in mixed shipments at the same time and in the same vehicle with bananas, plantains, pineapples, and coconuts, from Wilmington, Del., to points in Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Kentucky, Arkansas, Missouri, Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, and Michigan. **NOTE:** Common control may be involved. Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests to be held at Miami, Fla., or Washington, D.C.

No. MC 100666 (Sub-No. 144), filed July 14, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulated foam board*, from Belvidere, Ill., to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, and Texas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100666 (Sub-No. 145), filed July 8, 1969. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, top rail and tubing*, from Bossier City, La., to points in the United States (except Vermont, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Alaska, and Hawaii). **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La.

No. MC 100666 (Sub-No. 146), filed July 16, 1969. Applicant: MELTON

TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated steel buildings*, knocked down, including *parts and accessories, and iron and steel articles*, from Milwaukee, Wis., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 103051 (Sub-No. 230), filed July 17, 1969. Applicant: FLEET TRANSPORT COMPANY, INC., 1000 44th Avenue North, Post Office Box 7645, Nashville, Tenn. 37209. Applicant's representative: R. J. Reynolds, Jr., 604-09 Healey Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from points in Rutherford County, Tenn., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 103494 (Sub-No. 15), filed July 22, 1969. Applicant: EASLEY HAULING SERVICE, INC., 902 North First Avenue, Yakima, Wash. 98902. Applicant's representative: Norman F. Richardson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper shipping containers*, corrugated and not corrugated, for the account of, and under contract with, Longview Fibre Co., Longview, Wash., from Yakima, Wash., to points in Nez Perce County, Idaho. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 103993 (Sub-No. 427), filed June 25, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Oregon to points in the United States west of the Mississippi River, including Louisiana and Minnesota (but excluding Alaska, Hawaii, Arizona, California, Idaho, Nevada, Utah, and Washington). (2) *buildings*, in sections, mounted on wheeled undercarriages, from points in Oregon, to points in the United States west of the Mississippi River, including Louisiana and Minnesota (but excluding

Alaska, Hawaii, Arizona, California, Idaho, Nevada, Utah, and Washington, and (3) *truck campers and camp coaches*, from points in Oregon, to points in the United States west of the Mississippi River, including Alaska, Louisiana, and Minnesota (but excluding Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 103993 (Sub-No. 445), filed July 18, 1969. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representatives: Paul D. Borgheani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles including horse trailers, in initial movements, *truck campers* and *truck covers*, from points in Charleston County, S.C., to points east of the Mississippi River, including Louisiana and Minnesota. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Charleston, S.C.

No. MC 104523 (Sub-No. 43) (Correction), filed June 26, 1969, published in FEDERAL REGISTER issue of July 31, 1969, and republished as corrected this issue. Applicant: HUSTON TRUCK LINE, INC., Friend, Nebr. Applicant's representative: Earl H. Scudder, Jr., Box 2028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed, and dry mineral feed mixtures*, from the plantsite of Moorman Manufacturing Co. near Columbus, Nebr., to points in Oklahoma, Texas, and New Mexico, Atlantic and Marcus, Iowa; *Sleepy Eye and Kasson*, Minn.; (2) *dry animal and poultry feed, dry mineral feed mixtures, livestock and poultry feeders and equipment, insecticides*, from the plantsite of Moorman Manufacturing Co., Quincy, Ill., to points in N. Mex.; (3) *livestock and poultry feeders and equipment*, when moving in mixed shipments with animal and poultry feed, from the plantsite of Moorman Manufacturing Co., Quincy, Ill., to points in South Dakota, Nebraska, Oklahoma, and Texas; *Cheyenne and Sherman Counties, Kans.*; and (4) *dry animal and poultry feed, and dry mineral feed mixtures*, from the plantsite of Moorman Manufacturing Co. at Comanche, Tex., to points in Louisiana, New Mexico, and Oklahoma. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show the destination point of Atlantic, Iowa, in lieu of Atlanta, Iowa in (1) above. If a hearing is deemed necessary, applicant

requests it be held at Omaha or Lincoln, Nebr.

No. MC 106398 (Sub-No. 408), filed July 18, 1969. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull and Fred Rahal, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, (1) from points in Moore County, N.C., to points in the United States (except Alaska and Hawaii) and (2) from points in Columbus County, N.C., to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 106743 (Sub-No. 7), filed July 22, 1969. Applicant: LOFTIN'S TRANSFER & STORAGE CO., INC., 2701 Ross Clark Circle NW., Dothan, Ala. 36302. Applicant's representative: Carl Ross, Jr., 1731 Second Avenue North, Bessemer, Ala. 35020. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, having a prior or subsequent movement in interstate commerce, between points in De Kalb County, Ga., on the one hand, and, on the other, points in Baldwin, Banks, Barrow, Bartow, Carroll, Cherokee, Clarke, Cobb, Coweta, Crawford, De Kalb, Douglas, Fannin, Fayette, Floyd, Forsyth, Fulton, Gilmore, Gordon, Greene, Gwinnett, Habersham, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oglethorpe, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spaulding, Troup, Union, Upson, Walton, and White Counties, Ga., restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond said points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 106760 (Sub-No. 110), filed July 22, 1969. Applicant: WHITEHOUSE TRUCKING, INC., 5020 Angola Road, Toledo, Ohio 43615. Applicant's representatives: Irvin Tull and Fred Rahal, Jr., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from the plantsites and warehouses of Fingerle Lumber Co., Washtenaw County, Mich., to points in Arkansas, Georgia, Illinois, Indiana, Iowa, Lou-

isiana, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, Wisconsin, and the District of Columbia. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Toledo, Ohio, or Detroit, Mich.

No. MC 107012 (Sub-No. 97), filed July 24, 1969. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 938, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, bales, packing pads, macerated paper, machine pressed paper, wrapping paper, plain and indented, indented bags, and cushion bags*, from Brownstown, Ind., and Salem, Ill., to Fort Smith, Ark. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; Chicago, Ill.; or Washington, D.C.

No. MC 107295 (Sub-No. 205), filed July 14, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Post Office Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fence, fence panels and sections, post, fence fabrics, gates, pickets, rails, and accessories thereto*, from New Orleans, La., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. **NOTE:** Applicant states that it intends to tack with its present authority in MC 107295 Part (B), where feasible, whereas it is authorized to operate to points in Illinois, Indiana, Michigan, Wisconsin, Ohio, Arkansas, Iowa, Kentucky, Missouri, Tennessee, New York, and Virginia. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 107295 (Sub-No. 206), filed July 21, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fence, fence panels and sections, posts, pickets, rails, and accessories thereto*, from Alpena, Gladstone, Posen, and Stephenson, Mich., to points in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas. **NOTE:** Applicant states it could tack with its MC

107295 where feasible. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 107295 (Sub-No. 208), filed July 23, 1969. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox, Post Office Box 146, Farmer City, Ill. 61842. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cable tray systems* (including, but not limited to, cable racks, raceways, trays, troughs, or cableways), including *accessories, parts, and fittings* incidental to the completion, erection and installation thereof, from Wooster, Ohio, and Florence, Ky., to points in the United States in and east of the States of Montana, Wyoming, Colorado, and New Mexico. **NOTE:** Applicant states it will tack the sought authority with MC 107295 Part (B) where feasible. If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 107515 (Sub-No. 664), filed July 8, 1969. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, Ga. 30050. Applicant's representative: B. L. Gundlach, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen seafoods*, from points in Delaware and Maryland, to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Louisiana, Mississippi, Texas, and Arkansas. **NOTE:** Applicant states it will tack with its presently held authority Sub 141 at Gainesville, Ga., or Florence, Ala., to Ohio, Indiana, Illinois, Minnesota, Wisconsin, Nebraska, and Missouri. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107839 (Sub-No. 137), filed July 11, 1969. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 4985 York Street, Post Office Box 16021, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Alabama, Colorado, Florida, Georgia, North Carolina, and South Carolina, restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destination points. **NOTE:** Applicant states that no duplicating authority is held or sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108053 (Sub-No. 83), filed July 24, 1969. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., Post Office Box 129, Fremont, Nebr. 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill.

60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packing-houses*, as described in appendix I to the report in *Description in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicle); (a) from Muncie, Ind., to points in California; Las Vegas and Reno, Nev.; Oregon and Washington; (b) from Beardstown, East St. Louis, Moline, Monmouth, Pekin, Rochelle, Ill., to points in California; Las Vegas and Reno, Nev.; Oregon and Washington; (c) from Chicago and Peoria, Ill., to points in Oregon and Washington; (d) from Albert Lea, Minn., to points in California; Las Vegas and Reno, Nev.; Portland, Oreg.; Tacoma, Auburn, Seattle, and Spokane, Wash.; (e) from St. Paul, Minn., to points in Oregon and Washington; (f) from Fremont, Lincoln, Schuyler, West Point, Nebr., to points in California; Las Vegas and Reno, Nev.; (g) from Dayton, Ohio, to points in California; Las Vegas and Reno, Nev.; Oregon and Washington; (h) from Cudahy, Eau Claire, Fort Atkinson, and Whitehall, Wis., to points in California; Las Vegas and Reno, Nev.; and (i) from Madison, Wis., to points in Arizona, California (except Los Angeles, Sacramento, San Diego, San Francisco, San Jose, and Stockton), Nevada, Oregon (except Portland), Utah, and Washington (except Tacoma, Auburn, Seattle, and Spokane). **NOTE:** Applicant states it presently holds a substantial portion of the authority being sought over various gateways. The purpose of this application is to eliminate the various gateways. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 266), filed July 25, 1969. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Dallas, Tex., to points in Oklahoma, Kansas, Indiana, Ohio, and Louisville, Ky. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New Orleans, La.

No. MC 108449 (Sub-No. 299), filed July 28, 1969. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Myllenbeck, (same address as applicant), and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from points in Otter Tail

County, Minn., to points in Minnesota, North Dakota, and South Dakota. **NOTE:** Applicant states it does not intend to tack and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 108453 (Sub-No. 32), filed July 11, 1969. Applicant: G & A TRUCK LINE, INC., 404 West Peck Avenue, White Pigeon, Mich. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers and accessories therefor, and such commodities (except in bulk as are used or are useful in the production of plastic containers and accessories therefor, between Three Rivers, Mich., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, and Wisconsin; Louisville, Ky.; Rochester, N.Y.; St. Louis, Mo.; and points in the St. Louis-East St. Louis, Mo., commercial zone, under contract with Continental Can Co., Inc. NOTE:* Applicant states in the event of a grant of this instant application, it will request coincidental cancellation of its MC 108453 Sub 28 and Sub 29. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 109689 (Sub-No. 207), filed July 22, 1969. Applicant: W. S. HATCH COMPANY, a corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground limestone and limestone products*, from Fort Morgan, Colo., to points in Wyoming, points in Nebraska and Kansas on and west of U.S. Highway 281, points in Texas and New Mexico north of Interstate Highway 40, and points in Cimarron, Tex., and Beaver Counties, Okla. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Salt Lake City, Utah.

No. MC 110264 (Sub-No. 40), filed July 17, 1969. Applicant: ALBUQUERQUE PHOENIX EXPRESS, INC., 4500 McLeod Road NE., Albuquerque, N. Mex. 87110. Applicant's representatives: Paul F. Sullivan, 701 Washington Building, Washington, D.C. 20005, and Duane A. McLeod, Post Office Box 3459, Albuquerque, N. Mex. 87110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities (except commodities in bulk, those of unusual value, household goods as defined by the Commission, and those requiring special equipment); (1) between Albuquerque, N. Mex., and Amarillo, Tex.; (a) from Albuquerque over U.S. Highway 66 (Interstate Highway 40) to Amarillo, and return over the same route,*

serving all intermediate and off-route points in the State of New Mexico; and (b) from Albuquerque over U.S. Highway 66 (Interstate Highway 40) to its junction with U.S. Highway 84, thence over U.S. Highway 84 to Fort Sumner, N. Mex., thence over U.S. Highway 60 to Amarillo and return over the same route, serving all intermediate and off-route points in New Mexico; (2) between Albuquerque and Lubbock, Tex.; from Albuquerque over U.S. Highway 66 (Interstate 40) to its junction with U.S. Highway 84, thence over U.S. Highway 84 to Fort Sumner, N. Mex., thence over U.S. Highway 84 to Lubbock and return over the same route, serving all intermediate and off-route points in the State of New Mexico; (3) between Clovis, N. Mex., and Roswell, N. Mex. over U.S. Highway 70, serving all intermediate and off-route points; (4) between Amarillo and Lubbock over U.S. Highway 87 for operating convenience only, serving no intermediate points and restricted against local service between said points; and (5) between Tucumcari, N. Mex., and Clovis, N. Mex., over New Mexico Highway 18 for operating convenience only, serving no intermediate points but serving said termini. **NOTE:** Applicant states no duplicating authority being sought. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 111045 (Sub-No. 68), filed July 14, 1969. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank or hopper type vehicles, from Gonzales and Pensacola, Fla., to points in Alabama, Connecticut, Georgia, Indiana, Kentucky, Louisiana, North Carolina, Pennsylvania, South Carolina, Tennessee, and Texas. **NOTE:** Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 111375 (Sub-No. 30), filed July 17, 1969. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, a corporation, 3567 East Barnard Avenue, Cudahy, Wis. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from Appleton, Wis., to points in Washington, Oregon, Montana, Utah, Idaho, California, Colorado, Arizona, Nevada, New Mexico, and Wyoming. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 112304 (Sub-No. 33), filed July 7, 1969. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Guardrail, and component parts*, from Lima, Ohio, to points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112696 (Sub-No. 41), filed July 22, 1969. Applicant: HARTMANS INCORPORATED, Post Office Box 898, Harrisonburg, Va. 22801. Applicant's representative: James E. Wilson, 1735 K Street, NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, dairy products, candy, frozen foods, and equipment and supplies* used in the preparations and serving of foods in restaurants and commissaries, and *equipment and supplies* used in the manufacture of frozen foods, between Winchester, Va., on the one hand, and, on the other, points in Florida; restricted to traffic originating at or destined to plantsites or storage facilities of Frank G. Shattuck Co. of New York. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112713 (Sub-No. 114), filed July 21, 1969. Applicant: YELLOW FREIGHT SYSTEM, INC., Post Office Box 8462, 92d at State Line, Kansas City, Mo. 64114. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, and meats, fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., at or near Hereford, Tex., to points in Colorado, Delaware, Illinois, Indiana, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, New York, Ohio, and Pennsylvania, restricted to the transportation of traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destination States. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 123), filed July 17, 1969. Applicant: BRAY LINES INCORPORATED, Post Office Box 1191, 1401 North Little Street, Cushing, Okla. 74023. Applicant's representative: Carl L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from Idaho Falls, Rigby, Blackfoot, and Shelley, Idaho, and Garland, Layton, West Jordan, and Lehi, Utah, to points in Missouri (except Kansas City, Mo.). **NOTE:**

Applicant states common control has been authorized in MC-F-10266. Applicant further states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary applicant requests it be held at Salt Lake City, Utah, or Kansas City, Mo.

No. MC 113267 (Sub-No. 219), filed July 11, 1969. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. 62232. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats fresh and meats fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., located at or near Hereford, Tex., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.), restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 165), filed July 22, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except cold packed or frozen), from plantsites and storage facilities of Comstock/Greenwood Foods, Borden, Inc., Foods Division, or plantsites and storage facilities of Borden, Inc., (1) from Waterloo, Red Creek, Rushville, Egypt, Penn Yan, Fairport, Newark, and Lyons, N.Y., to points in Indiana, Kentucky, and Michigan; and (2) from West Chester, Pa., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin, all service hereunder restricted to traffic originating at the named plantsites and storage facilities. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 113362 (Sub-No. 166), filed July 25, 1969. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive mufflers, tailpipes, and accessories* for installation thereof, from Batavia, Ill., to points in Iowa and Nebraska, and to Jackson, Minn. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept

a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113495 (Sub-No. 40), filed July 10, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. 37213. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight, require the use of special equipment or special handling; (2) *Self-propelled articles*, each weighing 15,000 pounds or more, when moving on trailers; and (3) *Ammunition and explosives*, (a) between points in Wisconsin, Illinois, Missouri, Arkansas, Indiana, Ohio, Michigan, Tennessee, Kentucky, Virginia, West Virginia, and North Carolina, and (b) between points in the States named above, on the one hand, and, on the other, points in the United States (except those in Alaska and Hawaii); restricted to traffic moving to, from, or between military installations or Department of Defense establishments. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Nashville, Tenn., or Chicago, Ill.

No. MC 113495 (Sub-No. 41), filed July 22, 1969. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, Post Office Box 5266, Nashville, Tenn. 37213. Applicant's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Nashville, Tenn., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 113855 (Sub-No. 205), filed July 21, 1969. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts for irrigation systems*, from points in Douglas County, Nebr., to points in North Dakota, South Dakota, Minnesota, Iowa, Wisconsin, Maine, Illinois, Colorado, and Wyoming. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is

deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114211 (Sub-No. 128), filed July 14, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, excavating and trailers, including tractor and trailer parts, and attachments*, from Omaha, Nebr., to points in the United States, excluding Hawaii. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114211 (Sub-No. 129), filed July 14, 1969. Applicant: WARREN TRANSPORT, INC., 324 Manhard, Post Office Box 420, Waterloo, Iowa 50704. Applicant's representative: Charles W. Singer, 33 North Dearborn, Suite 1625, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm machinery, and tractor attachments and parts* for the commodities named above and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) between Temple, Tex., on the one hand, and, on the other, points in the United States (excluding Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant states no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Dallas, Tex.

No. MC 114284 (Sub-No. 41), filed July 8, 1969. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, Okla. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, when transported with meat, meat products, and meat byproducts as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fremont, Nebr., to points in New Mexico, Arkansas, Arizona, Oklahoma, and Bowie, Red River, Lamar, Fannin, Grayson, Cooke, Montague, Clay, Wichita, Wilbarger, Hardeman, Childress, Cottle, King, Knox, Baylor, Archer, Young, Throckmorton, Haskell, Stonewall, Jones, Shackelford, Stephens, Eastland, Callahan, Taylor, Nolan, Mitchell, Howard, Martin, Ector, Ward, Crane, Midland, Upton, Glasscock, Reagan, Sterling, Coke, Runnels, Coleman, Brown, McCulloch, Concho, Tom Green, Irion, Crockett, Schleicher, Menard, Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hemphill, Roberts, Hutchinson,

Moore, Hartley, Oldham, Potter, Carson, Gray, Wheeler, Collingsworth, Donley, Armstrong, Randall, Deaf Smith, Farmer, Castro, Swisher, Briscoe, Hall, Motley, Floyd, Hale, Lamb, Bailey, Cochran, Hockley, Lubbock, Crosby, Dickens, Kent, Garza, Lynn, Terry, Yoakum, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Winkler, Loving, El Paso, Hudspeth, Culbertson, and Reeves Counties, Tex.; Bourbon, Neosho, Crawford, Labette, Cherokee, and Montgomery Counties, Kans.; Barry, Christian, Greene, Jasper, Lawrence, McDonald, Newton, Stone, Taney, and Webster Counties, Mo.; restricted to traffic originating at the plant and storage facilities of Geo. A. Hormel & Co. at Fremont, Nebr. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115322 (Sub-No. 60), filed July 9, 1969. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Nassau County, N.Y., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 115322 (Sub-No. 61), filed July 9, 1969. Applicant: REDWING REFRIGERATED, INC., Post Office Box 1698, 2939 Orlando Drive, Sanford, Fla. 32771. Applicant's representative: J. V. McCoy, Post Office Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size or weight require the use of special equipment or special handling; and (2) *general commodities* (including classes A and B explosives), except household goods as defined by the Commission, between points in the United States (except Alaska and Hawaii), restricted to shipments moving from, to, or between military installations, Defense Department establishments, and/or Government contractors. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Tampa, Fla.

No. MC 115841 (Sub-No. 357) (Correction), filed July 14, 1969, published in FEDERAL REGISTER issue of August 7, 1969, and republished, as corrected, this issue. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1252 West Bankhead Highway, Post Office Box 2169, Birmingham, Ala. 35201. Applicant's representatives: C. E. Wesley

(same address as above), also E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, fresh and *meats*, fresh frozen, from the plantsite and/or cold storage facilities utilized by Wilson & Co., at or near Hereford, Tex., to points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee (except Memphis), Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and/or cold storage facilities utilized by Wilson & Co., at or near Hereford, Tex., and destined to the above-specified destination points. **NOTE:** The purpose of this republication is to show the correct Docket No. as MC-115841 Sub 357 in lieu of MC 115840 Sub No. 41, as previously published. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116014 (Sub-No. 48) (correction), filed June 23, 1969, published in FEDERAL REGISTER issue of July 17, 1969, and republished as corrected this issue. Applicant: OLIVER TRUCKING COMPANY, INC., Post Office Box 53, Winchester, Ky. 40391. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Wilmington, N.C., on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, South Carolina, Tennessee, and Virginia. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. The purpose of this republication is to show applicant's name as Oliver Trucking Co., Inc., in lieu of Oliver Trucking Co., Inc. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 116077 (Sub-No. 270), filed July 17, 1969. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Post Office Box 1505, Houston, Tex. 77001. Applicant's representative: Thomas E. James, The 904 Lavaca Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Garyville, La., to points in Louisiana, Texas, Oklahoma, Arkansas, Mississippi, Alabama, Georgia, Florida, and Tennessee. **NOTE:** Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 116085 (Sub-No. 5), filed July 23, 1969. Applicant: FRISKNEY AND HARDING TRUCKING, INC., Post Office Box 3, Kendallville, Ind. 46755. Applicant's representative: Donald W. Smith,

900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed autographic register paper, autographic registers, sales books, deposit slips, sales slips, printed forms, newsprint, carbonized paper, printing machinery, and register bond paper*; (a) between the plantsites of Sturgis Newport Business Forms, Inc., located at Clanton, Ala.; Hampton, Va.; White Water, Wis.; Sturgis, Mich.; and Corinth, Miss.; (b) from the plantsite of Sturgis Newport Business Forms, Inc., at Hampton, Va., to the warehouse facilities used by Sturgis Newport Business Forms, Inc., at New Brunswick, N.J., and (c) from the plantsite of Sturgis Newport Business Forms, Inc., at Sturgis, Mich., to Bettendorf, Iowa, and Johnson City, N.Y.; (2) *register bond paper*, in rolls, from Spring Grove, Pa., to the plantsite of Sturgis Newport Business Forms, Inc., at Sturgis, Mich.; (3) *one time carbon paper*, from Des Moines, Iowa, to the plantsites of Sturgis Newport Business Forms, Inc., at Sturgis, Mich.; (4) *one time write carbon paper*, from Leetsdale, Pa., to the plantsites of Sturgis Newport Business Forms, Inc., at Sturgis, Mich.; and (5) *printed and not printed business forms*, from Bettendorf, Iowa, to the plantsites of Sturgis Newport Business Forms, Inc., at Sturgis, Mich., and the warehouse facilities used by Sturgis Newport Business Forms, Inc., in New Brunswick, N.J., restricted to service to be performed under a continuing contract with Sturgis Newport Business Forms, Inc., a division of Litton Industries. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 116091 (Sub-No. 5), filed July 24, 1969. Applicant: STANLEY LEMONS AND CLAUDE LEMONS, a partnership, doing business as LEMONS BROTHERS, Post Office Box 295, Cynthiana, Ky. 41031. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in mechanically refrigerated trailers furnished by shipper or carrier, from Cynthiana and Lexington, Ky., to points in Florida, Georgia, and Tennessee. **NOTE:** Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Lexington, Ky.

No. MC 116254 (Sub-No. 99), filed July 14, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Acids and chemicals*, in bulk, from points in Rutherford County, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Indiana, Illinois, Iowa, Michigan, Missouri, Mississippi, North Carolina, Ohio, South Carolina, and Virginia. **NOTE:** Applicant indicates tacking with its Sub 5 certificate at Sheffield, Ala., and points within 15 miles thereof, and with its Sub 52 certificate at Barfield, Ark., and points within 10 miles thereof, where in said certificates as combined it conducts operations from those points to the States shown in the instant application, and the additional States of Florida, Louisiana, Oklahoma, Texas, Iowa, Kansas, and Wisconsin. Applicant states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Birmingham, Ala., or Memphis, Tenn.

No. MC 116254 (Sub-No. 101), filed July 14, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products, and chemicals*, from points in Marshall County, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. **NOTE:** Applicant states it could tack with its presently held certificates in MC 116254 (Sub-No. 5) and (Sub-No. 52) at Sheffield, Ala., and Barfield, Ark., respectively. Applicant further states no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 116254 (Sub-No. 103), filed July 22, 1969. Applicant: CHEM-HAULERS, INC., Post Office Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, 1822 Parkway Tower, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, limestone, clay, sand, and slag, and products composed of or derived from such commodities*, between points in Tishomingo County, Miss.; Wayne and Hardin Counties, Tenn.; and Colbert, Lauderdale, and Franklin Counties, Ala. **NOTE:** Applicant states it intends to tack the sought authority presently held in its Subs 20 and 28, wherein it conducts operations in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and District of Columbia. Applicant further states it does not seek duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 116544 (Sub-No. 110), filed July 9, 1969. Applicant: WILSON

BROTHER TRUCK LINES, INC., Post Office Box 636, Carthage, Mo. 64836. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats fresh and meats fresh frozen*, from the plantsite and/or cold storage facilities utilized by Wilson & Co., Inc., located at or near Hereford, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117212 (Sub-No. 5), filed July 8, 1969. Applicant: **LEAMINGTON TRANSPORT (WESTERN) LIMITED**, Box 188, Leamington, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between ports of entry on the international boundary line between the United States and Canada located in Michigan, on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada located in Minnesota and North Dakota, restricted to traffic which subject carrier transports from a point in Canada to another point in Canada, having a prior or subsequent movement from or to a point in the United States by another carrier. **Restriction:** The transportation sought herein is to be restricted to foreign commerce. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 117574 (Sub-No. 182), filed July 7, 1969. Applicant: **DAILY EXPRESS, INC.**, Post Office Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewage, water and refuse treatment systems*, which because of size or weight require the use of special equipment; and (2) *tools, materials, and supplies* used in connection with the erection, operation, and jobsite construction of sewage, water, and refuse systems, between points in the continental United States. **NOTE:** Applicant holds authority in MC 117574 and various subs to transport articles which because of size or weight require special equipment between various points in 31 States. No duplicating authority is being sought. Applicant states that it does not intend to tack, and requests that the authority sought herein be restricted against tacking with other present au-

thority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117686 (Sub-No. 105), filed July 18, 1969. Applicant: **HIRSCHBACH MOTOR LINES, INC.**, 3324 U.S. Highway 75 North, Post Office Box 417, Slouss City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples and coconuts and agricultural commodities* otherwise exempt from economic regulations under section 203(b)6 of the Act, when transported in mixed shipments with bananas, plantains, pineapples and coconuts, from Wilmington, Del., to points in Illinois, Colorado, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Kansas, and Missouri. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant has no preference and would agree to any place set by the Commission.

No. MC 117765 (Sub-No. 84), filed July 14, 1969. Applicant: **HAHN TRUCK LINE, INC.**, 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automatic livestock waterers, livestock scales, hopper feed scales, cutter head gates, and cattle shutes*, from Hawarden, Iowa, and Norfolk, Nebr., to points in Colorado, Kansas, Missouri, and Oklahoma. **NOTE:** Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117765 (Sub-No. 85), filed July 15, 1969. Applicant: **HAHN TRUCK LINE, INC.**, 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, materials, supplies and accessories used in installation or distribution thereof*, from the plantsite or storage facilities of the United States Gypsum Co. at Greenville, Miss., to points in Kansas, Oklahoma, Texas, New Mexico and Colorado. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant request it be held at Oklahoma City, Okla.

No. MC 118959 (Sub-No. 46), filed July 10, 1969. Applicant: **JERRY LIPPS, INC.**, 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. 46208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Pipe, compounds, joint sealer, bonding cement, plastic and plastic products* (except commodities in bulk), and *materials and supplies* used in the installation of plastic and plastic products, from Social Circle, Ga., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, New York, and Rhode Island. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking if warranted. Applicant holds contract carrier authority in MC-125664, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or St. Louis, Mo.

No. MC 118989 (Sub-No. 32), filed July 16, 1969. Applicant: **CONTAINER TRANSIT, INC.**, 5223 South Ninth Street, Milwaukee, Wis. 53211. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, metal, paper, plastic or composite and/or components thereof or related equipment and supplies* used in the sales and distribution of said containers, from points in Cook and Kane Counties, Ill.; Hoopston, Ill.; Indianapolis and Austin, Ind.; Detroit, Mich.; Kansas City and St. Louis, Mo.; Delaware, Ohio; and Milwaukee, Wis., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, and Wisconsin. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119619 (Sub-No. 15), filed July 22, 1969. Applicant: **DISTRIBUTORS SERVICE CO.**, a corporation, 2000 West 43d Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, packinghouse products*, as defined in section A of appendix I of the report of *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Postville, Iowa, to points in Wisconsin, Illinois, Indiana, Ohio, and Michigan. **NOTE:** Applicant states that tacking is possible at points in Ohio, as well as Illinois for further transportation to points in numerous eastern States. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 119656 (Sub-No. 3), filed July 24, 1969. Applicant: **NORTH EXPRESS, INC.**, 219 East Main Street, Winamac, Ind. Applicant's representative: Walter F. Jones, Jr., 601 Chamber

of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing*, from the plantsite of Plymouth Tube Division of Van Pelt Corp. at or near Winamac, Ind., to points in Ohio. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 119767 (Sub-No. 223), filed July 24, 1969. Applicant: BEAVER TRANSPORT CO., a corporation, 100 South Calumet Street, Burlington, Wis. 53105. Applicant's representative: A. Bryant Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig tanning skins*, from Fort Atkinson, Wis., to Rockford, Mich., and Muscatine, Iowa; and (2) *clay*, in packages, from points in Pulaski County, Ill., to points in Kansas. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis.

No. MC 119777 (Sub-No. 156), filed July 17, 1969. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, Ky. 42431. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), from points in Putnam County, Ill., to points in Colorado, Idaho, Montana, Utah, and Wyoming; and; (2) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and processing of iron and steel articles, from points in Colorado, Idaho, Montana, Utah, and Wyoming to points in Putnam County, Ill. NOTE: Applicant states it presently holds contract authority under its MC 126970 and subs thereunder, therefore common control and dual operations may be involved. Applicant further states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Louisville, Ky.

No. MC 119908 (Sub-No. 5), filed July 14, 1969. Applicant: WESTERN LINES, INC., 3523 North McCarty, Houston, Tex. Applicant's representative: William P. Jackson, Jr., Federal Bar Building West, 1819 H Street NW, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and machinery*, between points on the Arkansas River in the State of Arkansas, Natchez, Greenville, and Vicksburg, Miss., Vidalia and Tallulah, La., on the

one hand, and, on the other, points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas. NOTE: Applicant states tacking to provide a through service at points common to presently held authority and requested authority from Houston, Tex., to points within 400 miles within Houston, Tex., at certain points on the Arkansas River within 400 miles of Houston to provide a through service to points in Missouri. Applicant holds contract carrier authority under MC 110814 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 119917 (Sub-No. 25), filed July 21, 1969. Applicant: DUDLEY TRUCKING COMPANY, INC., 717 Memorial Drive SE., Atlanta, Ga. 30316. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., Suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, and candy and confectionery, and advertising and printed matter, store display racks and stands, and related equipment and supplies*, when moving in conjunction with and as a part of the same shipment with bakery products and candy and confectionery, from Macon, Ga., to points in Florida. NOTE: Applicant states it does not intend to tack, and apparently is willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chicago, Ill.

No. MC 123048 (Sub-No. 157), filed July 11, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements*; (2) *tractors*; and (3) *parts of the commodities described in (1) and (2) above*, from ports of entry on the international boundary line of the United States and Canada located at Detroit, Mich., and Maine to points in the United States except Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Florida, and Hawaii. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123048 (Sub-No. 158), filed July 11, 1969. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: (1) (a) *Bleachers and grandstands*; and (b) *bleacher and grandstand parts* from Rochester, Ind., to points in the United States (except Alaska, Chicago, Ill., and its commercial zone, Hawaii, Indiana, and the Lower Peninsula of Michigan); and (2) *lumber* from points in Alabama, Arkansas, Idaho, Louisiana, Mississippi, Montana, Oregon, Tennessee, Texas, and Washington, to Rochester, Ind. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123057 (Sub-No. 10), filed July 11, 1969. Applicant: JAMES RICCIARDI & SONS, INC., 203 Fillmore Street, Staten Island, N.Y. 10301. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, joint treatment products, paint products, and materials, supplies, and products used in the manufacture, installation, distribution, and application of the aforementioned products* (except in bulk), between the plants and warehouses of United States Gypsum Co., Staten Island, N.Y., on the one hand, and, on the other, points in New Jersey, New York, Connecticut, Maine, Massachusetts, Rhode Island, New Hampshire, Vermont, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123819 (Sub-No. 28), filed July 24, 1969. Applicant: ACE FREIGHT LINE, INC., 261 East Webster, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dog food*, from the plantsites of Allen Canning Co., located at Gentry and Siloam Spring, Ark., at a point approximately 10 miles east of Siloam Spring, Ark.; Kansas and Proctor, Okla.; to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Louisiana, Mississippi, Arkansas, and Oklahoma. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 123821 (Sub-No. 8), filed July 14, 1969. Applicant: LESTER R. SUMMERS, INC., Rural Delivery No. 1, Post Office Box 239, Ephrata, Pa. 17522. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, from points in Lancaster County, Pa.,

to points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties, N.J. Note: Common control may be involved. Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123993 (Sub-No. 9), filed July 22, 1969. Applicant: FOGLEMAN TRUCK LINE, INC., Post Office Box 1504, Crowley, La. 70526. Applicant's representative: Autin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated steel*, from Fairfield and Gadsden, Ala., to Crowley, La. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant holds contract carrier authority under MC 41116 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans or Baton Rouge, La., or Houston, Tex.

No. MC 124181 (Sub-No. 10), filed June 27, 1969. Applicant: JOSEPH GENOVA, Clayton Road, Williamstown, N.J. 08094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers, ends, caps, and covers*; (a) from Philadelphia and Morrisville (Bucks County), Pa., to Williamstown and Glassboro, N.J., under contract with Violet Packing Co., National Fruit Product Co., and Ron Son Mushroom Product Co., Inc.; (b) from Baltimore, Md., to Gloucester, N.J., under contract with DiLullo & Sons; and (2) *foodstuffs*, in mechanical refrigerated equipment, from New York, N.Y., to Williamstown, N.J., Baltimore, Md., Washington, D.C., and Philadelphia, Pa., and from Williamstown, N.J., to Baltimore, Md., Washington, D.C., and Philadelphia, Pa., under contract with Joseph L. Sclafani, Inc., of New York, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., New York, N.Y., or Philadelphia, Pa.

No. MC 124211 (Sub-No. 131), filed July 15, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, other than citrus, and, *related advertising matter and premiums*; (1) from Monroe and Sheboygan, Wis., to points in Nebraska; and (2) from points in Alabama, Florida, and Louisiana, to points in Alabama, Florida, Georgia, Kentucky, Tennessee, and those in the United States on and west of U.S. Highway 31 (except Hawaii). Restriction: The authority sought herein, to the extent it duplicates authority held by or heretofore

granted to carrier, shall not be construed as conferring more than one operating right, severable by sale or otherwise. Note: Applicant states that while it is possible to tack the sought authority with authority presently held, it would tack only as an incidental or secondary purpose of this application. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124211 (Sub-No. 132), filed July 15, 1969. Applicant: HILT TRUCK LINE, INC., 1415 South 35th Street, Post Office Drawer H, Council Bluffs, Iowa 51501. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages, beverage concentrates, and related advertising matter and premiums*; (1) from Hayward, Calif., and Omaha, Nebr., to Denver, Colo.; Sunman, Ind.; Lenexa, Kans.; Kenner, La.; St. Paul, Minn.; Kansas City and Maryland Heights, Mo.; Omaha, Nebr.; Fort Worth, Tex.; Salt Lake City, Utah; and Random Lake, Wis.; (2) from Denver, Colo., to points in Kansas, New Mexico, and Oklahoma, and those in Texas on and west of U.S. Highways 83 and 277; (3) from Kansas City, Mo., and points in the commercial zone thereof, to points in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas; and (4) from St. Louis, Mo., to points in Arkansas, Kansas, Louisiana, Oklahoma, Tennessee, and Texas. Restriction: The authority sought herein, to the extent it duplicates authority now held by or heretofore granted to carrier, shall not be construed as conferring more than one operating right severable by sale or otherwise. Note: Applicant states that while it is possible to tack the authority sought with authority presently held, it would be only as an incidental or secondary purpose of this application. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 124236 (Sub-No. 32), filed July 22, 1969. Applicant: CEMENT EXPRESS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Ellis County, Tex., to points in Arkansas. Note: Applicant states it will tack the authority sought in this instant application with its presently held authorities where feasible. Applicant states no duplicating authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 124813 (Sub-No. 70), filed July 14, 1969. Applicant: UMTHUN TRUCKING CO., a corporation, Eagle Grove, Iowa 50533. Applicant's representative: Charles J. Kimball, 605 South 14th Street, Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime,*

quick and hydrate, in bags, from the plantsites and storage facilities utilized by Marblehead Lime Co. at or near Hannibal, Mo.; Marblehead, Quincy, Chicago, and Thornton, Ill.; to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. Note: Applicant holds contract carrier authority under Docket No. MC 118468 Sub 16 et al., therefore, dual operations may be involved. Applicant states it holds authority to transport feed ingredients from Eagle Grove, Muscatine, and Davenport, Iowa, and two plantsites at or near Cedar Rapids and Montpelier, Iowa, to points in Illinois and Missouri. The commodities involved here can be used as feed ingredients. Substantial circuitry would be involved in operation involving tacking of the involved authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 124896 (Sub-No. 2), filed July 18, 1969. Applicant: WILLIAMSON TRUCK LINES, INC., Post Office 64, Wilson, N.C. 27893. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. 27601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peanuts*, processed including roasted, blanched, and boiled, from Edenton and Dublin, N.C.; and Franklin and Suffolk, Va., to points in the United States (except Alaska and Hawaii); (2) *fish*, processed including pickled, brined, marinated, and smoked, from points in Bertie County, N.C., and Northumberland County, Va., to Chicago, Ill.; St. Paul-Minneapolis, Minn., and Milwaukee, Wis., and *used containers*, on return; and (3) *glass jars and glass containers*, from points in Indiana and Wisconsin to points in Bertie County, N.C., and Northumberland County, Va. Note: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Richmond, Va.

No. MC 124987 (Sub-No. 13), filed July 17, 1969. Applicant: EARL L. BONSACK AND ELAINE M. BONSACK, a partnership, doing business as EARL L. BONSACK, 512 West Plainview Road, La Crosse, Wis. 54601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse and Sheboygan, Wis., to points in Iowa (except Cedar Rapids); Yankton, Turner, Minnehaha, Lincoln, and Clay Counties, S. Dak.; Douglas, Lancaster, and Dodge Counties, Nebr.; Dakota, Scott, Carver, Washington, Hennepin, Anoka, and Ramsey Counties, Minn.; under contract with G. Heileman Brewing Co., Inc., La Crosse, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at La Crosse, Wis.

No. MC 125358 (Sub-No. 3), filed July 14, 1969. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn.

55102. Authority sought to as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal ofal*, from ports of entry on the international boundary line between the United States and Canada located at Pembina, N. Dak.; Noyes and International Falls, Minn.; and Detroit, Mich.; to Davenport, Iowa; Jefferson, and Madison, Wis.; Chicago, Rockford, and Decatur, Ill.; Saugatuck, Mich.; Cleveland and Marion, Ohio; Harrisburg, Allentown, Philadelphia, and Camp Hill, Pa.; and Princess Anne, Md.; under contract with A. Christensen Co., Ltd., Winnipeg, Manitoba, Canada. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 125820 (Sub-No. 6), filed July 18, 1969. Applicant: ELK VALLEY FREIGHT LINE, INC., 317 Arlington Avenue, Nashville, Tenn. 37210. Applicant's representative: R. P. Beadle (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment), between Nashville, Tenn., and New Orleans, La., from Nashville over Interstate Highway 40 to junction Interstate Highway 240, thence over Interstate Highway 240 to junction Interstate Highway 55, thence over Interstate Highway 55 (also U.S. Highway 51) to junction U.S. Highway 61 near Laplace, La., thence over U.S. Highway 61 to New Orleans, and return over the same route, serving the intermediate points of Brookhaven, Miss., and McComb, Miss., and points within a 10-mile radius of each. NOTE: If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 126222 (Sub-No. 6), filed July 22, 1969. Applicant: JOHN A. SIEFERT AND JOSEPH J. SIEFERT, a partnership, doing business as SIEFERT BROS. TRUCKING CO., Post Office Box 310, Du Quoin, Ill. 62832. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, 411 North Seventh Street, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass tubing*, from the plantsite and warehouse facilities of Corning Glass Works, Parkersburg, W. Va., to Wheaton Glass Co. at or near Wamac, Ill., and *empty pallets and packing materials*, on return, under contract with Wheaton Glass Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 126402 (Sub-No. 8), filed July 14, 1969. Applicant: JACK WALKER TRUCKING SERVICE, INC., 844 Loudon Avenue, Lexington, Ky. 40408. Applicant's representative: George M. Catlett, 703-706 McClure Building, Frankfort, Ky. 40601. Author-

ity sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Winston-Salem, N.C., to points in Kentucky; and (2) from the brewery site of Pabst Georgia Brewing Co. near Perry, Houston County, Ga., to points in Kentucky. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Lexington or Louisville, Ky.

No. MC 126514 (Sub-No. 15), filed July 22, 1969. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, Ariz. 85301, mailing address, Post Office Box 392, Phoenix, Ariz. 85001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greeting cards, envelopes, sample albums, wrapping and related trappings*, from Boston, Springfield, Leominster, and Webster, Mass.; Nashua, N.H.; North Bennington, Vt.; White Plains, Elmira, and New York, N.Y.; Pittsburgh and Philadelphia, Pa.; Cincinnati, Ohio, and Cicero, Ill., to Oakland and Livermore, Calif. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 126600 (Sub-No. 5), filed July 16, 1969. Applicant: EHR SAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Material handling and processing equipment, elevator equipment, power transmission equipment, foundry castings and materials and supplies* used in the manufacture of such commodities, between Concordia, Kans., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii, under contract with the Ehrsam Co. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Topeka, Kans.

No. MC 126920 (Sub-No. 1), filed June 30, 1969. Applicant: ROBERT L. HERZOG, Rural Delivery No. 3, Valley Road, Smethport, Pa. 16749. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood products*, from the plantsites of Dale E. Elliott Lumber Co., at Shinglehouse (Potter County); Braford (McKean County); and Emporium (Cameron County), Pa., to points in New York, New Jersey, Ohio, Indiana, Michigan, North Carolina, and

Tennessee. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 127019 (Sub-No. 5), filed July 3, 1969. Applicant: LA RUE LAMB, doing business as LA RUE LAMB TRUCKING, Myton, Utah 84052. Applicant's representatives: Wood R. Worsley or Stuart L. Poelman, 701 Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated gilsonite* (natural asphaltum) in bulk, from points in Duchesne and Uintah Counties, Utah, to points in Missouri. NOTE: Applicant states it will tack with its MC 127019 Sub 3 enabling service to points in Utah, Washington, Oregon, California, Montana, Idaho, Nevada, Arizona, Wyoming, Colorado, New Mexico, Oklahoma, Kansas, Nebraska, and Missouri in anticipation of split shipments. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 127628 (Sub-No. 3), filed July 22, 1969. Applicant: HUDSON TRANSFER & WAREHOUSE CO., doing business as FRONTIER FORWARDING SERVICE, a corporation, 4600 North Santa Maria Road, Laredo, Tex. 78040. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Val Verde, Edwards, Brooks, La Salle, Kinney, Maverick, Duval, Zavala, Dimmit, Uvalde, Webb, Zapata, Jim Wells, and Jim Hogg Counties, Tex., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: If a hearing is deemed necessary, applicant requests it be held at Laredo or San Antonio, Tex.

No. MC 127834 (Sub-No. 36), filed June 23, 1969. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Fred F. Bradley, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Nashville, Tenn., to points in Alabama, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128067 (Sub-No. 1), filed July 23, 1969. Applicant: WILMER F. BURNS, 631 Scenery Drive, Elizabeth, Pa.

15037. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, (1) from points in Delaware, Illinois, Indiana, Michigan, New Jersey, New York, and Ohio to points in Allegheny, Beaver, Washington, and Westmoreland Counties, Pa., (2) from Baltimore, Md., Carteret, N.J., and Solvay and Syracuse, N.Y., to Luke, Md., (3) from Carteret, N.J., and Solvay, N.Y., to Bellaire, Toronto, and Steubenville, Ohio, and Weirton and Wheeling, W. Va., and (4) from points in the Borough of Lincoln, Allegheny County, Pa., to points in West Virginia, under a continuing contract or contracts with Chemply, Inc., of Elizabeth, Pa. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 128146 (Sub-No. 3), filed July 7, 1969. Applicant: TED W. BETLEY, Post Office Box 196, Amberg, Wis. 54102. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and business records*, between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, points in Douglas, Bayfield, Ashland, Iron, Vilas, Burnett, Washburn, Sawyer, Price, Oneida, Forest, Florence, Polk, Barron, Rusk, Taylor, Lincoln, St. Croix, Dunn, Chippewa, Pierce, Pepin, Eau Claire, Buffalo, Trempealeau, and La Crosse Counties, Wis., and Green Bay, Wis. **NOTE:** Applicant states it presently holds duplicating authority in its MC 128146 and Sub-1 which duplicates in part authority sought herein. Applicant further states it could tack at Green Bay, Wis., for service to additional Wisconsin counties but no tacking is intended. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Madison, Wis.

No. MC 128811 (Sub-No. 2), filed July 7, 1969. Applicant: TRANSTEEL FREIGHTWAYS, INC., 1000 South Fourth Street, Harrison, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except those which require the use of special equipment), from the plant and warehouse sites of Jones and Laughlin Steel Corp. and Harris and Sons Steel Co., Pittsburgh, Pa., to points in Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Delaware, Maryland, and the District of Columbia, under contract with Harris and Sons Steel Co. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128922 (Sub-No. 2), filed July 2, 1969. Applicant: CHESTER FRY AND MARIE E. FRY, a partnership, doing business as FRY TRUCKING, Wil-

ton Junction, Iowa 52778. Applicant's representative: Kenneth F. Dudley, 901 South Madison Avenue, Post Office Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed, animal and poultry feed ingredients, animal and poultry health and related products, insecticides, pesticides, empty bags and containers, advertising matter and premiums*, between Kansas City, Mo.; Norfolk, Nebr.; and Geneseo, Ill.; (2) *feed and feed ingredients*, from Albert Lea, Minn., to points in Illinois and Wisconsin, (3) *iron oxide, ground ore, ground ferro alloys, mineral feed ingredients and mixes, and mineral fertilizer ingredients and mixes*, between Quincy, Ill., and Bowmanstown, Pa., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (4) *feed, feed ingredients, feed specialties, fly spray, and livestock minerals and supplements*, from Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin; and (5) *feed and feed ingredients, and containers*, between Winfield, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant has a pending contract carrier applicant under MC 125871 Sub 2. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 129124 (Sub-No. 4), filed July 10, 1969. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representative: S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter* moving in connection therewith, from Du Bois, Pa., to points in Delaware, Georgia, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and the District of Columbia. **NOTE:** Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 129307 (Sub-No. 18), filed July 17, 1969. Applicant: McKEE LINES, INC., 664 54th Avenue, Mattawan, Mich. 49071. Applicant's representatives: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603, and Leonard R. McKee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foods and frozen bakery goods*, from the plantsites and warehouse facilities utilized by the Kitchens of Sara Lee, Division of Consolidated Foods Corp., Deerfield, Ill., and Chicago, Ill., to points in Michigan and Lucas County, Ohio, restricted to traffic originating at the

plantsites and warehouse facilities utilized by the Kitchens of Sara Lee, Division of Consolidated Foods Corp. **NOTE:** Applicant holds contract authority under MC 119394, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129361 (Sub-No. 4), filed June 23, 1969. Applicant: CARPENTER TRANSFER, INC., Box 161, Mankato, Minn. 56001. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, fruit drinks and juices*, from North Mankato, Minn., to Fort Dodge, Iowa, and Sioux Falls, S. Dak. **NOTE:** Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 129403 (Sub-No. 4), filed July 18, 1969. Applicant: A.N.R. TRUCKING CO., INC., 518 West 29th Street, New York, N.Y. 10001. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toys, stuffed and unstuffed, and music boxes*, from points in that part of New York, N.Y., commercial zone, as defined by the Commission, and from Port Newark and Port Elizabeth, N.J., to Middlesex, N.J., restricted to shipments having a prior movement by water, under contract with Knickerbocker Toy, Inc. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 129870 (Sub-No. 1), filed July 7, 1969. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, Mass. 01853. Applicant's representatives: William R. Connoles, 1000 Connecticut Avenue NW., Washington, D.C. 20036, and William P. Sullivan, 1819 H Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane in bulk*; (1) from Philadelphia, Pa., to points in Connecticut, Massachusetts, and Kings, Queens, Nassau, Richmond, and Suffolk Counties, N.Y.; and (2) from points in Kings and Richmond Counties, N.Y., to points in Connecticut and Massachusetts, under a continuing contract with Lowell Gas Co. of Lowell, Mass. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133082 (Sub-No. 2), filed July 23, 1969. Applicant: JAMES E. MOORE, doing business as MOORE'S HAULING, Broad Street and Summeytown Pike, Lansdale, Montgomery County, Pa. 19446. Applicant's representative: Raymond A. Thistle, Jr., Suite 1710, 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General*

commodities (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), restricted to shipments having an immediate prior or subsequent movement by aircraft, between the Philadelphia International Airport on the one hand, and, on the other, points in Bucks and Montgomery Counties, Pa. Note: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133410 (Sub-No. 1), filed July 18, 1969. Applicant: BRADFORD HAGEN BRIAN, doing business as BRIAN DELIVERY SERVICE, 4820 Laurel Street, Baton Rouge, La. 70806. Applicant's representative: Gilbert L. Dozier, Suite 601, Roumain Building, Baton Rouge, La. 70801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cosmetics, toilet preparations, toilet articles, and premiums*; and (2) *equipment and supplies* used in connection with items in (1) above, from Baton Rouge, La., to points in Rapides, Avoyelles, Beauregard, Allen, Evangeline, St. Landry, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, Washington, St. Tammany, Calcasieu, Jefferson Davis, Acadia, Lafayette, St. Martin, West Baton Rouge, East Baton Rouge, Livingston, Iberville, Ascension, St. John the Baptist, St. Charles, Iberia, Cameron, Vermillion, St. Mary, Assumption, St. James, Orleans, St. Bernard, Terrebonne, Lafourche, Jefferson, and Plaquemines Parishes, La.; under contract with Avon Products, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 133520 (Sub-No. 2), filed July 24, 1969. Applicant: ALBERT RODREGOUS, doing business as AL RODREGOUS ENTERPRISES, 1408 Hill Drive, Antioch, Calif. 94509. Applicant's representative: Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated steel piping, steel pipe, and asbestos cement pipe*, from Concord, Calif., to points in Clark, Washoe, Douglas, Ormsby, Storey, Nye, Lyon, Mineral, and Churchill Counties, Nev., under contract with Jay Forni, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 133549 (Sub-No. 2), filed July 7, 1969. Applicant: STANLEY L. BERVEN, 1233 Third Avenue SW., Lemars, Iowa 51031. Applicant's representative: Wallace W. Huff, 314 Security Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry food supplements*, from the plantsite of O. A. Cooper Co., of South Sioux City, Nebr., to points in Iowa on and west of U.S. Highway 69 (excluding Des Moines,

Iowa), and points in South Dakota on and south of U.S. Highway 18 east of the Missouri River, under contract with O. A. Cooper Co., of South Sioux City, Nebr. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux City Iowa.

No. MC 133601 (Sub-No. 1), filed July 18, 1969. Applicant: SAMUEL LOWY, doing business as RAILROAD AUTO TRANSPORT, 152 West 42d Street, New York, N.Y. 10036. Applicant's representative: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, with or without baggage and personal effects, between points in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Massachusetts, on the one hand, and on the other, points in Florida. Restriction: Limited to the utilization of rail-substituted service between railroad trailer-on-flat-car ramps in Florida, on the one hand, and, on the other, railroad trailer-on-flat-car ramps in New York, New Jersey, Pennsylvania, Connecticut, Rhode Island, and Massachusetts. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Miami, Fla.

No. MC 133633 (Sub-No. 2), filed July 7, 1969. Applicant: HIGHWAY EXPRESS, INC., 712 East Second Street, Post Office Box 1326, Hattiesburg, Miss. 39401. Applicant's representative: Michael E. West (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, lumber, gasoline, coal, sand, gravel, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Hattiesburg, Miss., and New Orleans, La.; from Hattiesburg, Miss., to New Orleans, La., over U.S. Highways 11 and 90 and/or Interstate Highways 59 and 10, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and (2) between Gulfport, Miss., and New Orleans, La.; from Gulfport, Miss., to New Orleans, La., over Interstate Highway 10 and return over the same route serving no intermediate points, as an alternate route for operating convenience only. Note: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 133777 (Sub-No. 2), filed July 14, 1969. Applicant: METAL CARRIERS, INC., Route 1, Post Office Box 91B, Grapevine, Tex. 76051. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap aluminum and scrap non-ferrous metals*, between points in Texas, Arkansas, Oklahoma, and Kansas. Note:

If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex., or Little Rock, Ark.

No. MC 133783 (Clarification), filed June 2, 1969, published in the FEDERAL REGISTER issues of June 19, 1969, and July 17, 1969, and republished as clarified this issue. Applicant: JOEL TRANSPORT, INC., 43 Chernucha Avenue, Merrick, N.Y. 11566. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between the facilities of ABC Freight Forwarding Corp., Midland Forwarding Corp., and Blue Ribbon Express, Inc., located at New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. (restricted to shipments having prior or subsequent movement via Freight Forwarder). Note: The purpose of this republication is to reflect a change in the restriction paragraph as above. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133815 (Sub-No. 1), filed July 24, 1969. Applicant: ERWIN D. PETET AND DAVID G. PETET, doing business as PETET TRUCKING COMPANY, a partnership, Route 6, Box 610, Nampa, Idaho 83651. Applicant's representative: Dennis J. Sallaz, 817 West Franklin Street, Boise, Idaho 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp, and pellet, and insulage* in bulk from points in Malheur County, Oreg., to points in Ada, Canyon, Gem, Payette, and Owyhee Counties, Idaho. Note: If a hearing is deemed necessary, applicant requests it be held at Boise or Nampa, Idaho.

No. MC 133850, filed June 25, 1969. Applicant: SHELDON TRANSPORTATION CO., INC., Post Office Box 171, Sheldon, Ill. 60966. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, Ill. 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* which have a prior or subsequent movement by air (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities injurious or contaminating to other lading), between points in Iroquois, Vermillion, Kankakee, Ford, Will, and Livingston Counties, Ill., and O'Hare International Airport, Chicago, Ill.; Chicago Midway Airport, Chicago, Ill.; and Vermillion County Airport, Vermillion, County, Ill. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 133871, filed July 3, 1969. Applicant: SHELLY'S EXPRESS, INC., Summit Avenue and Reading Railroad, Fort Washington, Pa. 19034. Mailing address: Post Office Box 98, Fort Washington, Pa. 19034. Applicant representative: Raymond A. Thistle, Jr., 1500 Walnut Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* except classes A and B explosives, household goods as defined by Commission, commodities in bulk and those requiring special equipment, between the Philadelphia International Airport and the North Philadelphia Airport on the one hand, and, on the other, points in Bucks, Berks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and Atlantic, Burlington, Camden, and Ocean Counties, N.J., restricted to shipments having an immediate prior or subsequent movement by aircraft. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 133912 (Sub-No. 1), filed July 22, 1969. Applicant: WRIGHT TRANSFER CO., INC., 35 East Fairfield Drive, Pensacola, Fla. 32501. Applicant's representative: Alan P. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Escambia, Santa Rosa, and Okaloosa Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Pensacola, Fla.

No. MC 133917, filed July 25, 1969. Applicant: CARTHAGE FREIGHT LINE, INC., Post Office Box 194, Carthage, Tenn. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *General commodities*; (a) between Nashville and Granville, Tenn.: From Nashville over Tennessee Highway 24 to Chestnut Mound, thence over Tennessee Highway 53 to Granville, and return over same route, serving Carthage and all intermediate points, except those between Nashville and South Carthage (junction of Tennessee Highways 24 and 53); (b) from Carthage to Dixon Springs, over Tennessee Highway 25, and return over same route, serving all intermediate points and the off-route point of Monoville, and from Carthage to Granville over Tennessee Highway 53 to Granville and return, serving all intermediate points; (c) between Granville and Gainesboro, Tenn., over Tennessee Highway 53, serving all intermediate points; and (d) from Gainesboro to Nashville over Tennessee Highway 85:

From Gainesboro to its junction with Tennessee Highway 25 at or near Carthage, thence over Tennessee Highway 25 to Gallatin, Tenn., thence over Tennessee Highway 6 to Nashville, and return over same route, serving all intermediate points between Dixon Springs, including Dixon Springs and Gainesboro, but with closed doors between Nashville and Dixon Springs, not including Dixon Springs; and (2) *general commodities* (except household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment); (a) between junction of U.S. Highway 70 and Tennessee Highway 141, and Lancaster, Tenn., over Tennessee Highway 141, serving all intermediate points and the off-route point of Hickman, but excluding service at Lebanon, Tenn., and points in its commercial zone; (b) from the junction of Tennessee Highway 141 and Tennessee Highway 53 over Tennessee Highway 53 to Brush Creek, Tenn., and return over same route, serving all intermediate points; and (c) from Chestnut Mound over unnumbered road via Stonewall to junction with Tennessee Highway 141, and return over same route, serving all intermediate points. **NOTE:** By this application, applicant seeks to convert present certificate of registration issued in Docket MC-120791 covering the authority set out in (1) above, and to convert the pending application of Horton Austin Key, doing business as Carthage Freight Line, for a certificate of registration in (2) above, wherein the Tennessee Public Service Commission has granted intrastate authority duplicating (2) above, and which authority is also the subject of transfer to the applicant herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 133918 (Sub-No. 1), filed July 25, 1969. Applicant: D. F. MILLER, Box 45, McKeansburg, Pa. 17960. Applicant's representatives: Robert H. Griswold and S. Berne Smith, 100 Pine Street, Post Office Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from the facilities of Reading Anthracite Coal Co. in Mount Carmel and Zerbe Townships (Northumberland County), Pa., and New Castle and Norwegian Townships (Schuylkill County), Pa., to points in Virginia. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub-No. 416) (correction), filed June 30, 1969, published *FEDERAL REGISTER*, issue of July 31, 1969, and republished as correct, this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: Richard Fryling (same address as applicant). **NOTE:** The purpose of this republication is to show the correct docket number assigned thereto, in lieu of No. MC 3649 (Sub-No. 416), as shown in previous publication, which was in error.

No. MC 67629 (Sub-No. 6), filed July 22, 1969. Applicant: NORTHERN TRANSPORTATION CO., a corporation, 218 North Fifth Avenue, Virginia, Minn. 55792. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their baggage, package express, and newspapers*, in charter operations; (a) between Duluth, Minn., and the Canadian border (Pigeon River) over U.S. Highway 61, and return over the same route, serving all intermediate points, and serving Knife River, Minn., over unnumbered Minnesota highway, as an off-route point; (b) between Duluth and Cloquet, Minn.: From Duluth over U.S. Highway 61 to the junction with Minnesota Highway 45, thence over Minnesota Highway 45 to the junction with Minnesota Highway 33, thence over Minnesota Highway 33 to Cloquet, and return over the same route, serving all intermediate points; and (c) between Cloquet and Motley, Minn.: From Cloquet over Minnesota Highway 33 to its junction with Minnesota Highway 210, thence over Minnesota Highway 210 to the junction with Minnesota Highway 64 at Motley, Minn., and return over the same route, serving all intermediate points. **NOTE:** Applicant states it would connect and join at Duluth, Minn., to give through service to Virginia, Hibbing, and International Falls, Minn., and intermediate points. If a hearing is deemed necessary, applicant requests it be held at Duluth, St. Paul, or Minneapolis, Minn.

No. MC 129131 (Sub-No. 1), filed June 11, 1969. Applicant: AMOS C. CLARK, Post Office Box 733, Red Lodge, Mont. 59068. Applicant's representative: Jerome Anderson, Post Office Box 1215, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Red Lodge, Mont., and Twin Lakes and Gardner Headwalls (a ski area located within 5 miles of the Montana-Wyoming State border), over U.S. Highway 212, serving no intermediate points. **NOTE:** If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133903, filed July 14, 1969. Applicant: RAPPAHANNOCK VALLEY LINES, INC., 310 Charlotte Street, Fredericksburg, Va. 22401. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, Va. 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special operations, between Fredericksburg, Va., and points in Stafford, Prince William, and Fairfax Counties, Va., on the one hand, and, on the other, Washington, D.C. **NOTE:** Applicant states the passengers proposed to be transported will be commuting Federal employees on a reserved assigned seat basis. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 12761 (Sub-No. 1), filed July 7, 1969. Applicant: EDWIN BORTNER, Rural Delivery No. 1, Sharpsville, Pa. For a license (BMC 5) to engage in operation as a broker at Sharpsville, Pa., in arranging for transportation in interstate or foreign commerce of passengers and their baggage, both as individuals and in groups, in special and charter operations beginning and ending at points in Mahoning, Trumbull, and Ashtabula Counties, Ohio; and Butler County, Pa., to points in the United States including Alaska and Hawaii; and points of entry to the United States and from said points to the Provinces of Ontario, Quebec, and Nova Scotia, Canada.

No. MC 130093, filed July 16, 1969. Applicant: BARON TEEN TOURS, INC., 6 Grace Avenue, Room 301, Great Neck, N.Y. 11021. Applicant's representative: Arthur I. Hirsch, 565 Fifth Avenue, New York, N.Y. 10017. For a license (BMC 5) to engage in operations as a broker at Great Neck, N.Y., and Denver, Colo., in arranging for transportation by motor vehicle, in interstate and foreign commerce, of individual passengers, groups of passengers, and baggage of passengers, (a) in round-trip all-expense tours beginning and ending at Great Neck, Long Island, N.Y., to points in the United States; and (b) one-way all expense tours beginning at Denver, Colo., proceeding to points in the United States and terminating at New Orleans, La. NOTE: Applicant states as to (b) above, patrons will travel by air from Long Island to Denver and will return by air to Long Island from New Orleans, thus the one-way tours will have both a prior and subsequent air-haul.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 102048 (Sub-No. 2), filed July 9, 1969. Applicant: ARMSTRONG WAREHOUSE & TRANSFER, INC., 500 East 50th Street, Lubbock, Tex. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods and personal effects, restricted to traffic having a prior or subsequent out of State movement by rail, motor, water, or air, between points within a 100-mile radius of Lubbock, Tex., and (1) further restricted to the transportation of traffic having a prior or subsequent movement in containers, beyond the points authorized, and (2) further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted.

No. MC 107064 (Sub-No. 74), filed July 22, 1969. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmont Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid livestock feedstuffs, in bulk, from points in Texas, to points in Missouri, Kansas, Nebraska, Colorado, New Mexico, Arizona, Tennessee, and Mississippi. NOTE: Applicant states it does not intend to tack, and is apparently willing to accept a restriction against tacking, if warranted. Applicant further states it does not seek duplicating authority.

No. MC 116279 (Sub-No. 5), filed July 22, 1969. Applicant: JOHN H. BLACK, doing business as BLACK'S TRANSFER, Main Street, Appalachia, Va. 24216. Applicant's representative: Carl E. McAfee, Professional Arts Building, 1022 Park Avenue, Norton, Va. 24273. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Toilet preparations, cosmetics, waxes and polishes, brushes and household specialties, from Richmond, Va., to points in Sullivan County, Tenn., under contract with Stanley Home Products.

No. MC 133891, filed July 9, 1969. Applicant: ARMSTRONG MOVING & STORAGE, INC., 1919 Record Crossing, Dallas, Tex. 75235. Applicant's representative: John C. Sims, 1607 Broadway, Lubbock, Tex. 79401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, within a 50-mile radius of Dallas, Tex.; within a 50-mile radius of Wichita Falls, Tex.; within a 100-mile radius of Midland, Tex.; and within a 50-mile radius of Lawton, Okla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

No. MC 133900, filed July 14, 1969. Applicant: U.S. TRANSFER COMPANY, a corporation, 1509 North Eighth Street, Coos Bay, Ore. 97420. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Ore. 97210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Used household goods, between points in Coos and Curry Counties, Ore., and those in Douglas and Lane Counties, Ore., within a radius of 50 miles of Coos Bay, Ore., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 139), filed July 8, 1969. Applicant: GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606. Applicant's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transport-

ing: Passengers and their baggage, in the same vehicle with passengers, in special operations only, (1) between Yermo and Calico, Calif., over unnumbered highway. NOTE: The above proposed special operations service to be authorized over a route to be numbered and described on revised certificate Sheet No. 52-A of certificate No. MC 1515 (Sub-No. 7), and (2) between junction Interstate Highway 40 (U.S. Highway 66) and unnumbered highway at the northern entrance to Petrified Forest National Park, and Holbrook, Ariz., from junction Interstate Highway 40 (U.S. Highway 66) and unnumbered highway at the northern entrance to Petrified Forest National Park, over unnumbered highway through the Petrified Forest National Park to junction U.S. Highway 180, thence over U.S. Highway 180 to junction Interstate Highway 40 (U.S. Highway 66) at Holbrook. NOTE: The above proposed special operations service to be authorized over a route to be numbered and described on a revised Sheet No. 5 of certificate MC 1515 (Sub-No. 7).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-9540; Filed, Aug. 13, 1969;
8:45 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 11, 1969.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41714—Class and commodity rates from or to Riverside, Pa. Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2954), for interested rail carriers. Rates on various commodities except coal and coke and rates determined on basis of mileage scales applying from and to individual points, between Riverside, Pa., on the Lehigh Valley Railroad Co., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 41715—Soil compounds from Wellsville, Colo. Filed by Western Trunk Line Committee, agent (No. A-2595), for interested rail carriers. Rates on fertilizer, viz.: soil compounds containing one or more of various ingredients, as described in the application, in carloads, from Wellsville, Colo., to points in official territory.

Grounds for relief—Market competition.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 69-9603; Filed, Aug. 13, 1969;
8:48 a.m.]

[Notice 885]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 11, 1969.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22426 (Sub-No. 10 TA) (Correction), filed July 16, 1969, published FEDERAL REGISTER, issue of August 1, 1969, and republished as corrected this issue. Applicant: LONGVIEW MOTOR TRANSPORT, INC., 763 Seventh Avenue, Longview, Wash. 98632. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Ore. 97205. NOTE: The purpose of this republication is to correct the alternate route in (1) which gave Washington Highway 193 which should have read Washington Highway 103. The rest of the application remains the same.

No. MC 111401 (Sub-No. 286 TA), filed August 1, 1969. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock, 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 5 fuel oil*, in bulk, in tank vehicles, from Tulsa, Okla., to Bolivar, Macks Creek, Mansfield, Marion, and Vichy, Mo., for 180 days. Supporting shipper: Jack A. Porter, Vice President, Sales Service, Carter-Waters, 2440 Pennway, Kansas City, Mo. 64108. Send protests to: C. L. Phillips, District Supervisor, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 116402 (Sub-No. 3 TA), filed August 4, 1969. Applicant: R. C. MEYERS, doing business as MEYERS TRANSFER & STORAGE COMPANY, 321 Taylor Street, Magnolia, Ark. 71753. Applicant's representative: Robert J. Gallagher, Suite 703, Washington

Building, 15th and New York Avenue NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Columbia, Union, Lafayette, Ouachita, Bradley, Cleveland, Lincoln, Drew, Ashley, Desha, and Chicot Counties, Ark., for 180 days. Supporting shipper: Department of the Army, Red River Army Depot, Texarkana, Tex. 75501. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 124078 (Sub-No. 398 TA), filed August 4, 1969. Applicant: SCHWERTMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats, greases, and tallow*s, in bulk, between points in Waukesha County, Wis., restricted to shipments having an immediate subsequent movement by rail, for 180 days. Supporting shipper: Muskego Rendering Co., Inc., S 81 W21392 Wauer Lane, Muskego, Wis. 53150 (Carl Wauer). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 127042 (Sub-No. 43 TA), filed August 1, 1969. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 6, Leeds Station, Sioux City, Iowa 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, other than frozen, from Sioux City, Iowa, to points in California, Idaho, Montana, Oregon, Washington, and Casper, Wyo.; Salt Lake City, Utah; Phoenix and Tucson, Ariz.; Albuquerque, N. Mex.; Reno and Las Vegas, Nev.; Denver, Colo.; Rapid City, S. Dak.; Scottsbluff, Grand Island, and Lincoln, Nebr.; and Wichita, Kans.; for 150 days. Supporting shipper: Johnson Biscuit Co., Post Office Box 627, Sioux City, Iowa. Send protest to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, Iowa 51101.

No. MC 133927 TA, filed August 1, 1969. Applicant: GUY & FORTIN INC., 42, rue de l'Eglise, St-Pamphile, Cte L'Islet, Quebec, Canada. Applicant's representative: Jean Proulx (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from ports of entry on the international boundary between Canada and the United States located in Maine, New Hampshire, Vermont, and New York, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, New York, New Jersey, and Pennsylvania restricted to traffic moving under continuing contracts with Les Materiaux Blanchet Inc., and Lagueux & Freres Inc., for 180 days. Supporting shippers: Les Materiaux Blanchet, Inc., St-Pamphile, Cte L'Islet, Quebec,

Canada; Lagueux & Freres Inc., B. P. No. 237, Ville St-Pamphile, Cte L'Islet, Quebec, Canada. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 424 Federal Building, Concord, N.H. 03301.

No. MC 133929 TA, filed August 4, 1969. Applicant: HARRY LEWIS MERCER, doing business as MORVEN SERVICES, INC., 106 Sharon Street, Cheraw, S.C. 29520. Applicant's representative: C. R. Pusser, Jr., Post Office Box 189, Chesterfield, S.C. 29709. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textile (chemicals)*, from Morven, N.C., to Cheraw, S.C., to Society Hill, S.C., for 180 days. Supporting shipper: Dixie Size & Chemical Co., Inc., Morven, N.C. Send protests to: Arthur B. Abercrombie, District Supervisor, Interstate Commerce Commission, 601A Federal Building, 901 Sumter Street, Columbia, S.C. 29201.

No. MC 133935 TA, filed July 30, 1969. Applicant: LANDIS, INC., Building 26007, Greater Wilmington Airport, New Castle, Del. 19720. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 28005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, plantains, pineapples, and coconuts*, in straight or mixed loads, from Wilmington, Del., to points in Maryland, Pennsylvania, Delaware, New Jersey, New York, Massachusetts, District of Columbia, Connecticut, Ohio, Virginia, West Virginia, for account of West Indies Fruit Co., for 180 days. Supporting shipper: West Indies Fruit Co., Post Office Box 1940. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 206 Old Post Office Building, 129 East Main Street, Salisbury, Md. 21801.

MOTOR CARRIER OF PASSENGERS

No. MC 44770 (Sub-No. 12 TA), filed July 28, 1969. Applicant: ZEPHYR LINES, INCORPORATED, 1114 Currie Avenue, Minneapolis, Minn. 55716. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicles with passengers; (1) between Minneapolis, Minn., and Canby, Minn., from Minneapolis over Minnesota Highway 7 to junction with Minnesota Highway 41, thence over Minnesota Highway 41 to Minnesota Highway 5, thence over Minnesota Highway 5 to Gaylord, Minn.; thence over Minnesota Highway 19 to Marshall, Minn., thence over Minnesota Highway 68 to Canby, Minn., and return over the same route; (2) between Minneapolis, Minn., and Watertown, S. Dak., over U.S. Highway 212; (3) between Madison, Minn., and the junction of U.S. Highway 212 and U.S. Highway 75 over U.S. Highway 75; (4) between St. Paul, Minn., and Webster, Wis.: From St. Paul over U.S.

Highway 61 to Forest Lake, Minn., thence over U.S. Highway 8 to junction Wisconsin in Highway 35 to Webster, Wis., and return over the same route; (5) to serve the following routes in Wisconsin: (a) Between Minnesota-Wisconsin State line and the junction Wisconsin Highway 65 near Robert's Corners, over Interstate Highway 94; (b) between junction Wisconsin Highway 65 and Interstate Highway 94 and Star Prairie, Wis., over Wisconsin Highway 65; (c) between Star Prairie, Wis., and Deer Park, Wis., over St. Croix County Highway H; (d) be-

tween Deer Park, Wis., and junction U.S. Highway 8 and Wisconsin Highway 46 over Wisconsin Highway 46; (e) between St. Croix Falls and Cameron over Wisconsin Highway 8; (f) between Cameron and Rice Lake over Wisconsin Highway 53, for 150 days. Note: Applicant is authorized to tack the above granted authority with its existing authority. Supporting shippers: John A. Marcon, Rice Lake, Wis.; Julius Weiner, Marshall, Minn.; F. A. Ryan, Redwood Falls, Minn.; Minneapolis Traffic Association, Eugene J. Malke, Minneapolis, Minn.; Ruth

Gorder, Madison, Minn.; Leonard J. Johnson, Granite Falls, Minn.; Kenneth J. Drake, Watertown, S. Dak. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

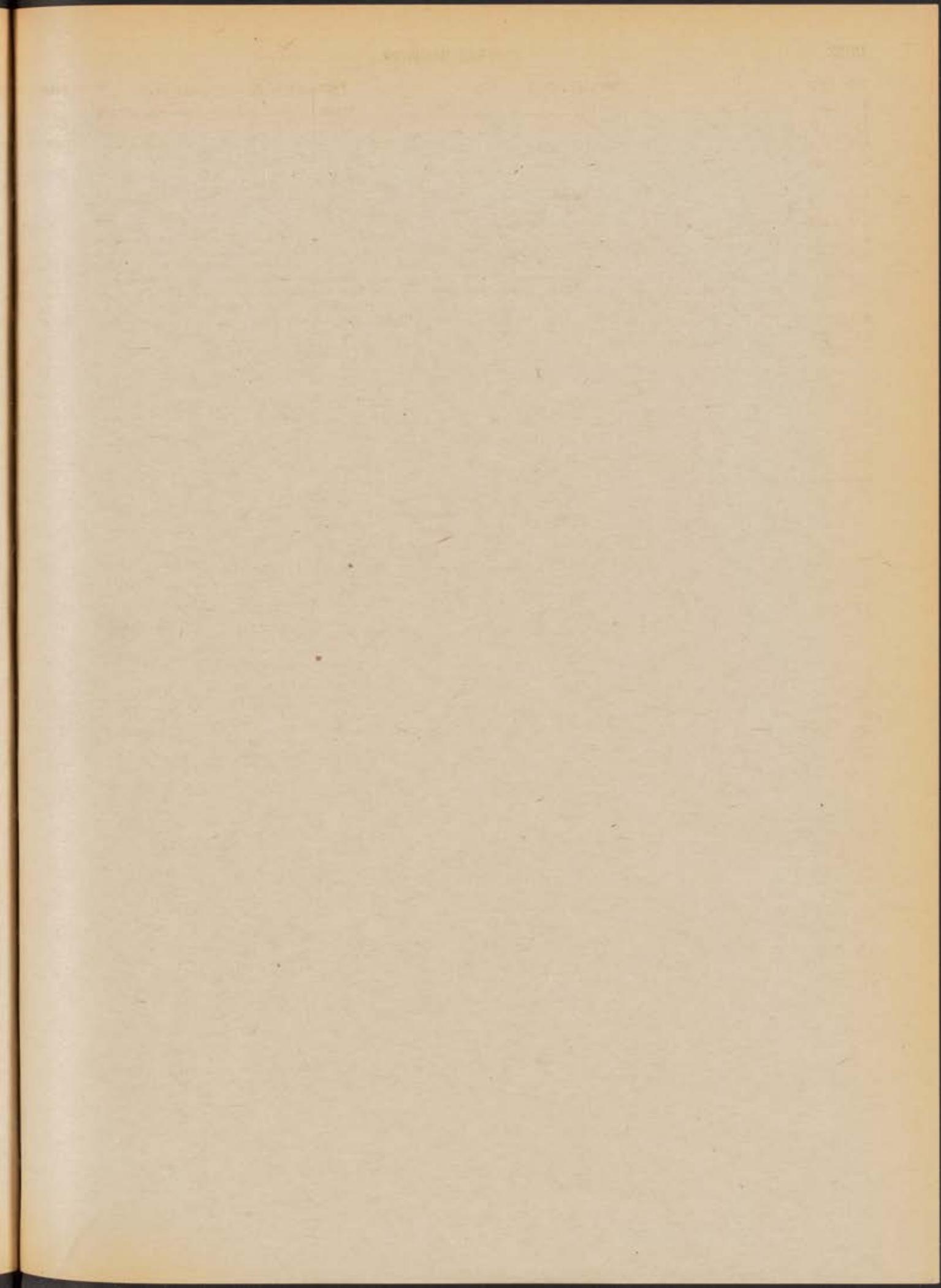
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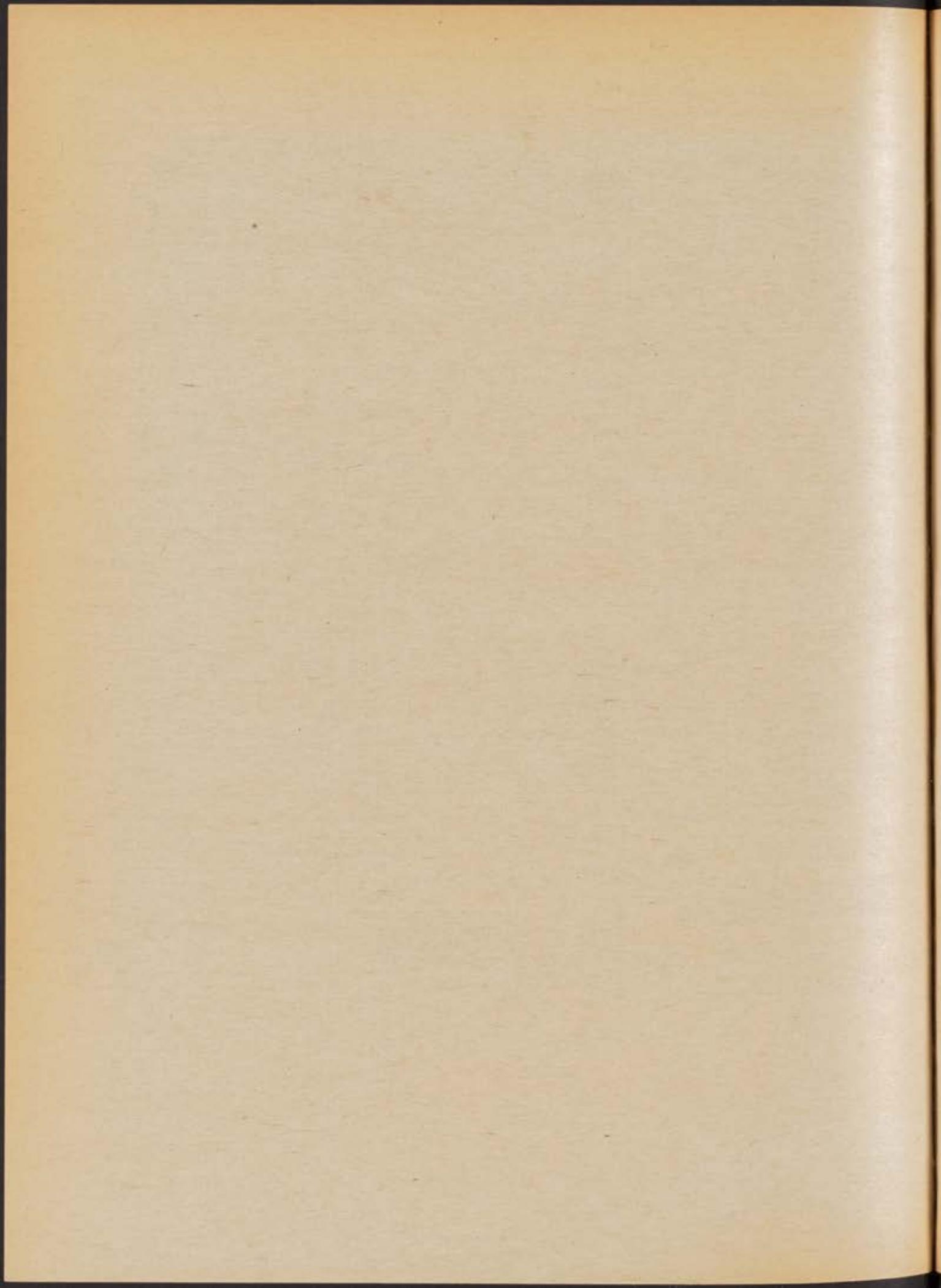
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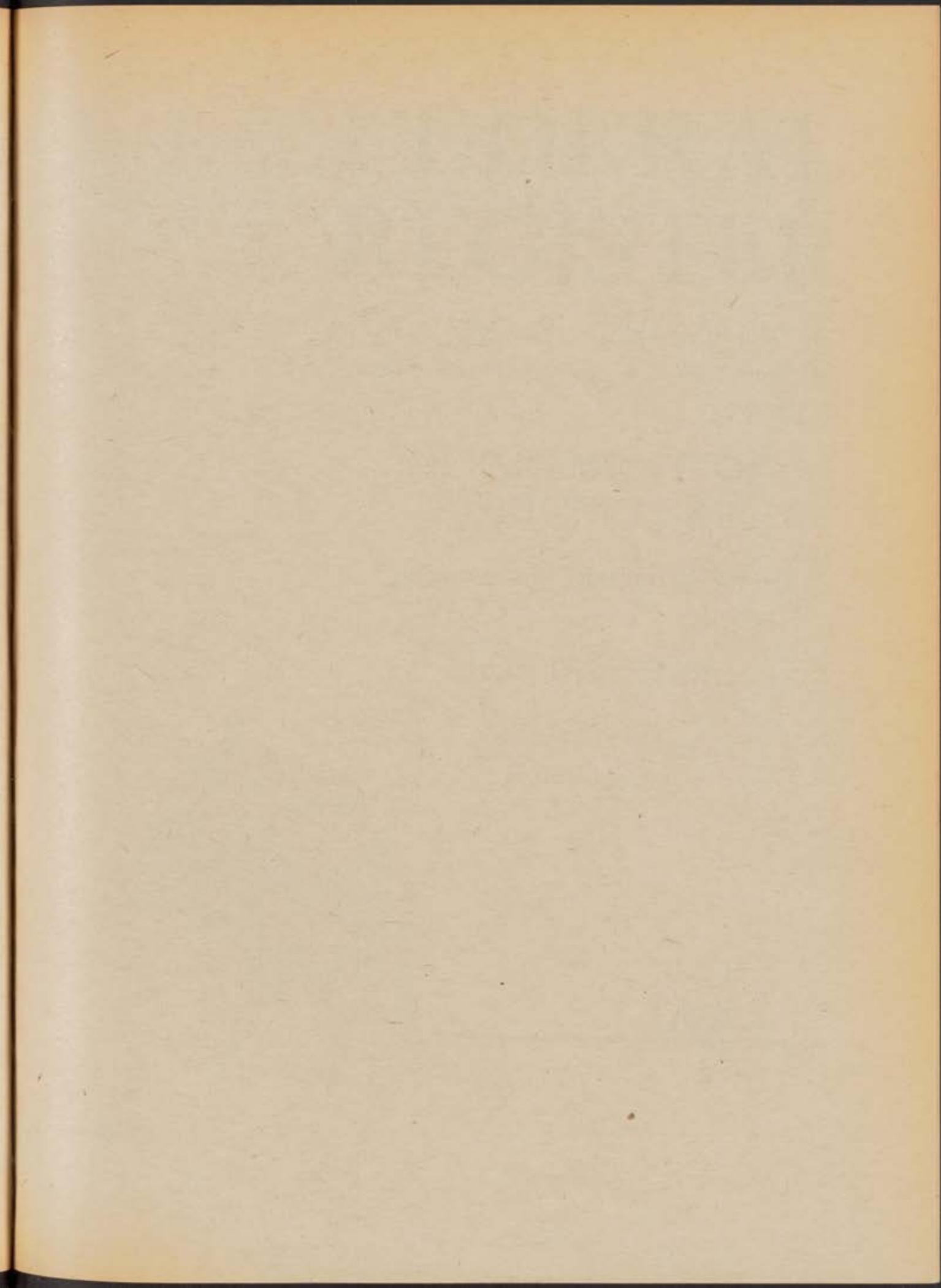
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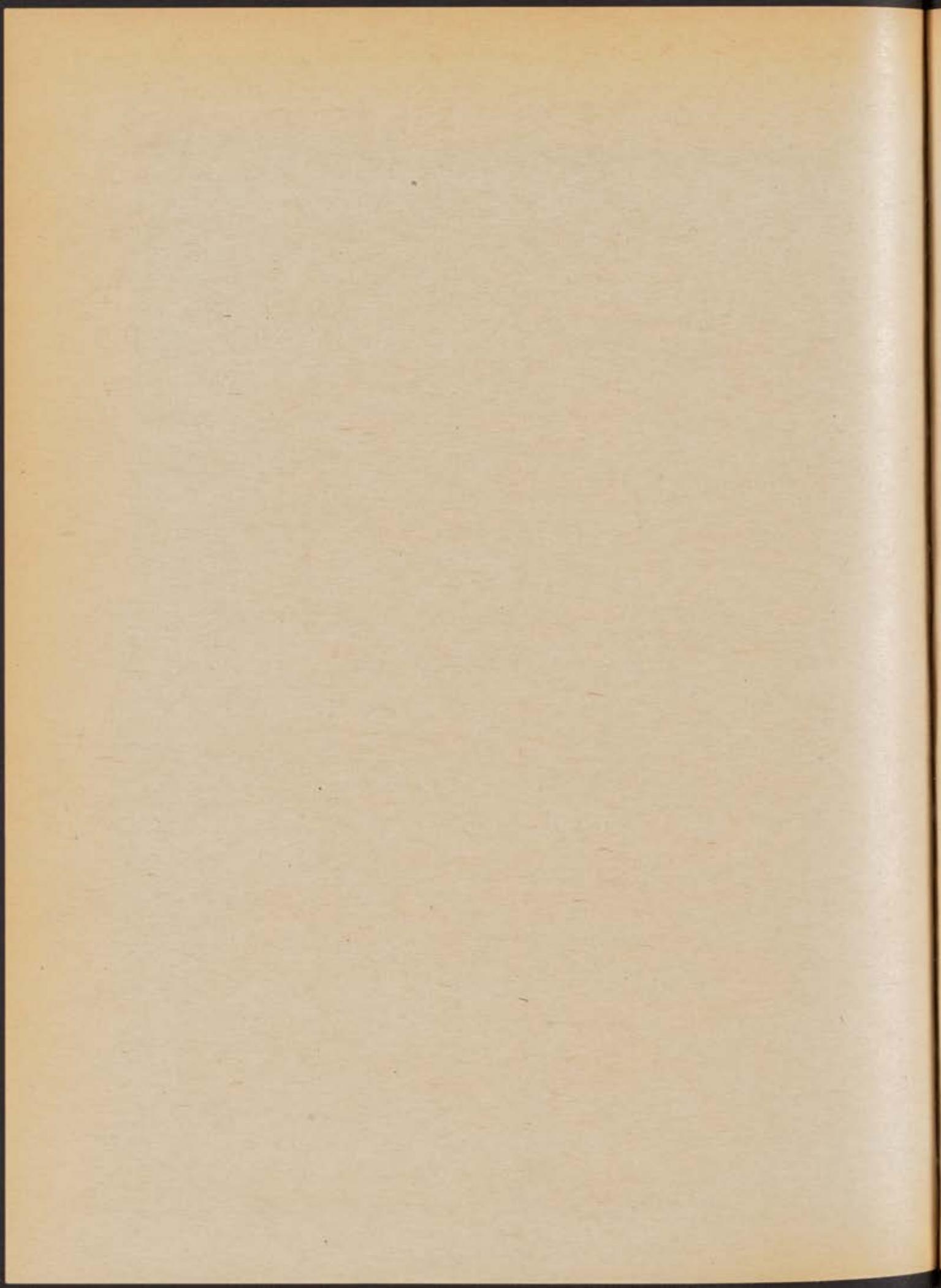
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FEDERAL REGISTER

VOLUME 34 • NUMBER 155

Thursday, August 14, 1969 • Washington, D.C.

PART II

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

Meat Inspection

Notice of Proposed
Rule Making



DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Parts 301-330]

MEAT INSPECTION

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C., section 553, that pursuant to the Federal Meat Inspection Act (34 Stat. 1260, as amended by the Wholesome Meat Act of 1967, Public Law 90-201, 81 Stat. 584, 21 U.S.C., Supp. III, 601 et seq.), the Talmadge-Alken Act of September 28, 1962 (7 U.S.C. 450), and the Act of July 24, 1919 (7 U.S.C. 394), the Consumer and Marketing Service proposes to revise the Federal meat inspection regulations in 9 CFR Parts 301-329 to read as set forth below, including the addition of a new Part 330.

Statement of considerations. The Federal Meat Inspection Act was extensively revised by the Wholesome Meat Act. Such revision of the legislation necessitates or makes appropriate numerous changes in, and additions to, the Federal meat inspection regulations.

This proposed revision of the regulations does not reflect certain other changes in the regulations which have been or may be proposed and will be determined separately. Nor does this document reflect changes made in the present regulations by amendments adopted after February 1, 1969.

All amendments adopted after that date in other rulemaking proceedings under the Acts will be reflected as appropriate in the regulations as finally revised in this proceeding.

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

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PART 301—DEFINITIONS

§ 301.1 Meaning of terms.

As used in this subchapter, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

§ 301.2 Definitions.

As used in this subchapter, unless otherwise required by the context, the following terms shall be construed; respectively, to mean:

(a) *The Act.* The Federal Meat Inspection Act of March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act of 1967, 81 Stat. 584 (21 U.S.C., Supp. III, secs. 601 et seq.).

(b) *The Department.* The U.S. Department of Agriculture.

(c) *Secretary.* The Secretary of Agriculture of the United States or his delegate.

(d) *Consumer and Marketing Service.* The Consumer and Marketing Service of the Department.

(e) *Administrator.* The Administrator of the Consumer and Marketing Service or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(f) *Program.* The Meat Inspection Program of the Consumer and Marketing Service.

(g) *Inspector.* An inspector of the program.

(h) *Program employee.* Any inspector or other individual employed by the Department who is authorized by the Secretary to do any work or perform any duty in connection with the program.

(i) *Official establishment.* Any slaughtering, cutting, boning, meat canning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulations in this subchapter.

(j) *Officer in charge.* The officer in charge of a circuit.

(k) *Circuit.* One or more official establishments included under the supervision of an officer in charge.

(l) *Person.* Any individual, firm, or corporation.

(m) *Firm.* Any partnership, association, or other unincorporated business organization.

(n) *Meat broker.* Any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(o) *Renderer.* Any person engaged in the business of rendering carcasses or parts or products of the carcasses of any livestock except rendering conducted under inspection or exemption under title I of the Act.

(p) *Animal food.* Any product, intended for use as food for dogs, cats, or other animals, derived wholly or in part from the carcasses or parts or products of the carcasses of any livestock.

(q) *Animal food manufacturer.* Any person engaged in the business of manufacturing or processing animal food.

(r) *State.* Any State of the United States or the Commonwealth of Puerto Rico.

(s) *Territory.* Guam, the Virgin Islands of the United States, American Samoa, and any other Territory or possession of the United States, excluding the Canal Zone.

(t) *Commerce.* Commerce between any State, any Territory, or the District of Columbia, and any place outside thereof; or within any Territory not organized with a legislative body, or the District of Columbia.

(u) *United States.* The States, the District of Columbia, and the Territories of the United States.

(v) *Capable of use as human food.* This term applies to any carcass, or part or product of a carcass, of any animal, unless it is denatured or otherwise identified as required by §§ 325.11 and 325.13 of this subchapter to deter its use as human food, or it is naturally inedible by humans, e.g., hoofs or horns in their natural state.

(w) *Edible.* Intended for use as human food.

(x) *Inedible.* Adulterated, uninspected, or not intended for use as human food.

(y) *Prepared.* Slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(z) *Cutting up.* Any division of any carcass or part thereof, except that the trimming of carcasses or parts thereof to remove surface contaminants is not considered as cutting up.

(aa) *Adulterated.* This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (i) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is: (a) a pesticide chemical in or on a raw agricultural commodity, (b) a food additive, or (c) a color additive), which may, in the judgment of the Administrator, make such article unfit for human food;

(ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(iii) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(iv) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not deemed adulterated under subdivision (ii), (iii), or this (iv) of this subparagraph shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by the regulations in this subchapter in official establishments;

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(4) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subject to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

(8) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or,

(9) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance.

(bb) "*Inspected and passed*" or "*U.S. inspected and passed*" or "*U.S. inspected and passed by Department of Agriculture*" (or any authorized abbreviation thereof). This term means that the

product so identified has been inspected and passed under the regulations in this subchapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

(cc) *U.S. passed for cooking*. This term means that the meat or meat by-product so identified has been inspected and passed on condition that it be rendered into lard, rendered pork fat, or tallow, as prescribed by the regulations in Part 315 of this subchapter.

(dd) *U.S. passed for refrigeration*. This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be refrigerated or otherwise handled as prescribed by the regulations in Part 311 of this subchapter.

(ee) *U.S. inspected and condemned (or any authorized abbreviation thereof)*. This term means that the carcass, viscera, other part of carcass, or other product so identified has been inspected, found to be adulterated, and condemned under the regulations in this subchapter.

(ff) *U.S. retained*. This term means that the carcass, viscera, other part of carcass, or other product, or article so identified is held for further examination by an inspector to determine its disposal.

(gg) *U.S. suspect*. This term means that the livestock so identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

(hh) *U.S. condemned*. This term means that the livestock so identified has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(ii) *Misbranded*. This term applies to any product under one or more of the following circumstances:

(1) If its labeling is false or misleading in any particular;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed, or filled as to be misleading;

(5) If in a package or other container unless it bears a label showing:

(i) The name and place of business of the manufacturer, packer, or distributor; and

(ii) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in Part 317 of this subchapter with respect to the quantity of contents;

(6) If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words,

statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the regulations in Part 319 of this subchapter unless:

(i) It conforms to such definition and standard, and

(ii) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by the regulations in Part 319 of this subchapter, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions of subparagraph (7) of this paragraph unless its label bears:

(i) The common or usual name of the food, if any there be, and

(ii) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient, except as otherwise provided in Part 317 of this subchapter;

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as is required by the regulations in Part 317 of this subchapter.

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided by the regulations in Part 317 of this subchapter; or

(12) If it fails to bear, directly thereon or on its containers, when required by the regulations in Part 316 or 317 of this subchapter, the inspection legend and, unrestricted by any of the foregoing, such other information as the Administrator may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(jj) *Label*. A display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(kk) *Labeling*. All labels and other written, printed, or graphic matter:

(1) Upon any article or any of its containers or wrappers, or

(2) Accompanying such article.

(ll) *Federal Food, Drug, and Cosmetic Act*. The Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(mm) *Pesticide chemical, food additive, color additive, raw agricultural commodity.* These terms shall have the same meanings for purposes of the Act and the regulations in this subchapter as under the Federal Food, Drug, and Cosmetic Act.

(nn) *Official mark.* The official inspection legend or any other symbol prescribed by the regulations in this subchapter to identify the status of any article or animal under the Act.

(oo) *Official inspection legend.* Any symbol prescribed by the regulations in this subchapter showing that an article was inspected and passed in accordance with the Act.

(pp) *Official certificate.* Any certificate prescribed by the regulations in this subchapter for issuance by an inspector or other person performing official functions under the Act.

(qq) *Official device.* Any device prescribed by the regulations in Part 316 or 317 of this subchapter for use in applying any official mark.

(rr) *Livestock.* Cattle, sheep, swine, goat, horse, mule, or other equine.

(ss) *Carcass.* All parts, including viscera, of any slaughtered livestock.

(tt) *Meat.* The part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout or ears. This term, as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(uu) *Meat byproduct.* Any part capable of use as human food, other than meat, which has been derived from one or more cattle, sheep, swine, or goats. This term, as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(vv) *Meat food product.* Any article capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, except those exempted from definition as a meat food product by the Administrator in specific cases or by the regulations in Part 317 of this subchapter, upon a determination that they contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and provided that they comply with any requirements that are imposed in such cases or regulations as conditions of such exemptions to assure that the meat or other portions of such carcasses contained in such articles are not adulterated and that such articles are not represented as meat food products. This term, as applied to food products of

equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(ww) *Product.* Any carcass, meat, meat byproduct, or meat food product, capable of use as human food.

(xx) *Immediate container.* The can, pot, tin, canvas, or other receptacle or covering in which any product is directly contained or wholly or partly enclosed.

(yy) *Shipping container.* The outside container (box, bag, barrel, crate, or other receptacle or covering), containing or wholly or partly enclosing any product packed in one or more immediate containers.

(zz) *Biological residue.* Any substance, including metabolites, remaining in an animal at time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the animal to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

(aaa) *Experimental animal.* Any animal used in any research investigation involving the feeding or other administration of, or subsection to, an experimental biological product, drug or chemical or any nonexperimental biological product, drug or chemical used in a manner for which it was not intended.

(bbb) *Dead livestock.* The body (carcass) of livestock which has died otherwise than by slaughter.

(ccc) *Dying, diseased, or disabled livestock.* Livestock which has or displays symptoms of having any of the following:

- (1) Central nervous system disorder;
- (2) Abnormal temperature (high or low);
- (3) Difficult breathing;
- (4) Abnormal swellings;
- (5) Lack of muscular coordination;
- (6) Inability to walk normally or stand;

(7) Any of the diseases for which livestock is required to be condemned on ante mortem inspection in accordance with the regulations in Part 309 of this subchapter.

(ddd) *Retail store.* Any place of business where preparation and handling of product are limited to operations of types listed in § 303.1(c)(2) of this subchapter and at least 90 percent of the sales of product are made to household consumers and no sales are made to wholesalers.

(eee) *Restaurant.* Any establishment where product is prepared only for sale or service, in meals or as entrees, directly to individual or other household consumers, and where the preparation and handling of product are limited to operations of types listed in § 303.1(c)(2) of this subchapter.

PART 302—APPLICATION OF REQUIREMENTS; INSPECTION

Sec.	
302.1	Establishments requiring inspection; coverage of District of Columbia.
302.2	Livestock and products entering official establishments.

§ 302.1 Establishments requiring inspection; coverage of District of Columbia.

(a) Inspection under the regulations in this subchapter is required at:

(1) Every establishment, except as provided in § 303.1 (a) or (b) of this subchapter, in which any livestock are slaughtered for transportation or sale as articles of commerce, or in which any products of, or derived from, livestock are, wholly or in part, prepared for transportation or sale as articles of commerce, which are intended for use as human food;

(2) Every establishment, except as provided in § 303.1 (a) or (c) of this subchapter, within any State or organized Territory which is designated in the regulations in Part 331 of this subchapter pursuant to paragraph 301(c) of the Act, at which any livestock are slaughtered or any products of any livestock are prepared, for use as human food solely for distribution within such jurisdiction; and

(3) Every establishment designated by the Administrator pursuant to paragraph 301(c) of the Act as constituting a danger to the public health.

(b) Special provisions, with respect to certain retail stores and restaurants in the District of Columbia, appear in Part 330 of this subchapter and apply to such establishments in lieu of the regulations elsewhere in this subchapter, except insofar as such regulations are made applicable by the provisions in Part 330 of this subchapter.

§ 302.2 Livestock and products entering official establishments.

All livestock and all products entering any official establishment, and all products prepared, in whole or in part, therein, shall be inspected, handled, stored, prepared, packaged, marked, and labeled as required by the regulations in this subchapter.

PART 303—EXEMPTIONS

§ 303.1 Exemptions.

(a) The requirements of the Act and the regulations in this subchapter for inspection of the preparation of products do not apply to:

(1) The slaughtering by any individual of livestock of his own raising, and the preparation by him and transportation in commerce of the products of such livestock exclusively for use by him and members of his household and his non-paying guests and employees.

(2) The custom slaughter by any person of cattle, sheep, swine, or goats, delivered by the owner thereof for such slaughter, and the preparation by such slaughterer and transportation in commerce of the products of such livestock, exclusively for use, in the household of such owner, by him and members of his household and his non-paying guests and employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any products of any cattle, sheep, swine, goats, or equines, capable of use as human food.

(b) It has been determined that it is impracticable to provide inspection of the preparation of products at establishments in any unorganized Territory at which livestock are slaughtered or their products are prepared for distribution solely within such jurisdiction and that exempting such establishments from requirements of the Act for such inspections under the conditions stated in this section will otherwise facilitate enforcement of the Act. Therefore, such inspection requirements of the Act and the regulations in this subchapter shall not apply at such establishments if they are operated in accordance with the regulations in Part 308 of this subchapter, except §§ 308.1, 308.2, and 308.15. However, the Administrator may refuse, withdraw, or modify any exemption under this paragraph when he determines in any specific case in accordance with the rules of practice in Part 335¹ of this subchapter that such action is necessary to effectuate the purposes of this Act.

(c) (1) The requirements of the Act and the regulations in this subchapter for inspection of the preparation of products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment in any State or organized Territory, for sale in normal retail quantities or service of such articles to consumers at such establishments, if such establishments would be subject to such inspection provisions only because the State or Territory is designated in Part 331 of this subchapter under paragraph 301(c) of the Act.

(2) For purposes of subparagraph (1) of this paragraph, operations of types traditionally and usually conducted at retail stores and restaurants are the following:

(i) Cutting up, slicing, and trimming carcasses, halves, quarters, or wholesale cuts into retail cuts such as steaks, chops, and roasts, and freezing such cuts.

(ii) Grinding and freezing products made from meat.

(iii) Curing and/or cooking products.

(iv) Breaking bulk shipments of products.

(v) Wrapping or rewrapping products.

(3) For the purposes of this Act, a normal retail quantity is deemed to be any quantity which in the aggregate does not exceed a quarter carcass of the species purchased.

(d) The adulteration and misbranding provisions of the Act and the regulations in this subchapter, other than the requirement of the official inspection legend, shall apply to articles which are exempted from inspection or not required to be inspected under this section. Further, the Administrator may extend the inspection requirements to any establishment in any State or organized Territory at which products are prepared for distribution solely within such juris-

dition, if he determines in accordance with the provisions of paragraph (c) (1) of the Act that it is producing adulterated products which would clearly endanger the public health.

(e) The Administrator in specific cases may modify, by relieving, the inspection and related requirements of the regulations in this subchapter when he determines that application of the modified requirements will be adequate to effectuate the purposes of the Act.

PART 304—APPLICATION FOR INSPECTION; GRANT OR REFUSAL OF INSPECTION

Sec.

304.1 Application for inspection; tenants; subsidiaries.

304.2 Drawings, information to be furnished; subsidiary establishments; grant or refusal of inspection.

§ 304.1 Application for inspection; tenants; subsidiaries.

(a) Before inspection is granted, the operator of each establishment of the kind required by § 302.1 of this subchapter to have inspection shall make application therefor to the Administrator as provided in this part.

(b) Every application under this section shall be made on a form furnished by the Program, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C., and shall include all information called for by that form, including the name, address, and type of legal entity of any tenant, and the name and principal office address of any subsidiary corporation that will prepare product or conduct any other operation at the establishment for which inspection is requested. The applicant for inspection will be held responsible for compliance by all such tenants or subsidiaries with the requirements of the regulations in this subchapter at such establishment if inspection is granted. Such tenants and subsidiaries will also be held responsible for their own operations. Preparation of product and other operations at the establishment for which inspection is granted may be conducted only by the applicant and any of its tenants and subsidiary corporations named in the application.

(c) In cases of change of ownership, location, tenants or subsidiaries, a new application shall be made.

§ 304.2 Drawings, information to be furnished; subsidiary establishments; grant or refusal of inspection.

(a) Each applicant for inspection shall submit to the program, four copies of:

(1) Complete drawings with specifications of the floor plans of the establishment for which inspection is requested, showing the locations of principal pieces of equipment, floor drains, principal drainage lines, hand-washing basins, and hose connections for cleanup purposes;

(2) A plot plan showing the limits of the establishment's premises, locations in outline of buildings on the premises, cardinal points of the compass, and road-

ways and railways serving the establishment; and

(3) A room schedule showing the finish of walls, floors, and ceilings of all rooms in the establishment.

The specifications shall include statements describing the water supply, plumbing, drainage, refrigeration, equipment, lighting, and operations of the establishment. Applicants for inspection may request information from the Administrator concerning the requirements before submitting plans.

(b) Notice in writing shall be given to each applicant granted inspection, specifying the establishment to which the grant applies.

(c) The Administrator is authorized to grant inspection upon his determination that the applicant and the establishment are eligible therefor and to refuse to grant inspection at any establishment if he determines that it does not meet the requirements of this part or the regulations in Parts 305, 307, and 308 of this subchapter or has not received approval labeling and containers to be used at the establishment as required by the regulations in Part 317 of this subchapter. Before inspection is refused for any such reason, the applicant shall be informed of the proposed action and the reasons therefor and afforded an opportunity to present his views. Inspection may also be refused in accordance with section 401 of the Act and the rules of practice in Part 335¹ of this subchapter.

PART 305—OFFICIAL NUMBERS; INAUGURATION OF INSPECTION; WITHDRAWAL OF INSPECTION; REPORTS OF VIOLATIONS

Sec.

305.1 Official numbers; subsidiaries and tenants.

305.2 Separation of official establishments.

305.3 Sanitation and adequate facilities.

305.4 Inauguration of inspection.

305.5 Withdrawal of inspection.

305.6 Reports of violations.

§ 305.1 Official numbers; subsidiaries and tenants.

(a) An official number shall be assigned to each establishment granted inspection. Such number shall be used to identify all inspected and passed products prepared in the establishment. More than one number shall not be assigned to an establishment.

(b) Two or more official establishments under the same ownership or control may be granted the same official number, provided a serial letter is added in each case to identify each establishment and the products thereof.

(c) When inspection has been granted to any applicant at an establishment, it shall not be granted to any other person at the same establishment, except that a subsidiary or tenant of the grantee, preparing any product at the establishment, may receive inspection at the same establishment.

¹ Such rules will be issued later.

¹ Such rules will be issued later.

§ 305.2 Separation of official establishments.

(a) Each official establishment shall be separate and distinct from any other official establishment and from any unofficial establishment except an official (poultry products processing) establishment as defined in § 81.1 of Title 7 of the Code of Federal Regulations.

(b) The slaughter or other preparation of products of horses, mules, or other equines required to be conducted under inspection pursuant to the regulations in this subchapter shall be done in establishments separate from any establishment in which cattle, sheep, swine, or goats are slaughtered or their products are prepared.

(c) Inspection shall not be inaugurated in any building, any part of which is used as living quarters, unless the part for which inspection is requested is separated from such quarters by floors, walls, and ceilings of solid concrete, brick, or similar material, and the floors, walls, and ceilings are without opening that directly or indirectly communicates with any part of the building used as living quarters.

§ 305.3 Sanitation and adequate facilities.

Inspection shall not be begun if an establishment is not in a sanitary condition nor unless the establishment agrees to maintain such condition and provides adequate facilities for conducting such inspection.

§ 305.4 Inauguration of inspection.

When an application for inspection is granted, the officer in charge shall, at or prior to the inauguration of inspection, inform the operator of the establishment of the requirements of the regulations in this subchapter. If the establishment, at the time inspection is inaugurated, contains any product which has not theretofore been inspected, passed, and marked in compliance with the regulations in this subchapter, the identity of the same shall be maintained, and it shall not be distributed in commerce, or otherwise subject to the requirements of such regulations, or dealt with as inspected and passed under the regulations. The establishment shall adopt and enforce all necessary measures and shall comply with all such directions as the officer in charge may prescribe, for carrying out the purposes of this section.

§ 305.5 Withdrawal of inspection.

The Administrator is authorized to withdraw inspection from an official establishment where the sanitary conditions are such that its products are rendered adulterated, or for failure of the operator to destroy condemned products as required by the Act and the regulations in this subchapter. Inspection may also be withdrawn in accordance with section 401 of the Act and the rules of practice in Part 335¹ of this subchapter.

¹ Such rules will be issued later.

§ 305.6 Reports of violations.

Inspectors and other Program employees shall report to the officer in charge all violations of the Act or regulations in this subchapter of which they have information and the officer in charge shall report the same to the Administrator.

PART 306—ASSIGNMENT AND AUTHORITIES OF PROGRAM EMPLOYEES

Sec.

- 306.1 Designation of officer in charge and assistants.
306.2 Program employees to have access to establishments.
306.3 Badge as identification of inspectors.
306.4 Assignment of Program employees where members of family employed; soliciting employment.
306.5 Appeals.

§ 306.1 Designation of officer in charge and assistants.

The Administrator shall designate an officer in charge of the inspection in each circuit, and assign to said inspector such assistants as may be necessary.

§ 306.2 Program employees to have access to establishments.

For the purpose of any examination or inspection necessary to prevent the use in commerce of any adulterated product, Program employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned. Access to establishments is also authorized in accordance with section 202 of the Act and the regulations in Part 319 of this subchapter.

§ 306.3 Badge as identification of inspectors.

Each inspector will be furnished with a numbered official badge, which he shall not allow to leave his possession, and which he shall wear in such manner and at such times as the Administrator may prescribe. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the establishment and premises to which he is assigned.

§ 306.4 Assignment of program employees where members of family employed; soliciting employment.

Except as specifically authorized by the Administrator, no Program employee shall be detailed for duty at an establishment where any member of his family is employed by the establishment, nor shall any officer in charge or other employee acting in a supervisory capacity be continued on duty at a circuit where any member of his family is employed by any establishment under his jurisdiction. Program employees are forbidden to solicit, for any person, employment at any official establishment, or by any officer, manager, or employee thereof.

§ 306.5 Appeals.

Any appeal from a decision of any Program employee shall be made to his

immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided in the rules of practice in Part 335¹ of this subchapter.

PART 307—FACILITIES FOR INSPECTION

Sec.

- 307.1 Facilities for Program employees.
307.2 Other facilities and conditions to be provided by establishment.
307.3 Inspectors to furnish implements and maintain hands and implements in sanitary condition.
307.4 Hours of operation of official establishments.
307.5 Designation of days and hours of operation by officer in charge.
307.6 Overtime work of Program employees.

§ 307.1 Facilities for Program employees.

Office space, including necessary furnishings, light, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspector and other Program employees assigned thereto. The space set aside for this purpose shall meet with approval of the officer in charge and shall be conveniently located, properly ventilated, and provided with lockers suitable for the protection and storage of Program supplies and with facilities suitable for Program employees to change clothing if such clothes changing facilities are deemed necessary by the officer in charge. At the discretion of the Administrator, small plants requiring the services of less than one full-time inspector need not furnish facilities for Program employees as prescribed in this section, where adequate facilities exist in a nearby convenient location. Laundry service for inspectors' outer work clothing shall be provided by each establishment.

§ 307.2 Other facilities and conditions to be provided by establishment.

When required by the officer in charge, the following facilities and conditions, and such others as may be found to be essential to efficient conduct of inspection and maintenance of sanitary conditions, shall be provided by each official establishment:

(a) Satisfactory pens, equipment, and assistants for conducting ante mortem inspection and for separating, marking, and holding apart from passed animals, those marked "U.S. suspect" and those marked "U.S. condemned". Pens, alleys, and runways shall be paved, drained, and supplied with adequate hose connections for cleanup purposes.

(b) Sufficient natural light or artificial light, or both, at all places and all times of the day, to be adequate for proper conduct of inspection.

(c) Racks, receptacles, or other suitable devices for retaining such parts as the head, tongue, tail, thymus gland, and viscera, and all parts and blood to be used in the preparation of meat food products or medical products, until after

¹ Such rules will be issued later.

the post mortem examination is completed, in order that they may be identified in case of condemnation of the carcass; equipment, trucks, and receptacles for the handling of viscera of slaughtered animals so as to prevent contact with the floor; and trucks, racks, marked receptacles, tables, and other necessary equipment for the separate and sanitary handling of carcasses or parts passed for cooking.

(d) Tables, benches, and other equipment on which inspection is performed, of such design, material, and construction as to enable Program employees to conduct their inspection in a ready, efficient and clean manner.

(e) Watertight metal trucks or receptacles for holding and handling diseased carcasses and parts, so constructed as to be readily cleaned; such trucks or receptacles to be marked in a conspicuous manner with the phrase "U.S. condemned" in letters not less than 2 inches high, and, when required by the officer in charge, to be equipped with facilities for locking or sealing.

(f) Adequate arrangements, including liquid soap and cleansers, for cleansing and disinfecting hands, for sterilizing all implements used in dressing diseased carcasses, floors, and such other articles and places as may be contaminated by diseased carcasses or otherwise.

(g) In establishments in which slaughtering is done, rooms, compartments, or specially prepared open places, to be known as "final inspection places", at which the final inspection of retained carcasses may be conducted. Competent assistants for handling retained carcasses and parts shall be provided by the establishment. Final inspection places shall be adequate in size and their rail arrangement and other equipment shall be sufficient to prevent carcasses and parts passed for food or cooking, from being contaminated by contact with condemned carcasses or parts. They shall be equipped with hot water, lavatory, sterilizer, tables, and other equipment required for ready, efficient, and sanitary conduct of the inspection. The floors shall be of such construction as to facilitate the maintenance of sanitary conditions and shall have proper drainage connections, and when the final inspection place is part of a larger floor, it shall be separated from the rest of the floor by a curb, railing, or otherwise.

(h) Retention rooms, cages or other compartments, and receptacles in which carcasses and product may be held for further inspection. These shall be in such number and in such locations as the needs of the inspection in the establishment may require. They shall be equipped for secure locking and shall be held under locks furnished by the Department, the keys of which shall not leave the custody of Program employees. Every such room, compartment, or receptacle shall be marked conspicuously with the phrase "U.S. retained" in letters not less than 2 inches high. Rooms or compartments for these purposes shall be secure and susceptible of being kept clean, including a sanitary disposal of the floor liquids. Establishment employees shall not enter

any retention rooms or compartments or open any retention receptacles unless authorized by Program employees.

(i) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles in accordance with the regulations in this subchapter. Tanks or other rendering equipment which, under the regulations in this subchapter, must be sealed, shall be properly equipped for sealing as may be specified by the regulations in Part 314 of this subchapter or by the officer in charge in specific cases.

(j) Docks and receiving rooms, to be designated by the establishment, with the approval of the officer in charge, for the receipt and inspection of all products as provided in § 318.4 of this subchapter.

(k) Suitable lockers in which brands bearing the official inspection legend and other official devices (excluding labels) and official certificates shall be kept when not in use. All such lockers shall be equipped for locking with locks to be supplied by the Department, the keys of which shall not leave the custody of Program employees.

(l) Sanitary facilities and accommodations as prescribed by § 308.4 of this subchapter.

§ 307.3 Inspectors to furnish implements and maintain hands and implements in sanitary condition.

Inspectors shall furnish their own work clothing and implements, such as flashlights and triers, for conducting inspection and shall cleanse their hands and implements as prescribed by § 308.8 of this subchapter.

§ 307.4 Hours of operation of official establishments.

The operator of each official establishment shall inform the officer in charge, or his assistant, when work in each department has been concluded for the day, and of the day and hour when work will be resumed therein. Whenever any product is to be overhauled or otherwise handled in an official establishment during unusual hours, the establishment operator shall, a reasonable time in advance, notify the officer in charge, or his assistant, of the day and hour when such work will be commenced and such products shall not be so handled prior to that time and except after such notice has been given. No department of an official establishment shall be operated except under the supervision of a Program employee. All slaughtering of livestock and preparation of products shall be done within reasonable hours, and with reasonable speed, the facilities of the establishment being considered. No shipment of any product shall be made from an official establishment until after due notice has been given to the officer in charge or his assistant.

§ 307.5 Designation of days and hours of operation by officer in charge.

When one inspector is detailed to conduct the work at two or more official establishments where few livestock are slaughtered or where but a small quantity of any product is prepared, the officer in charge may designate the hours of

the day and the days of the week during which such establishments may be operated.

§ 307.6 Overtime work of Program employees.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of a Program employee on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the officer in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator therefor \$7.40 per hour to reimburse the Program for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.

PART 308—SANITATION

- Sec. 308.1 Examination and specifications for equipment and sanitation prior to granting inspection.
- 308.2 Drawings and specifications to be furnished in advance of construction.
- 308.3 Establishments; sanitary condition; requirements.
- 308.4 Sanitary facilities and accommodations; specific requirements.
- 308.5 Equipment to be easily cleaned; that for inedible products to be so marked.
- 308.6 Scabbards for knives.
- 308.7 Rooms, compartments, etc., to be clean and sanitary.
- 308.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.
- 308.9 Protective handling of products.
- 308.10 Slack barrels and similar containers and means of conveyance used for product, paper in contact with product.
- 308.11 Burlap wrapping for meat; meat wrapped in, to be first wrapped in paper or cloth.
- 308.12 Second-hand tubs, barrels, other containers, and tank cars; inspection and cleaning.
- 308.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc.; fly-breeding material; other conditions.
- 308.14 Employment of diseased persons.
- 308.15 Tagging insanitary equipment, utensils, rooms, or compartments.

§ 308.1 Examination and specifications for equipment and sanitation prior to granting inspection.

Prior to the inauguration of inspection, an examination of the establishment and premises shall be made by a Program employee and the requirements for sanitation and the necessary facilities for inspection specified by him in accordance with the regulations in this Part and Part 307 of this subchapter.

§ 308.2 Drawings and specifications to be furnished in advance of construction.

Four copies of drawings with specifications, complete as prescribed in § 304.2 of this subchapter, for remodeling plants of official establishments and for new

structures to be used in an official establishment or part thereof, shall be submitted to the Administrator and approval obtained for the plans in advance of construction.

§ 308.3 Establishments; sanitary condition; requirements.

(a) Official establishments shall be maintained in sanitary condition, and to this end the requirements of this section shall be complied with.

(b) There shall be abundant light, both natural and artificial, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary condition.

(c) There shall be an efficient drainage and plumbing system for the establishment and premises, and all drains and gutters shall be properly installed with traps and vents approved by the officer in charge.

(d) (1) The water supply shall be ample, clean, and potable, with adequate facilities for its distribution in the plant and its protection against contamination and pollution. Every establishment shall make known and, whenever required by the officer in charge, shall afford opportunity for inspection of the source of its water supply, the storage facilities, and the distribution system. Equipment using potable water shall be so installed as to prevent back-siphonage into the potable water system. Nonpotable water is permitted only in those parts of official establishments where no edible product is handled or prepared, and then only for limited purposes such as on ammonia condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, in connection with equipment used for hashing and washing inedible products preparatory to tanking, and in sewer lines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment involved in trucking materials to and from edible product departments nor is it permitted in hog scalding vats, dehairing machines, or vapor lines serving edible product rendering equipment, or for cleanup of shackling pens, bleeding areas, or runways within the slaughtering department. In all cases, nonpotable water lines shall be clearly identified and shall not be cross-connected with the potable water supply unless this is necessary for fire protection and such connection is of a type with an adequate break to assure against accidental contamination, and is approved by local authorities and by the officer in charge.

(2) The officer in charge may permit the reuse of water in vapor lines leading from deodorizers used in the preparation of lard and similar edible product and in equipment used for the chilling of canned product after retorting, provided the reuse is for the identical original purpose and the following precautions are taken to protect the water that is reused:

(i) All pipelines, reservoirs, tanks, cooling towers, and like equipment employed in handling the reused water are so constructed and installed as to facilitate their cleaning and inspection.

(ii) Complete draining and disposal of the reused water, effective cleaning of the equipment, and renewal with fresh potable water is accomplished at such intervals as may be necessary to assure an acceptable supply of water for the purpose intended.

(iii) Effective chlorination (not less than approximately 1 part per million of residual chlorine at any point within the cooling system) of the reused water utilized for cooling canned product is maintained but with the understanding that chlorination alone is not to be relied upon entirely or to be accepted in lieu of the requirements listed in subdivisions (i) and (ii) of this subparagraph.

(3) An ample supply of water at not less than 180° F. shall be furnished and used for the cleaning of inspection equipment and other equipment, floors, and walls which are subject to contamination by the dressing or handling of diseased carcasses, their viscera, and other parts. Whenever necessary to determine compliance with this requirement, conveniently located thermometers shall be installed by the operator of the official establishment to show the temperature of the water at the point of use.

(4) Hot water for cleaning rooms and equipment other than those mentioned in subparagraph (3) of this paragraph shall be delivered under pressure to sufficient convenient outlets and shall be of such temperature as to accomplish a thorough cleanup.

(e) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish as will make them susceptible of being readily and thoroughly cleaned. The floors shall be kept watertight. The rooms and compartments used for edible product shall be separate and distinct from those used for inedible product.

(f) The rooms and compartments in which any product is prepared or handled shall be free from dust and from odors from dressing and toilet rooms, catch basins, hide cellars, casing rooms, inedible tank and fertilizer rooms, and livestock pens.

(g) Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from official establishments. The use of poisons for any purpose in rooms or compartments where any unpacked product is stored or handled is forbidden, except under such restrictions and precautions as are prescribed by the regulations in this part or by the officer in charge in specific cases. The use of insecticides, rodenticides, and similar pest control substances in hide cellars, inedible product departments, outbuildings, or similar places, or in storerooms containing canned or tierced products is not forbidden but only those approved by the Administrator may be

used.¹ So-called rat viruses shall not be used in any part of an establishment or the premises thereof.

(h) Dogs and cats shall be excluded from establishments.

§ 308.4 Sanitary facilities and accommodations; specific requirements.

Adequate sanitary facilities and accommodations shall be furnished by every official establishment. Of these, the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. The rooms shall be provided with windows to admit direct, natural light and shall have adequate facilities for artificial light. They shall be properly ventilated, and meet all requirements of the regulations in this part as to sanitary construction and equipment. They shall be separate from the rooms and compartments in which products are prepared, stored, or handled. Where both sexes are employed, separate facilities shall be provided.

(b) Moderate lavatory accommodations, including running hot and cold water, soap, and towels, shall be placed in or near toilet and urinal rooms and also at such other places in the establishment as may be essential to assure cleanliness of all persons handling product.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the building and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(d) Properly located facilities shall be provided for cleansing and disinfecting utensils and hands of all persons handling any product.

§ 308.5 Equipment to be easily cleaned; that for inedible products to be so marked.

Equipment and utensils used for preparing and otherwise handling any product shall be of such material and construction as will make them susceptible of being readily and thoroughly cleaned and such as will insure strict cleanliness in the preparation and handling of all products. So far as is practicable, such equipment shall be made of metal or other impervious material. Trucks and receptacles used for inedible material shall bear some conspicuous and distinctive mark identifying them as used for such material, and shall not be used for handling edible products.

§ 308.6 Scabbards for knives.

Scabbards and similar devices for the temporary retention of knives, steels, triers, etc., by workers and others at official establishments shall be constructed of rust-resisting metal or other impervious material, shall be of a type that may be readily cleaned, and shall be kept clean.

¹ A list of approved pest control substances is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 308.7 Rooms, compartments, etc., to be clean and sanitary.

Rooms, compartments, places, equipment, and utensils used for preparing, storing, or otherwise handling any product, and all other parts of the establishment, shall be kept clean and in sanitary condition. There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or places where any product is prepared, stored, or otherwise handled.

§ 308.8 Operations, procedures, rooms, clothing, utensils, etc., to be clean and sanitary.

(a) Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(b) Rooms and compartments in which inspections are made and those in which animals are slaughtered or any product is prepared shall be kept sufficiently free of steam and vapors to enable Program employees to make inspections and to insure clean operations. The walls, ceilings, and overhead structures of rooms and compartments in which product is prepared, handled, or stored shall be kept reasonably free from moisture.

(c) Butchers and others who dress or handle diseased carcasses or parts shall, before handling or dressing other carcasses or parts, cleanse their hands with liquid soap and hot water, and rinse them in clean water. Implements used in dressing diseased carcasses shall be thoroughly cleansed in boiling water, or in a disinfectant¹ approved by the Administrator, followed by rinsing in clean water. The employees of the establishment who handle any product shall keep their hands clean, and in all cases after visiting the toilet rooms or urinals shall wash their hands before handling any product or implements used in the preparation of product.

(d) Aprons, frocks, and other outer clothing worn by persons who handle any product shall be of material that is readily cleansed and only clean garments shall be worn.

(e) Such practices as spitting on whetstones; spitting on the floor; placing skewers, tags, or knives in the mouth; inflating lungs or casings with air from the mouth; or testing with air from the mouth such receptacles as tierces, kegs, or casks, containing or intended as containers of any product, are prohibited. Only mechanical means may be used for such testing. Care shall be taken to prevent the contamination of product with perspiration, hair, cosmetics, medications, and similar substances.

(f) Equipment or substances which generate gases or odors shall not be used except as specifically permitted by the regulations in this part or by the officer in charge in specific cases.

¹A list of approved disinfectants is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

§ 308.9 Protective handling of products.

Products shall be protected from contamination from any source such as dust, dirt, or insects during storage, loading, or unloading at and transportation from official establishments.

§ 308.10 Slack barrels and similar containers and means of conveyance used for product; paper in contact with product.

(a) When necessary to avoid contamination of product with wood splinters or similar contaminants, slack barrels and similar containers and the cargo space of trucks, railroad cars, or other means of conveyance shall be lined with suitable material of good quality before packing.

(b) Slack barrels and similar containers and trucks, railroad cars, and other means of conveyance in which any product is transported shall be kept in a clean and sanitary condition.

(c) Paper used for covering or lining slack barrels and similar containers and the cargo space of trucks, railroad cars, or other means of conveyance shall be of a kind which does not tear during use but remains intact when moistened by the product and does not disintegrate.

§ 308.11 Burlap wrapping for meat; meat wrapped in, to be first wrapped in paper or cloth.

Since burlap used without any other material as a wrapping for meat deposits lint on the meat and does not sufficiently protect it from outside contamination, the use of burlap as a wrapping for meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign matter.

§ 308.12 Second-hand tubs, barrels, other containers, and tank cars; inspection and cleaning.

(a) Second-hand tubs, barrels, and boxes intended for use as containers of any product shall be inspected when received at the establishment and before they are cleaned. Those showing evidence of misuse rendering them unfit to serve as containers for food products shall be rejected. The use of those showing no evidence of previous misuse may be allowed after they have been thoroughly and properly cleaned. Steaming, after thorough scrubbing and rinsing, is essential to cleaning tubs and barrels.

(b) Interiors of tank cars about to be used for the transportation of any product shall be carefully inspected for cleanliness even though the last previous content was edible. Lye and soda solutions used in cleaning must be thoroughly removed by rinsing with clean water. In their examination, Program employees shall enter the tank with a light and examine all parts of the interior.

§ 308.13 Inedible operating and storage rooms; outer premises, docks, driveways, approaches, pens, alleys, etc.; fly-breeding material; other conditions.

All operating and storage rooms and departments of official establishments used for inedible materials shall be

maintained in acceptably clean condition. The outer premises of every official establishment, including docks and areas where cars and vehicles are loaded, and the driveways, approaches, yards, pens, and alleys, shall be properly paved and drained and kept in clean and orderly condition. All catch basins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. Catch basins shall not be located in departments where any product is prepared, handled, or stored. The accumulation on the premises of official establishments of any material in which flies may breed, such as hog hair, bones, paunch contents, or manure, is forbidden. No other conditions that may result in adulteration of product or interfere with inspection shall be allowed in any official establishment or on its premises.

§ 308.14 Employment of diseased persons.

No official establishment shall employ, in any department where any product is handled or prepared, any person affected with tuberculosis or other communicable disease in a transmissible stage.

§ 308.15 Tagging insanitary equipment, utensils, rooms, or compartments.

When, in the opinion of a Program employee, any equipment, utensil, room, or compartment at an official establishment is unclean or its use would be in violation of any of the regulations in this subchapter, he will attach a "U.S. Rejected" tag thereto. No equipment, utensil, room, or compartment so tagged shall again be used until made acceptable. Such tag so placed shall not be removed by anyone other than a Program employee.

PART 309—ANTE MORTEM INSPECTION

Sec.	
309.1	Ante mortem inspection in pens of official establishments.
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Sec.

- 309.16 Livestock suspected of having biological residues.
 309.17 Livestock used for research.
 309.18 Official marks and devices for purposes of ante mortem inspection.

§ 309.1 Ante mortem inspection in pens of official establishments.

(a) All livestock offered for slaughter in an official establishment shall be examined and inspected on the day of and before slaughter.

(b) Such ante mortem inspection shall be made in pens on the premises of the establishment at which the livestock are offered for slaughter before the livestock shall be allowed to enter into any department of the establishment where they are to be slaughtered or dressed or in which edible products are handled. When the holding pens of an official establishment are located in a public stockyard and are reserved for the exclusive use of the establishment, such pens shall be regarded as part of the premises of that establishment and the establishment shall be responsible for compliance with all requirements of the regulations in this subchapter with respect to such pens.

§ 309.2 Livestock suspected of being diseased or affected with certain conditions; identifying suspects; disposition on post mortem inspection or otherwise.

(a) Any livestock which, on ante mortem inspection, do not clearly show, but are suspected of being affected with any disease or condition that, under Part 310 of this subchapter, may cause condemnation of the carcass on post mortem inspection, and any livestock which show, on ante mortem inspection, any disease or condition that, under Part 310 would cause condemnation of only part of the carcass on post mortem inspection, shall be so handled as to retain its identity as a suspect until it is given final post mortem inspection, when the carcass shall be marked and disposed of as provided in Parts 310 and 311 of this subchapter, or until it is disposed of as otherwise provided in this part.

(b) All seriously crippled animals and animals commonly termed "downers," shall be identified as U.S. Suspects and disposed of as provided in § 311.1 of this subchapter unless they are required to be classed as condemned under § 309.3.

(c) Livestock which have reacted to a test for leptospirosis, but which show no symptoms of the disease, shall be identified as U.S. Suspects and disposed of as provided in § 311.10 of the subchapter.

(d) Livestock which are known to have reacted to the tuberculin test shall be identified as U.S. Suspects and disposed of as provided in § 311.2 of this subchapter, except that livestock bearing an official "USDA Reactor" or similar state reactor tag shall not be tagged as U.S. Suspects.

(e) Any cattle found on ante mortem inspection to be affected with epithelioma of the eye or of the orbital region to

a lesser extent than as described in § 309.6 shall be identified as a U.S. Suspect and disposed of as provided in § 311.12 of this subchapter.

(f) Cattle found on ante mortem inspection to be affected with anasarca to a lesser extent than as described in § 309.8 shall be identified as U.S. Suspects and disposed of as provided in § 311.8 of this subchapter or paragraph (g) of this section.

(g) Any livestock suspected of being affected with anasarca may be set apart and held for treatment under Program or other responsible official supervision approved by the officer in charge. If at the expiration of the treatment period the livestock upon examination is found to be free from disease, it may be released for any purpose. Otherwise, it shall be disposed of as provided in § 309.2(f) or § 309.13.

(h) All hogs suspected on ante mortem inspection of being affected with swine erysipelas shall be identified as U.S. Suspects and disposed of as provided in § 311.5 of this subchapter or paragraph (i) of this section.

(i) A hog suspected of being affected with swine erysipelas may be set apart and held for treatment under Program or other responsible official supervision approved by the officer in charge. If at the expiration of the treatment period the animal upon examination is found to be free from disease, it may be released for any purpose. Otherwise, it shall be disposed of as provided in § 309.13.

(j) Any livestock which is affected with vesicular exanthema or vesicular stomatitis, but which has recovered to the extent that the lesions are in process of healing, the temperature is within normal range, and the livestock shows a return to normal appetite and activity, shall be identified as U.S. Suspect and disposed of as provided in § 311.32 of this subchapter, except that if desired, such livestock may be set apart and held under supervision of a Program employee or other official designated by the officer in charge for treatment. If the livestock is set aside for treatment, the U.S. Suspect identification device will be removed by a Program employee, following such treatment, if the livestock is found to be free from any such disease. Such livestock found to be free from any such disease may be released for slaughter or for purposes other than slaughter, provided that in the latter instance, the official establishment or the owner of the animal shall first obtain permission from the local, State, or Federal livestock sanitary official having jurisdiction of the movement of such livestock.

(k) Livestock which are offered for ante mortem inspection under this part, and which are regarded by the inspector as immature, shall be identified as U.S. Suspects and, if slaughtered, the disposition of their carcasses shall be determined by the post mortem findings in connection with the ante mortem conditions. If not slaughtered as suspects, such livestock shall be held under supervision of a Program employee or other

official designated by the officer in charge, and after sufficient development may be released for slaughter or may be released for any other purpose, provided they have not been exposed to any infectious or contagious disease. If such exposure occurs, permission should be obtained from the nearest Animal Health Division Authorities prior to release of such animals.

(l) See also § 309.13(c) with respect to livestock previously condemned for listeriosis.

(m) Each animal required by this part to be treated as a U.S. Suspect shall be identified as such by or under the supervision of a Program employee with an official device in accordance with § 309.18. No such device shall be removed except by a Program employee.

(n) Each animal identified as a U.S. Suspect on ante mortem inspection shall be set apart and shall be slaughtered separately from other livestock at that establishment unless disposed of as otherwise provided in this part.

(o) Each animal identified as a U.S. Suspect on ante mortem inspection, when presented for slaughter shall be accompanied with a Form MI 402-2 on which the inspector at the establishment shall record the U.S. Suspect identification number and any other identifying tag numbers present and a brief description of the animal and of the disease or condition for which the animal was classed as a suspect, including its temperature when the temperature of such animal might have a bearing on the disposition of the carcass on post mortem inspection.

(p) When any animal identified as a U.S. Suspect is released for any purpose or reason, as provided in this part, the official identification device shall be removed only by a Program employee and he shall report his action to the officer in charge. When a suspect is to be released under the provisions of this part for a purpose other than slaughter, the operator of the official establishment or the owner of the animal shall first obtain permission for the removal of such animal from the local, State, or Federal livestock sanitary official having jurisdiction.

§ 309.3 Dead, dying, disabled, or diseased and similar livestock.

(a) Livestock found to be dead or in a dying condition on the premises of an official establishment shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) Livestock plainly showing on ante mortem inspection any disease or condition that, under part 310 of this subchapter, would cause condemnation of their carcasses on post mortem inspection shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(c) Any swine having a temperature of 106° F. or higher and any cattle, sheep, goats, horses, mules, or other equines having a temperature of 105° F. or higher shall be identified as U.S. Condemned. In case of doubt as to the cause of the high temperature, or when for other reasons a Program employee deems such action

warranted, any such livestock may be held for a reasonable time under the supervision of a Program employee for further observation and taking of temperature before final disposition of such livestock is determined. Any livestock so held shall be reinspected on the day it is slaughtered. If, upon such reinspection, or when not held for further observation and taking of temperature, then on the original inspection, the animal has a temperature of 106° F. or higher in the case of swine, or 105° F. or higher in the case of other livestock, it shall be condemned and disposed of in accordance with § 309.13.

(d) Any livestock found in a comatose or semicomatose condition or affected with any condition not otherwise covered in this part, which would preclude release of the animal for slaughter for human food, shall be identified U.S. Condemned and disposed of in accordance with § 309.13, except that such animal may be set apart and held for further observation or treatment under supervision of a Program employee or other official designated by the officer in charge and for final disposition in accordance with this part.

§ 309.4 Livestock showing symptoms of certain metabolic, toxic, nervous, or circulatory disturbances, nutritional imbalances, or infectious or parasitic diseases.

(a) All livestock showing, on ante mortem inspection, symptoms of anaplasmosis, ketosis, leptospirosis, listeriosis, parturient paresis, pseudorabies, rabies, scrapie, tetanus, grass tetany, transport tetany, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis (forage poisoning), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness or extensive fistula shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) If any equine is suspected on ante mortem inspection of being infected with glanders or dourine, the nearest Animal Health Division official shall be so informed by a Program employee. Tests shall be performed by that Division to determine whether the animal is, in fact, infected with such disease. If it is found on such tests to be infected, the animal shall be disposed of in accordance with paragraph (a) of this section. Otherwise, the animal shall be identified as a U.S. Suspect and disposed of as provided in § 311.10 of this subchapter.

§ 309.5 Swine; disposal because of hog cholera; swine injected with hog cholera virus.

(a) All hogs plainly showing on ante mortem inspection that they are affected with hog cholera shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) All hogs, even though not themselves identified as U.S. Suspects, which are of lots in which one or more animals have been condemned or identified as U.S. Suspects for hog cholera, shall, so far as possible, be slaughtered separately

and apart from all other livestock passed on ante mortem inspection.

(c) Swine, other than hyperimmune swine, shall be condemned on ante mortem inspection if offered for slaughter within 21 days after injection with modified live hog cholera virus and within 14 days after injection with inactivated hog cholera virus.

(d) Swine, other than hyperimmune swine, offered for slaughter after 28 days following injection with hog cholera virus shall be given ante mortem inspection in conformity with this part without reference to the injected virus.

(e) Hyperimmune swine shall be condemned on ante mortem inspection if offered for slaughter within 10 days after hyperimmunization.

(f) Hyperimmune swine offered for slaughter after 10 days following hyperimmunization shall be given ante mortem inspection in conformity with this part without reference to the injected virus.

§ 309.6 Epithelioma of the eye of cattle.

Any cattle found on ante mortem inspection to be affected with epithelioma of the eye and of the orbital region in which the eye has been destroyed or obscured by neoplastic tissue and which shows extensive infection, suppuration, and necrosis, usually accompanied with foul odor, or any animal affected with epithelioma of the eye or of the orbital region which, regardless of extent, is accompanied with cachexia shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.7 Livestock affected with anthrax; cleaning and disinfection of infected livestock pens and driveways.

(a) Any livestock found on ante mortem inspection to be affected with anthrax shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

(b) No other livestock of a lot in which anthrax is found on ante mortem inspection shall be slaughtered and presented for post mortem inspection until it has been determined by a careful ante mortem inspection that no anthrax infected livestock remains in the lot.

(c) Apparently healthy livestock other than hogs from a lot in which anthrax is detected, and any apparently healthy livestock which have been treated with anthrax biologicals which do not contain living anthrax organisms, may be slaughtered and presented for post mortem inspection if they have been held not less than 21 days following the last treatment or the last death of any livestock in the lot. Alternatively, if desired, all apparently healthy livestock of the lot may be segregated and held for treatment by a competent veterinarian under supervision of a Program employee or other official designated by the officer in charge. No anthrax vaccine (live organisms) shall be used on the premises of an official establishment.

(d) Livestock which have been injected with anthrax vaccines (live organisms) within 6 weeks, and those bearing evidence of reaction to such treatment,

such as inflammation, tumefaction, or edema at the site of the injection, shall be condemned on ante mortem inspection, or such animals may be held under supervision of a Program employee or other official designated by the officer in charge until the expiration of the 8-weeks period and the disappearance of any evidence of reaction to the treatment.

(e) When livestock are found on ante-mortem inspection to be affected with anthrax, all exposed livestock pens and driveways of the official establishment shall be cleaned and disinfected by promptly and thoroughly removing and burning all straw, litter, and manure. This shall be followed immediately by a thorough disinfection of the exposed premises by soaking the ground, fences, gates, and all exposed material with a 5 percent solution of sodium hydroxide or commercial lye prepared as outlined in § 310.9(e)(1) of this subchapter, or other disinfectant approved by the Administrator specifically for this purpose.

§ 309.8 Cattle affected with anasarca and generalized edema.

All cattle found on ante mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive and generalized edema shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.9 Swine erysipelas.

All hogs plainly showing on ante mortem inspection that they are affected with acute swine erysipelas shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.10 Onset of parturition.

Any livestock showing signs of the onset of parturition shall be withheld from slaughter until after parturition and passage of the placenta. Slaughter or other disposition may then be permitted if the animal is otherwise acceptable.

§ 309.11 Vaccine livestock.

Vaccine livestock with unhealed lesions of vaccinia, accompanied with fever, which have not been exposed to any other infectious or contagious disease, are not required to be slaughtered and may be released for removal from the premises.

§ 309.12 Emergency slaughter; inspection prior to.

In all cases of emergency slaughter, except as provided in § 311.27 of this subchapter, the animals shall be inspected immediately before slaughter, whether theretofore inspected or not. When the necessity for emergency slaughter exists, the establishment shall notify the officer in charge or his assistant so that such inspection may be made.

§ 309.13 Disposition of condemned livestock.

(a) Except as otherwise provided in this part, livestock identified as U.S. Condemned shall be killed by the official establishment, if not already dead. Such animals shall not be taken into the official establishment to be slaughtered or

dressed; nor shall they be conveyed into any department of the establishment used for edible products; but they shall be disposed of in the manner provided for condemned carcasses in Part 314 of this subchapter. The official U.S. Condemned tag shall not be removed from, but shall remain on, the carcass until it goes into the tank, or is otherwise disposed of as prescribed in Part 314 of this subchapter, at which time such tag may be removed by a Program employee only. The number of such tag shall be reported to the officer in charge by the inspector who affixed it, and also by the inspector who supervised the tanking of the carcass.

(b) Any livestock condemned on account of ketosis, swine erysipelas, vesicular diseases, grass tetany, transport tetany, parturient paresis, anasarca, anaplasmosis, leptospirosis, listeriosis, or inflammatory condition including pneumonia, enteritis, and peritonitis may be set apart and held for treatment under supervision of a Program employee or official designated by the officer in charge. The U.S. Condemned identification tag will be removed by a Program employee following treatment under such supervision if the animal is found to be free from any such disease.

(c) Livestock condemned as affected with listeriosis shall be identified as U.S. Suspect if released for slaughter after treatment under paragraph (b) of this section.

(d) When livestock under the provisions of this section is to be released for a purpose other than slaughter, the official establishment or the owner of the livestock shall first obtain permission for the movement of such livestock from the local, State, or Federal livestock sanitary official having jurisdiction.

§ 309.14 Brucellosis-reactor goats.

Goats which have reacted to a test for brucellosis shall not be slaughtered in an official establishment.

§ 309.15 Vesicular diseases.

(a) Immediate notification shall be given by the inspector to the local, State, and Federal livestock sanitary officials having jurisdiction when any livestock is found to be affected with a vesicular disease.

(b) No livestock under quarantine by State or Federal livestock sanitary officials on account of a vesicular disease will be given ante mortem inspection. If no quarantine is invoked, or if a quarantine is invoked and later removed, upon ante mortem inspection, any animal found to be affected with vesicular exanthema or vesicular stomatitis in the acute stages, as evidenced by acute and active lesions or an elevated temperature, shall be identified as U.S. Condemned and disposed of in accordance with § 309.13.

§ 309.16 Livestock suspected of having biological residues.

Livestock suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food shall be identified as

U.S. Condemned. The livestock may be held under the custody of a Program employee or other official designated by the officer in charge until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food. To aid in determining the amount of residue present in the tissues, officials of the Program may permit the slaughter of any such livestock to collect tissues for analysis of the residue.

§ 309.17 Livestock used for research.

(a) No livestock used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless:

(1) The operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the Program, Veterinary Biologics Division, or Pesticides Regulation Division of the Department of Agriculture or to the Food and Drug Administration of the Department of Health, Education, and Welfare, data or a summary evaluation of the data which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such livestock being adulterated, and a Program employee has approved such slaughter.

(2) Written approval by the Director of the Slaughter Inspection Division is furnished the officer in charge prior to the time of slaughter.

(3) In the case of an animal administered any unlicensed, experimental veterinary biologic product regulated under the Virus-Serum Toxin Act (21 U.S.C. 151 et seq.), the product was prepared and distributed in compliance with Part 103 of the regulations issued under said Act (Part 103 of this title), and used in accordance with the labeling approved under said regulations.

(4) In the case of an animal administered any investigational drug regulated under the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 301 et seq.), the drug was prepared and distributed in compliance with the applicable provisions of Part 130 of the regulations issued under said Act (21 CFR Part 130), and used in accordance with the labeling approved under said regulations.

(5) In the case of an animal subjected to any experimental poison under section 2(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 135 et seq.), the product was prepared and distributed in accordance with § 362.17 of the regulations issued under said Act (7 CFR 362.17), and used in accordance with the labeling approved under said regulations.

(6) In the case of an animal administered or subjected to any substance that is a food additive or pesticide chemical under the Federal, Food, Drug, and Cosmetic Act, supra, there has been compliance with all tolerance limitations established by said Act and the regulations promulgated thereunder (21 CFR 1.1 et seq.), and all other restrictions and requirements imposed by said Act and said regulations will be complied with at the time of slaughter.

(b) The officer in charge may deny or withdraw the approval for slaughter of any livestock subject to the provision of this section when he deems it necessary to assure that all products prepared at the official establishment are free from adulteration.

§ 309.18 Official marks and devices for purposes of ante mortem inspection.

(a) All livestock required by this part to be identified as U.S. Suspects shall be tagged or otherwise marked with one of the devices described below:

(1) A serially numbered metal ear tag bearing the term "U.S. Suspect."

(2) In addition, identification of U.S. Suspect swine must include the use of tattoos specified by the inspector to maintain the identity of the animals through the dehairing equipment when such equipment is used.

(b) All livestock required by this part to be identified as U.S. Condemned shall be tagged or otherwise marked with a serially numbered metal ear tag bearing the term "U.S. Condemned."

(c) The devices described in paragraphs (a) and (b) of this section shall be the official devices for identification of livestock required to be identified, respectively, as U.S. Suspect or U.S. Condemned as provided in this part.

PART 310—POST MORTEM INSPECTION

Sec.	
310.1	Extent and time of post mortem inspection.
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310.8	Passing and marking of carcasses and parts.
310.9	Anthrax; carcasses not to be eviscerated; disposition of affected carcasses; hides, hoofs, horns, hair, viscera and contents, and fat; handling of blood and scalding vat water; general cleanup and disinfection.
310.10	Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of Hypodermiae, external parasites and other pathological skin conditions.
310.11	Cleaning of hog carcasses before incising.
310.12	Sternum to be split; abdominal and thoracic viscera to be removed.
310.13	Carcasses or parts thereof not to be inflated; transferring caul or other fat.
310.14	Handling of bruised parts.
310.15	Hyperimmune swine bled before entering official establishments.
310.16	Inspection of cattle, calf, and sheep lungs; hog lungs not to be saved as edible.
310.17	Inspection of mammary glands.
310.18	Casings, etc., for use as containers of meat food products.
310.19	Contamination of carcasses, organs, or other parts.
310.20	Inspection of kidneys.

§ 310.1 Extent and time of post mortem inspection.

A careful post mortem examination and inspection shall be made of the carcasses and parts thereof of all livestock slaughtered at official establishments. Such inspection and examination shall be made at the time of slaughter unless, because of unusual circumstances, prior arrangements acceptable to the Administrator have been made for deviating from this procedure in specific cases.

§ 310.2 Identification of carcass with certain severed parts thereof and with animal from which derived.

The head, tail, tongue, thymus gland, and all viscera of each slaughtered animal, and all blood and other parts of such animal to be used in the preparation of meat food products or medical products, shall be handled in such a manner as to identify them with the rest of the carcass and as being derived from the particular animal involved, until the post mortem examination of the carcass and parts thereof has been completed. Such handling shall include the retention of ear tags, back tags, implants, and other identifying devices affixed to the animal, in such a way as to relate them to the carcass until the post mortem examination has been completed.

§ 310.3 Carcasses and parts in certain instances to be retained.

Each carcass, including all detached organs and other parts, in which any lesion or other condition is found that might render the meat or any part unfit for food purposes, or otherwise adulterated, and which for that reason would require a subsequent inspection, shall be retained by the Program employee at the time of inspection. The identity of every such retained carcass, detached organ, or other part shall be maintained until the final inspection has been completed. Retained carcasses shall not be washed or trimmed unless authorized by the Program employee.

§ 310.4 Identification of carcasses and parts; tagging.

Such devices and methods as may be approved by the Administrator may be used for the temporary identification of retained carcasses, organs, and other parts. In all cases, the identification shall be further established by affixing "U.S. Retained" tags as soon as practicable and before final inspection. These tags shall not be removed except by a Program employee.

§ 310.5 Condemned carcasses and parts to be so marked; tanking; separation.

Each carcass or part which is found on final inspection to be unsound, unhealthful, unwholesome, or otherwise adulterated shall be conspicuously marked, on the surface tissues thereof, by a Program employee at the time of inspection, as "U.S. Inspected and Condemned." Condemned detached organs and other parts of such character that they cannot be so marked shall be placed immediately in trucks or receptacles which shall be kept plainly marked "U.S.

Inspected and Condemned," in letters not less than 2 inches high. All condemned carcasses and parts shall remain in the custody of a Program employee and shall be disposed of as required in the regulations in Part 314 of this subchapter at or before the close of the day on which they are condemned.

§ 310.6 Carcasses and parts passed for cooking; marking.

Carcasses and parts passed for cooking shall be marked conspicuously on the surface tissues thereof by a Program employee at the time of inspection, "U.S. Passed for Cooking." All such carcasses and parts shall be cooked in accordance with Part 315 of this subchapter, and until so cooked shall remain in the custody of a Program employee.

§ 310.7 Removal of spermatic cords, pizzles, and preputial diverticuli.

Spermatic cords and pizzles shall be removed from all carcasses. Preputial diverticuli shall be removed from hog carcasses.

§ 310.8 Passing and marking of carcasses and parts.

Carcasses and parts found to be sound, healthful, wholesome, and otherwise not adulterated shall be passed and marked as provided in Part 316 of this subchapter. In all cases where carcasses showing localized lesions are passed for food or for cooking and "U.S. Retained" tags are attached to the carcasses, the affected tissues shall be removed and condemned before the tags are removed. "U.S. Retained" tags shall be removed only by a Program employee.

§ 310.9 Anthrax; carcasses not to be eviscerated; disposition of affected carcasses; hides, hoofs, horns, hair, viscera and contents, and fat; handling of blood and scalding vat water; general cleanup and disinfection.

(a) Carcasses found before evisceration to be affected with anthrax shall not be eviscerated but shall be retained, condemned, and immediately tanked or otherwise disposed of as provided in Part 314 of this subchapter.

(b) All carcasses and all parts, including hides, hoofs, horns, hair, viscera and contents, blood, and fat of the livestock, found to be affected with anthrax shall be condemned and immediately disposed of as provided in Part 314 of this subchapter, except that the blood may be handled through the usual blood cooking and drying equipment.

(c) Any part of any carcass that is contaminated with anthrax-infected material through contact with soiled instruments or otherwise shall be immediately condemned and disposed of as provided in Part 314 of this subchapter.

(d) The scalding vat water through which hog carcasses affected with anthrax have passed shall be immediately drained into the sewer and all parts of the scalding vat shall be cleaned and disinfected as provided in paragraph (e) of this section.

(e) (1) That portion of the slaughtering department, including the bleeding

area, scalding vat, gambrelling bench, floors, walls, posts, platforms, saws, cleavers, knives, and hooks, as well as employees' boots and aprons, contaminated through contact with anthrax-infected material, shall, except as provided in subparagraph (2) of this paragraph, be cleaned immediately and disinfected with one of the following disinfectants or other disinfectant¹ approved specifically for this purpose by the Administrator:

(i) A 5 percent solution of sodium hydroxide or commercial lye containing at least 94 percent of sodium hydroxide. The solution shall be freshly prepared immediately before use by dissolving 2½ pounds of sodium hydroxide or lye in 5½ gallons of hot water and shall be applied as near scalding hot as possible to be most effective. (Owing to the extremely caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves and boots to protect the hands and feet, and goggles to protect the eyes, should be taken by those engaged in the disinfection process. It is also advisable to have an acid solution, such as vinegar, in readiness in case any of the sodium hydroxide solution should come in contact with any part of the body.)

(ii) A solution of sodium hypochlorite containing approximately one-half of 1 percent (5,000 parts per million) of available chlorine. The solution shall be freshly prepared.

(iii) When a disinfectant solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before again being used.

(2) In case anthrax infection is found in the hog slaughtering department, an immediate preliminary disinfection shall be made from the head-dropper's station to the point where the disease is detected and the affected carcasses shall be cut down from the rail and removed from the room. Upon completion of the slaughtering of the lot of hogs of which the anthrax-infected animals were a part, slaughtering operations shall cease, and a thorough cleanup and disinfection shall be made, as provided in subparagraph (1) of this paragraph. If the slaughter of the lot has not been completed by the close of the day on which anthrax was detected, the cleanup and disinfection shall not be deferred beyond the close of that day.

(3) The first and indispensable precautionary step for persons who have handled anthrax material is thorough cleansing of the hands and arms with liquid soap and running hot water. It is important that this step be taken immediately after exposure, before vegetative anthrax organisms have had time to form spores. In the cleansing, a brush or other appropriate appliance shall be used to insure the removal of all contaminat-

¹ A list of disinfectants approved for this purpose is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

ing material from under and about the fingernails. This process of cleansing is most effective when performed in repeated cycles of lathering and rinsing rather than in spending the same amount of time in scrubbing with a single lathering. After the hands have been cleansed thoroughly and rinsed free of soap, they may, if desired, be immersed for about 1 minute in a 1:1,000 solution of bichloride of mercury, followed by thorough rinsing in clean running water. Supplies of bichloride of mercury for the purpose must be held in the custody of the officer in charge. (As a precautionary measure, all persons exposed to anthrax infection should report promptly any suspicious condition (sore or carbuncle) or symptom to a physician, in order that anti-anthrax serum or other treatment may be administered as indicated.)

§ 310.10 Carcasses with skin or hide on; cleaning before evisceration; removal of larvae of Hypodermae, external parasites and other pathological skin conditions.

When a carcass is to be dressed with the skin or hide left on, the skin or hide shall be thoroughly washed and cleaned before any incision is made for the purpose of removing any part thereof or evisceration, except that where calves are slaughtered by the kosher method, the heads shall be removed from the carcasses before washing of the carcasses. The skin shall be removed at the time of post mortem inspection from any calf carcass infested with the larvae of the "oxwarble" fly (*Hypoderma lineata* and *Hypoderma bovis*), or external parasites, or affected with other pathological skin conditions.

§ 310.11 Cleaning of hog carcasses before incising.

All hair, scurf, dirt, hoofs, and claws shall be removed from hog carcasses, and the carcasses shall be thoroughly washed and cleaned before any incision is made for inspection or evisceration.

§ 310.12 Sternum to be split; abdominal and thoracic viscera to be removed.

The sternum of each carcass shall be split and the abdominal and thoracic viscera shall be removed at the time of slaughter in order to allow proper inspection.

§ 310.13 Carcasses or parts thereof not to be inflated; transferring caul or other fat.

Carcasses or parts of carcasses shall not be inflated with air. Transferring the caul or other fat from a fat to a lean carcass is prohibited.

§ 310.14 Handling of bruised parts.

When only a portion of a carcass is to be condemned on account of slight bruises, either the bruised portion shall be removed immediately and disposed of in accordance with Part 314 of this subchapter, or the carcass shall be promptly placed in a retaining room and kept until chilled and the bruised portion shall then be removed and disposed of as provided in Part 314 of this subchapter.

§ 310.15 Hyperimmune swine bled before entering official establishments.

Carcasses of hyperimmune swine which have been given the final bleeding at a serum plant under the supervision of an inspector may be transferred to an official establishment for dressing and post mortem inspection in accordance with the provisions of this section. The transfer of such carcasses to the official establishment shall be made as promptly as possible and their delivery to the scalding vat shall be accomplished within 1 hour from the time bleeding is completed. The identity of the carcasses of hyperimmune swine shall be maintained in such manner as to positively identify them and to indicate the time of final bleeding.

§ 310.16 Inspection of cattle, calf, and sheep lungs; hog lungs not to be saved as edible.

(a) All cattle, calf, and sheep lungs intended for food purposes shall be inspected to determine whether foreign matter is present in the air passages. The main bronchi and branches shall be slit by employees of the establishment and, if ingesta or other objectionable foreign matter has entered these passages, the lungs shall be condemned.

(b) Hog lungs shall not be saved as edible product.

§ 310.17 Inspection of mammary glands.

(a) Lactating mammary glands and diseased mammary glands of cattle, sheep, swine, and goats shall be removed without opening the milk ducts or sinuses. If pus or other objectionable material is permitted to come in contact with the carcass, the parts of the carcass thus contaminated shall be removed and condemned.

(b) Nonlactating cow udders may be saved for food purposes provided suitable facilities for handling and inspecting them are provided. Examination of udders by palpation and when necessary by incision in sections no greater than 2 inches in thickness shall be done by establishment employees. All udders showing disease lesions shall be condemned by a Program employee. Each udder shall be properly identified with its respective carcass and kept separate and apart from other udders until its disposal has been accomplished in accordance with the provisions of Part 311 of this subchapter.

(c) Lactating mammary glands of cattle, sheep, swine, and goats shall not be saved for edible purposes.

(d) The udders from cows officially designated as "Brucellosis reactors" or as "Mastitis elimination cows" shall be condemned.

§ 310.18 Casings, etc., for use as containers of meat food products.

(a) Beef rounds, beef bungs, beef middles, beef bladders, calf rounds, hog bungs, hog middles, and hog stomachs which are to be used as containers of any meat food product shall be presented for inspection, turned with the fat surface exposed.

(b) Portions of casings which show infestation with *Oesophagostomum* or other nodule-producing parasite, and weasands infested with the larvae of *Hypoderma lineatum*, shall be rejected, except that when the infestation is slight and the nodules and larvae are removed, the casing or weasand may be passed.

§ 310.19 Contamination of carcasses, organs, or other parts.

(a) Carcasses, organs, and other parts shall be handled in a sanitary manner to prevent contamination with fecal material, urine, bile, hair, dirt, or foreign matter. Accidental contamination of this type shall be promptly removed by washing or trimming in a manner satisfactory to the inspector.

(b) Brains, cheek meat, and head trimmings from animals stunned by lead, sponge iron, or frangible bullets shall not be saved for use as human food but shall be handled as described in § 314.1 or § 314.3 of this subchapter.

§ 310.20 Inspection of kidneys.

An employee of the establishment shall open the kidney capsule and expose the kidneys of all livestock at the time of slaughter for the purpose of examination by a Program employee.

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

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 311.23 Tapeworm cysts in cattle.
 311.24 Hogs affected with tapeworm cysts.
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 311.26 Emaciation.
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 311.37 Odors, foreign and urine.
 311.38 Meat and meat byproducts from livestock which have been exposed to radiation.
 311.39 Biological residues.

§ 311.1 Disposal of diseased or otherwise adulterated carcasses and parts; general.

(a) The carcasses or parts of carcasses of all animals slaughtered at an official establishment and found at the time of slaughter or at any subsequent inspection to be affected with any of the diseases or conditions named in this part shall be disposed of according to the section pertaining to the disease or condition: *Provided*, That no product shall be passed for human food under any such section unless it is found to be otherwise not adulterated. Owing to the fact that it is impracticable to formulate rules covering every case and to designate at just what stage a disease process or a condition results in adulteration of a product, the decision as to the disposal of all carcasses, organs, or other parts not specifically covered in Part 311 of this subchapter shall be left to the officer in charge. The officer in charge shall exercise his judgment regarding the disposition of all carcasses or parts of carcasses under this part in a manner which will insure that only wholesome, unadulterated product is passed for human food.

(b) In cases of doubt as to a condition, a disease, or the cause of a condition, or to confirm a diagnosis, representative specimens of the affected tissues properly prepared and packaged shall be sent for examination to one of the laboratories of the Biological Control Section of the Program.

§ 311.2 Tuberculosis.

Carcasses of livestock affected with tuberculosis shall be disposed of as follows:

(a) *Carcasses condemned.* The entire carcass shall be condemned if any of the following conditions occur:

(1) When the lesions of tuberculosis are generalized. Tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of the bacilli into the systemic circulation.

(2) When the animal was observed to have a fever on ante mortem inspection which was found to be associated with an active tuberculous lesion on post mortem inspection.

(3) When there is an associated cachexia.

(4) When tuberculous lesions are found in the muscles or intermuscular tissues, or bones, or joints, or in the body lymph nodes as a result of draining the muscles, bones, or joints.

(5) When the lesions are extensive in organs and tissues of either the thoracic or the abdominal cavity.

(6) When the lesions are multiple, acute, and actively progressive.

(7) When the lesions are more extensive than those described under paragraph (c) of this section and the character or extent of the lesions are not indicative of a localized condition.

(b) *Disposition of organs or other parts.* An edible organ or other part of a carcass affected by localized tuberculosis shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph node contains lesions of tuberculosis.

(c) *Carcasses passed for human food.* The following principles shall apply to the disposition for food of carcasses not required to be condemned under paragraph (a) of this section. Because there is a difference in the pathogenesis of tuberculosis in swine and cattle, a distinction shall be made in the disposition of carcasses of animals affected with tuberculosis in these two species.

(1) The disease in swine usually affects the digestive system primarily. The carcass may be passed for human food after disposal of the affected parts as required by paragraph (b) of this section, when the lesions are localized and confined to the primary seats of infection, such as the cervical lymph nodes, mesenteric lymph nodes, and hepatic lymph nodes.

(2) The disease in cattle usually affects the respiratory system primarily. The carcass may be passed for human food after disposal of the affected parts as required by paragraph (b) of this section, when the lesions are localized and confined to the primary seats of infection, such as the cervical lymph nodes, the bronchial lymph nodes and the mediastinal lymph nodes and have not progressed beyond the mesenteric lymph nodes.

(3) In the case of other animals, carcasses demonstrating lesions of tuberculosis shall be disposed of as required by paragraph (a) or (d) of this section depending on the character and extent of the lesion.

(d) *Carcasses passed for cooking.* Carcasses which reveal lesions more severe or more numerous than those described in subparagraph (1) or (2) of paragraph (c) of this section, but not so severe nor so numerous as the lesions described in paragraph (a) of this section, may be passed for cooking in accordance with Part 315 of this subchapter, if the character or extent of the lesions are indicative of a localized condition and

are calcified or encapsulated and the affected organ or part is condemned.

§ 311.3 Hog cholera.

(a) The carcasses of all hogs affected with hog cholera shall be condemned.

(b) Inconclusive but suspicious symptoms of hog cholera observed during the ante mortem inspection of a U.S. suspect shall be duly considered in connection with post mortem findings and when the carcass of such a suspect shows lesions in the kidneys and the lymph nodes which resemble lesions of hog cholera, they shall be regarded as those of hog cholera and the carcass shall be condemned.

(c) When lesions resembling those of hog cholera occur in kidneys and lymph nodes of carcasses of hogs which appeared normal on ante mortem inspection, further inspection of such carcasses shall be made for corroborative lesions. If on such further inspection, characteristic lesions of hog cholera are found in some organ or tissue in addition to those in the kidneys or in the lymph nodes or in both, then all lesions shall be regarded as those of hog cholera and the carcass shall be condemned.

§ 311.4 Carcasses of swine injected with hog cholera virus.

(a) Carcasses of swine, other than hyperimmune swine, if presented for inspection after 28 days following injection with hog cholera virus shall be given post mortem inspection in conformity with this Part without reference to the injected virus.

(b) Carcasses of hyperimmune swine if presented for inspection after 10 days following hyperimmunization shall be given post mortem inspection in conformity with this part without reference to the injected virus.

§ 311.5 Swine erysipelas.

Carcasses affected with swine erysipelas which is acute or generalized, or which show systemic change, shall be condemned.

§ 311.6 Diamond-skin disease.

Carcasses of hogs affected with diamond-skin disease when localized and not associated with systemic change may be passed for human food after removal and condemnation of the affected parts, provided such carcasses are otherwise healthy.

§ 311.7 Arthritis.

(a) Carcasses affected with arthritis which is localized and not associated with systemic change may be passed for food after removal and condemnation of all affected parts. Affected joints with corresponding lymph nodes shall be removed and condemned. In order to avoid contamination of the meat which is passed, a joint capsule shall not be opened until after the affected joint is removed.

(b) Carcasses affected with arthritis shall be condemned when there is evidence of systemic involvement.

§ 311.8 Cattle carcasses affected with anasarca or generalized edema.

(a) Carcasses of cattle found on post mortem inspection to be affected with anasarca in advanced stages and characterized by an extensive or well-marked generalized edema shall be condemned.

(b) Carcasses of cattle, including their detached organs and other parts, found on post mortem inspection to be affected with anasarca to a lesser extent than as described in paragraph (a) of this section may be passed for human food after removal and condemnation of the affected tissues, provided the lesion is localized.

§ 311.9 Actinomycosis and actinobacillosis.

(a) The definition of generalization as outlined for tuberculosis in § 311.2(a) shall apply for actinomycosis and actinobacillosis, and carcasses of livestock with generalized lesions of either such disease shall be condemned.

(b) Carcasses of livestock in a well-nourished condition showing uncomplicated localized lesions of actinomycosis or actinobacillosis may be passed for human food after the infected organs or other infected parts have been removed and condemned, except as provided in paragraphs (c) and (d) of this section.

(c) Heads affected with actinomycosis or actinobacillosis, including the tongue, shall be condemned, except that when the disease of the jaw is slight, strictly localized, and without suppuration, fistulous tracts, or lymph node involvement, the tongue, if free from disease, may be passed, or, when the disease is slight and confined to the lymph nodes, the head including the tongue, may be passed for human food after the affected nodes have been removed and condemned.

(d) When the disease is slight and confined to the tongue, with or without involvement of the corresponding lymph nodes, the head may be passed for human food after removal and condemnation of the tongue and corresponding lymph nodes.

§ 311.10 Anaplasmosis, anthrax, babesiosis, bacillary hemoglobinuria in cattle, blackleg, bluetongue in sheep, hemorrhagic septicemia, icterohematuria in sheep, infectious bovine rhinotracheitis, leptospirosis, malignant epizootic catarrh, strangles, purpura hemorrhagica, azoturia, infectious equine encephalomyelitis, toxic encephalomyelitis (forage poisoning), infectious anemia (swamp fever), dourine, acute influenza, generalized osteoporosis, glanders (farcy), acute inflammatory lameness, extensive fistula, and unhealed vaccine lesions.

(a) Carcasses of livestock affected with or showing lesions of any of the following named diseases or conditions shall be condemned:

- (1) Anthrax.
- (2) Blackleg.
- (3) Unhealed vaccine lesions (vacinia).
- (4) Strangles.

- (5) Purpura hemorrhagica.
- (6) Azoturia.
- (7) Infectious equine encephalomyelitis.

(8) Toxic encephalomyelitis (forage poisoning).

- (9) Infectious anemia (swamp fever).
- (10) Dourine.
- (11) Acute influenza.
- (12) Generalized osteoporosis.
- (13) Glanders (farcy).
- (14) Acute inflammatory lameness.
- (15) Extensive fistula.

(b) Carcasses of livestock affected with or showing lesions of any of the following named diseases or conditions shall be condemned, except when recovery has occurred to the extent that only localized lesions persist, in which case the carcass may be passed for human food after removal and condemnation of the affected organs or other parts.

- (1) Anaplasmosis.
- (2) Bacillary hemoglobinuria in cattle.
- (3) Babesiosis (piroplasmosis).
- (4) Bluetongue in sheep.
- (5) Hemorrhagic septicemia.
- (6) Icterohematuria in sheep.
- (7) Infectious bovine rhinotracheitis.
- (8) Leptospirosis.
- (9) Malignant epizootic catarrh.

§ 311.11 Neoplasms.

An individual organ or other part of a carcass affected with a neoplasm shall be condemned. If there is evidence of metastasis or that the general condition of the animal has been adversely affected by the size, position, or nature of the neoplasm, the entire carcass shall be condemned.

§ 311.12 Epithelioma of the eye of cattle.

(a) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph node shall be condemned in their entirety if one of the following three conditions exists:

- (1) The affection has involved the osseous structures of the head with extensive infection, suppuration, and necrosis;
- (2) There is metastasis from the eye, the orbital region, and/or the corresponding parotid lymph node to other lymph nodes, internal organs, muscles, skeleton, or other structures, regardless of the extent of the primary tumor; or
- (3) The affection, regardless of extent, is associated with cachexia or evidence of absorption or secondary changes.

(b) Carcasses of animals affected with epithelioma of the eye, of the orbital region, and/or of the corresponding parotid lymph node to a lesser extent than as described in paragraph (a) of this section may be passed for human food after removal and condemnation of the head, including the tongue, provided the carcass is otherwise normal.

§ 311.13 Pigmentary conditions: melanosis, xanthosis, ochronosis, etc.

(a) Except as provided in § 311.19, carcasses of livestock showing generalized pigmentary deposits shall be condemned.

(b) The affected parts of carcasses showing localized pigmentary deposits of

such character as to be unwholesome or otherwise adulterated shall be removed and condemned.

§ 311.14 Abrasions, bruises, abscesses, pus, etc.

All slight, well-limited abrasions on the tongue and inner surface of the lips and mouth, when without lymph node involvement, shall be carefully excised, leaving only sound, normal tissue, which may be passed for human food. Any organ or other part of a carcass which is badly bruised or which is affected by an abscess, or a suppurating sore shall be condemned; and when the lesions are of such character or extent as to affect the whole carcass, the whole carcass shall be condemned. Portions of carcasses which are contaminated by pus or other diseased material shall be condemned.

§ 311.15 Brucellosis.

Carcasses affected with localized lesions of brucellosis may be passed for human food after the affected parts are removed and condemned.

§ 311.16 Carcasses so infected that consumption of the meat may cause food poisoning.

(a) All carcasses of animals so infected that consumption of the products thereof may give rise to food poisoning shall be condemned. This includes all carcasses showing signs of:

- (1) Acute inflammation of the lungs, pleura, pericardium, peritoneum, or meninges.
- (2) Septicemia or pyemia, whether puerperal, traumatic, or without any evident cause.
- (3) Gangrenous or severe hemorrhagic enteritis or gastritis.
- (4) Acute diffuse metritis or mammitis.
- (5) Phlebitis of the umbilical veins.
- (6) Septic or purulent traumatic pericarditis.

(7) Any acute inflammation, abscess, or suppurating sore, if associated with acute nephritis, fatty and degenerated liver, swollen soft spleen, marked pulmonary hyperemia, general swelling of lymph nodes, diffuse redness of the skin, cachexia, icteric discoloration of the carcass or similar condition, either singly or in combination.

- (8) Salmonellosis.

(b) Implements contaminated by contact with carcasses affected with any of the disease conditions mentioned in this section shall be thoroughly cleaned and disinfected as prescribed in Part 308 of this subchapter. The equipment used in the dressing of such carcasses, such as viscera trucks or inspection tables, shall be disinfected with hot water having a minimum temperature of 180° F. Carcasses or parts of carcasses contaminated by contact with such diseased carcasses shall be condemned unless all contaminated tissues are removed within 2 hours.

§ 311.17 Necrobacillosis, pyemia, and septicemia.

From the standpoint of meat inspection, necrobacillosis may be regarded as a local infection at the beginning, and

carcasses in which the lesions are localized may be passed for human food if in a good state of nutrition, after those portions affected with necrotic lesions are removed and condemned. However, when emaciation, cloudy swelling of the parenchymatous tissue of organs or enlargement of the lymph nodes is associated with the infection, it is evident that the disease has progressed beyond the condition of localization to a state of toxemia, and the entire carcass shall therefore be condemned as both unwholesome and noxious. Pyemia or septicemia may intervene as a complication of the local necrosis, and when present the carcass shall be condemned in accordance with § 311.16.

§ 311.18 Caseous lymphadenitis.

(a) A thin carcass showing well-marked lesions in the viscera and the skeletal lymph nodes, or a thin carcass showing extensive lesions in any part shall be condemned.

(b) A thin carcass showing well-marked lesions in the viscera with only slight lesions elsewhere or showing well-marked lesions in the skeletal lymph nodes with only slight lesions elsewhere may be passed for cooking.

(c) A thin carcass showing only slight lesions in the skeletal lymph nodes and in the viscera may be passed for human food without restriction.

(d) A well-nourished carcass showing well-marked lesions in the viscera and with only slight lesions elsewhere or showing well-marked lesions confined to the skeletal lymph nodes with only slight lesions elsewhere may be passed for human food without restriction.

(e) A well-nourished carcass showing well-marked lesions in the viscera and the skeletal lymph nodes may be passed for cooking; but where the lesions in a well-nourished carcass are both numerous and extensive, it shall be condemned.

(f) All affected organs and nodes of carcasses passed for human food without restriction or passed for cooking shall be removed and condemned.

(g) As used in this section, the term "thin" shall not be held applicable to a carcass which is anemic or emaciated; and the term "lesions" refers to lesions of caseous lymphadenitis.

§ 311.19 Icterus.

Carcasses showing any degree of icterus with a parenchymatous degeneration of organs, the result of infection or intoxication, and those which show a pronounced yellow or greenish yellow discoloration without evidence of infection or intoxication, shall be condemned. Other carcasses affected with icterus-like discoloration which disappears upon chilling may be passed for human food. If the discoloration does not disappear upon chilling, the meat from the carcasses may be passed for use in comminuted meat food product or for rendering. No carcass retained under this section may be passed for human food unless final inspection thereof is completed under natural light.

§ 311.20 Sexual odor of swine.

(a) Carcasses of swine which give off a pronounced sexual odor shall be condemned.

(b) The meat of swine carcasses which give off a sexual odor less than pronounced may be passed for use in comminuted cooked meat food product or for rendering. Otherwise it shall be condemned.

§ 311.21 Mange or scab.

Carcasses of livestock affected with mange or scab in advanced stages, showing cachexia or extensive inflammation of the flesh, shall be condemned. When the disease is slight, the carcass may be passed after removal of the affected portion.

§ 311.22 Hogs affected with urticaria, tinea tonsurans, demodex folliculorum, or erythema.

Carcasses of hogs affected with urticaria (nettle rash), tinea tonsurans, demodex folliculorum, or erythema may be passed for human food after detaching and condemning the affected skin, if the carcass is otherwise not adulterated.

§ 311.23 Tapeworm cysts in cattle

(a) Carcasses of cattle affected with tapeworm cysts shall be disposed of as follows:

(1) Carcasses of cattle infected with tapeworm cysts shall be condemned if the infestation is excessive or if the meat is watery or discolored. Carcasses shall be considered excessively infested if incisions in various parts of the musculature expose one or more cysts on most of the cut surfaces.

(2) Carcasses of cattle in which tapeworm cyst infestation is limited to one dead and degenerated cyst may be passed for human food after removal and condemnation of the cyst.

(3) Carcasses of cattle showing a slight or moderate tapeworm cyst infestation other than that indicated in subparagraph (2) of this paragraph but not so extensive as indicated in subparagraph (1) of this paragraph, as determined by a careful examination of the heart, muscles of mastication, diaphragm and its pillars, tongue, and portions of the carcass rendered visible by the process of dressing, may be passed for human food after removal and condemnation of the cysts with surrounding tissues: *Provided*,

That the carcasses, appropriately identified by U.S. Retained tags, are held in cold storage at a temperature not higher than 15° F. continuously for a period of not less than 10 days: *And provided further*, That the boned meat from such carcasses when in boxes, tierces, or other containers, appropriately identified by U.S. Retained tags, is held at a temperature of not higher than 15° F. continuously for a period of not less than 20 days. As an alternative to retention in cold storage as provided in this subparagraph, such carcasses and meat may be heated throughout to a temperature of at least 140° F.

(b) The edible viscera of carcasses passed for human food or passed for human food after refrigeration or heating under paragraph (a) (2) or (3) of this section may be passed for human food without refrigeration or heating if they are found to be free from cysts on final inspection. This shall not include the lungs, fat, muscles of the oesophagus, and the heart, which shall be disposed of in the same manner as the rest of the carcasses under paragraph (a) of this section. The intestines, oesophagi, and bladders from beef carcasses affected with tapeworm cysts which have been passed for human food or passed for human food after refrigeration or heating under paragraph (a) (2) or (3) of this section may be used for casings after they have been subjected to the usual method of preparation. They may be passed for such purpose upon completion of the final inspection.

§ 311.24 Hogs affected with tapeworm cysts.

Carcasses of hogs affected with tapeworm cysts (*Cysticercus cellulosae*) may be passed for cooking, but if the infestation is excessive, the carcass shall be condemned.

§ 311.25 Parasites not transmissible to man; tapeworm cysts in sheep; hydatid cysts; flukes; gid bladder-worms.

(a) In the disposal of carcasses, edible organs, and other parts of carcasses showing evidence of infestation with parasites not transmissible to man, the following general rules shall govern except as otherwise provided in this section: If the lesions are localized in such manner and are of such character that the parasites and the lesions caused by them can be completely removed, the non-affected portion of the carcass, organ, or other part of the carcass may be passed for human food after the removal and condemnation of the affected portions. If an organ or other part of a carcass shows numerous lesions caused by parasites, or if the character of the infestation is such that complete extirpation of the parasitic infestation or invasion renders the part in any way unfit for human food, the affected part shall be condemned. If parasites are found to be distributed in a carcass in such a manner or to be of such character that their removal and the removal of the lesions caused by them is impracticable, no part of the carcass shall be passed for human food. If the infestation is excessive, the carcass shall be condemned. If the infestation is moderate, the carcass may be passed for cooking, but in case such carcass is not cooked as required by Part 315 of this subchapter, it shall be condemned.

(b) In the case of sheep carcasses affected with tapeworm cysts (*Cysticercus ovis*, so-called sheep measles, not transmissible to man), such carcasses may be passed for human food after the removal and condemnation of the affected portions: *Provided, however*, That if, upon the final inspection of sheep car-

carcasses retained on account of measles, the total number of cysts found embedded in any muscle, or in immediate relation with muscular tissue, excluding the heart, exceed five, this shall be taken to indicate that the cysts are so generally distributed and so numerous that their removal would be impracticable, and the entire carcass shall be condemned or passed for cooking after removal and condemnation of the affected portions according to the degree of infestation.

(c) Carcasses found infested with gid bladder-worms (*Coenurus cerebralis*, *Multiceps multiceps*) may be passed for human food after condemnation of the affected organ (brain or spinal cord).

(d) Organs or other parts of carcasses infested with hydatid cysts (*Echinococcus*) shall be condemned.

(e) Livers infested with flukes or fringed tapeworms shall be condemned.

§ 311.26 Emaciation.

Carcasses of livestock too emaciated to produce wholesome meat, and carcasses which show a serous infiltration of muscle tissues, or a serous or mucoid degeneration of the fatty tissue, shall be condemned. A gelatinous change of the fat about the heart and kidneys of well-nourished carcasses and mere leanness shall not be classed as emaciation.

§ 311.27 Injured animals slaughtered at unusual hours.

When it is necessary for humane reasons to slaughter an injured animal at night or on Sunday or a holiday when the inspector cannot be obtained, the carcass and all parts shall be kept for inspection, with the head and all viscera except the stomach, bladder, and intestines held by the natural attachments. If all parts are not so kept for inspection, the carcass shall be condemned. If, on inspection of a carcass slaughtered in the absence of an inspector, any lesion or other evidence is found indicating that the animal was sick or diseased, or affected with any other condition requiring condemnation of the animal on ante mortem inspection, or if there is lacking evidence of the condition which rendered emergency slaughter necessary, the carcass shall be condemned.

§ 311.28 Carcasses of young calves, pigs, kids, lambs, and foals.

Carcasses of young calves, pigs, kids, lambs, and foals are unwholesome and shall be condemned if (a) the meat has the appearance of being water-soaked, is loose, flabby, tears easily, and can be perforated with the fingers; or (b) its color is grayish-red; or (c) good muscular development as a whole is lacking, especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small edematous patches are sometimes present between the muscles; or (d) the tissue which later develops as the fat capsule of the kidneys is edematous, dirty yellow, or grayish-red, tough, and intermixed with islands of fat.

§ 311.29 Unborn and stillborn animals.

All unborn and stillborn animals shall be condemned and no hide or skin thereof shall be removed from the carcass within a room in which edible products are handled.

§ 311.30 Livestock suffocated and hogs scalded alive.

All livestock which have been suffocated in any way and hogs which have entered the scalding vat alive shall be condemned.

§ 311.31 Livers affected with carotenosis; livers designated as "telangiectatic," "sawdust," or "spotted."

(a) Livers affected with carotenosis shall be condemned.

(b) Cattle livers and calf livers showing the conditions sometimes designated as "telangiectatic," "sawdust," or "spotted" shall be disposed of as follows:

(1) When any or all of the conditions are slight in an organ, the whole organ shall be passed for human food without restriction.

(2) When any or all of the conditions are less severe than extensive, but more severe than slight, in a portion of an organ, while in the remainder of the organ the conditions are slight, the remainder shall be passed for human food without restriction and the other portion shall be passed for cooking.

(3) When any or all of the conditions involve the whole organ, and are less severe than extensive, but more severe than slight, the whole organ shall be passed for cooking.

(4) When any or all of the conditions are extensive in less than one-half of the organ, while in the remainder of the organ the conditions are slight, the remainder shall be passed for human food without restriction and the other portion shall be condemned.

(5) When any or all of the conditions are extensive in less than one-half of the organ, while in any or all of the remainder of the organ the conditions are more severe than slight yet less severe than extensive, all of the remainder shall be passed for cooking and the other portion shall be condemned.

(6) When any or all of the conditions are extensive and involve one-half or more of an organ, the whole organ shall be condemned.

(7) The division of an organ into but two parts as contemplated in this paragraph for disposition, shall be accomplished by one cut through the organ. This, of course, does not prohibit incisions which are necessary for inspection.

(c) Livers and parts of livers which are passed for cooking shall be held and cooked in the establishment where produced. They shall be cooked sufficiently to impart a cooked appearance throughout the liver. After cooking, the liver may be released for any purpose.

§ 311.32 Vesicular diseases.

(a) Any carcass affected with vesicular disease shall be condemned if the

condition is acute and if the extent of the condition is such that it affects the entire carcass or there is evidence of absorption or secondary change.

(b) Any carcass affected with vesicular disease to a lesser extent than as described in paragraph (a) of this section may be passed for human food after removal and condemnation of the affected parts, if the carcass is otherwise healthy.

§ 311.33 Listeriosis.

Carcasses of livestock identified as U.S. Suspects because of a history of listeriosis shall be passed for human food after condemnation of the head if the carcass is otherwise normal.

§ 311.34 Anemia.

Carcasses of livestock too anemic to produce wholesome meat shall be condemned.

§ 311.35 Muscular inflammation, degeneration, or infiltration.

(a) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is impractical, the carcass shall be condemned.

(b) If muscular lesions are found to be distributed in such a manner or to be of such character that removal is practical, the following rules shall govern the disposal of the carcasses, edible organs, and other parts of carcasses showing such muscular lesions: If the lesions are localized in such a manner and are of such a character that the affected tissues can be removed, the nonaffected parts of the carcass may be passed for human food after the removal and condemnation of the affected portion. If a part of the carcass shows numerous lesions, or if the character of the lesion is such that complete extirpation is difficult and uncertainly accomplished, or if the lesion renders the part in any way unfit for human food, the part shall be condemned.

(c) If the lesions are slight or of such character as to be insignificant from a standpoint of wholesomeness, the carcass or parts may be passed for use in the manufacture of comminuted cooked product, after removal and condemnation of the visibly affected portions.

§ 311.36 Coccidioid granuloma.

(a) Carcasses which are affected with generalized coccidioid granuloma or which show systemic changes because of such disease shall be condemned.

(b) Carcasses affected with localized lesions of this disease may be passed for human food after the affected parts are removed and condemned.

§ 311.37 Odors, foreign and urine.

(a) Carcasses which give off a pronounced odor of medicinal, chemical, or other foreign substance shall be condemned.

(b) Carcasses which give off a pronounced urine odor shall be condemned.

(c) Carcasses, organs, or parts affected by odor to a lesser degree than as described in paragraphs (a) and (b) of this section and in which the odor can be re-

moved by trimming or chilling may be passed for human food, after removal of affected parts or dissipation of the condition.

§ 311.38 Meat and meat byproducts from livestock which have been exposed to radiation.

Meat and meat byproducts from livestock which have been administered radioactive material shall be condemned unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act.

§ 311.39 Biological residues.

Carcasses, organs, or other parts of carcasses of livestock shall be condemned if it is determined that they are adulterated because of the presence of any biological residues, or for any other reason.

PART 312—OFFICIAL MARKS, DEVICES, AND CERTIFICATES

- Sec.
- 312.1 General.
- 312.2 Official marks and devices to identify inspected and passed products of cattle, sheep, swine, or goats.
- 312.3 Official marks and devices to identify inspected and passed equine products.
- 312.4 Official ante mortem inspection marks and devices.
- 312.5 Official seals for transportation of products.
- 312.6 Official marks and devices in connection with post mortem inspection and identification of adulterated products and insanitary equipment and facilities.
- 312.7 Official import inspection marks.
- 312.8 Official export inspection marks and certificates.
- 312.9 Official detention marks and devices.

§ 312.1 General.

The marks, devices, and certificates prescribed or referenced in this part shall be official marks, devices, and certificates for purposes of the Act, and shall be used in accordance with the provisions of this part and the regulations cited therein.

§ 312.2 Official marks and devices to identify inspected and passed products of cattle, sheep, swine, or goats.

(a) The official inspection legend required by Part 316 of this subchapter to be applied to inspected and passed carcasses and parts of carcasses of cattle, sheep, swine, and goats, meat food products in animal casings and other products shall be in the form approved by the Director, Technical Services Division.¹

(b) (1) The official inspection legend required by Part 317 of this subchapter to be shown on all labels for inspected and passed products of cattle, sheep, swine, and goats shall be in the form approved by the Director, Technical Services Division.¹ The legend need not be of a uniform size, provided that it is of a sufficient size and of such color as to be conspicuously displayed and readily legible.

¹ See footnote at end of Part 312.

(2) This official mark shall be applied by mechanical means and shall not be applied by a hand stamp.

(3) The official inspection legend described in subparagraph (1) of this paragraph may also be used for purposes of Part 316 of this subchapter on shipping containers, band labels, artificial casings, and other articles with the approval of the Director, Technical Services Division.

(c) Any brand, stamp, label, or other device approved by the Administrator and bearing any official mark prescribed in paragraph (a), (b), or (c) of this section shall be an official device for purposes of the Act.

§ 312.3 Official marks and devices to identify inspected and passed equine products.

(a) The official inspection legend required by § 316.12 or § 317.2 of this subchapter to identify inspected and passed horse carcasses and parts of carcasses, or horse meat food products shall be in the form prescribed by the Director, Technical Services Division.¹

(b) The official inspection legend required by § 316.12 or § 317.2 of this subchapter to identify inspected and passed mule and other (nonhorse) equine carcasses and parts of carcasses, or equine meat food products shall be in the form prescribed by the Director, Technical Services Division.¹

(c) Any brand, stamp, label, or other device approved by the Administrator and bearing any official mark prescribed in paragraph (a) or (b) of this section shall be an official device for purposes of the Act.

§ 312.4 Official ante mortem inspection marks and devices.

The official marks and devices used in connection with ante mortem inspection are those prescribed in § 309.18 of this subchapter.

§ 312.5 Official seals for transportation of products.

(a) The official seal for use in sealing railroad cars or other means of conveyance as prescribed in Part 325 of this subchapter shall be any device used by the Department for such purpose and bearing the inscription "U.S. Inspected and Passed" and a serial number.¹ This seal shall be attached to the means of conveyance with the "Warning" tag (Form CP-408-3).¹

(b) The official import meat seal for use in sealing railroad cars and other means of conveyance as prescribed in Part 327 of this subchapter shall be any device used by the Department for such purpose and bearing the inscription "Foreign Meat U.S." and a serial number.¹ This seal shall be attached to the means of conveyance with the "Warning" tag (Form CP-408-3).¹

§ 312.6 Official marks and devices in connection with post mortem inspection and identification of adulterated products and insanitary equipment and facilities.

(a) The official marks required by Parts 308 and 310 of this subchapter for use in post mortem inspection and identification of adulterated products and insanitary equipment and facilities are:

(1) The "U.S. Retained" mark shall be applied to products and articles as prescribed in Part 310 of this subchapter by means of a tag (Form C&MS-510).¹

(2) The "U.S. Rejected" mark shall be used to identify insanitary buildings, rooms, or equipment as prescribed in Part 308 of this subchapter and shall be applied by means of a tag (Form C&MS-510).¹

(3) The tag (Form MI-427)¹ is used to retain carcasses and parts of carcasses in the slaughter department; it is black and white, and is a three-section tag as used for hogs, sheep, goats, and calves. A five-section black tag is used for cattle and equines.

(4) The "U.S. Passed for Cooking" mark shall be applied to products as prescribed in Part 310 of this subchapter by means of a brand.¹

(5) The "U.S. Inspected and Condemned" mark shall be applied to products as prescribed in Part 310 of this subchapter by means of a brand.¹

(b) The U.S. Retained and Rejected tags, and any other brand, stamp, label, or other device approved by the Administrator and bearing any official mark prescribed in paragraph (a) of this section shall be an official device for purposes of the Act.

§ 312.7 Official import inspection marks.

The official marks and devices for marking imported products as "U.S. Inspected and Passed" or "U.S. Refused Entry" as required by Part 327 of this subchapter shall be in the form prescribed by the Director, Technical Services Division.¹

§ 312.8 Official export inspection marks and certificates.

(a) The official export meat inspection stamp required by Part 322 of this subchapter shall be Form MI-412-10.¹

(b) The official export certificate required by Part 322 of this subchapter shall be Form MI-412-3.¹

§ 312.9 Official detention marks and devices.

The official mark for articles and livestock detained under Part 329 of this subchapter shall be the designation "U.S. Detained" and the official device for applying such mark shall be a tag in the form set forth in § 329.2 of this subchapter.

¹ Copy filed with the Office of the Federal Register as part of the original document.

PART 314—HANDLING AND DISPOSAL OF CONDEMNED OR OTHER INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

- Sec.
- 314.1 Disposition of condemned products at official establishments having tanking facilities; sealing of tanks.
- 314.2 Tanking and other facilities for inedible products to be separate from edible product facilities.
- 314.3 Disposition of condemned products at official establishments having no tanking facilities.
- 314.4 Suppression of odors in preparing inedible products.

- Sec.
314.5 Inedible rendered fats prepared at official establishments.
314.6 Inedible fats from outside official establishments.
314.7 Carcasses of livestock condemned on ante mortem inspection not to pass through edible product areas.
314.8 Dead animal carcasses.
314.9 Specimens for educational, research, and other nonfood purposes; permits for, required.
314.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal as fish feed.
314.11 Handling of certain condemned products for animal food purposes.

§ 314.1 Disposition of condemned products at official establishments having tanking facilities; sealing of tanks.

(a) Carcasses, parts of carcasses, and other products condemned at official establishments having facilities for tanking shall, except as provided in paragraph (c) of this section or elsewhere in this part, be disposed of by tanking as follows:

(1) The lower opening of the tank shall first be sealed securely by a Program employee, except when permanently connected with a blow line; then the condemned products shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to effectively destroy the contents for human food purposes.

(2) The use of equipment such as crushers or hashers for pretanking preparation of condemned products in the inedible products department has been found to give inedible character and appearance to the material. Accordingly, if condemned products are so crushed or hashed, conveying systems, rendering tanks, and other equipment used in the further handling of crushed or hashed material need not be locked or sealed during the tanking operations. If the rendering tanks or other equipment contain condemned material not so crushed or hashed, the equipment shall be sealed as prescribed in subparagraph (1) of this paragraph. If the crushed or hashed material is not rendered in the establishment where produced, it shall be denatured as provided for in § 314.3.

(b) The seals of tanks shall be broken only by a Program employee after the contents of the tanks have been treated as provided in paragraph (a) of this section. The rendered fat derived from condemned material shall be held until a Program employee shall have had an opportunity to determine whether it conforms with the requirements of this section. Samples shall be taken by Program employees as often as is necessary to determine whether the rendered fat is effectually denatured.

(c) Carcasses of animals condemned under § 309.3 of this subchapter may be disposed of as provided in § 314.3, in lieu of tanking, with the approval of the inspector.

§ 314.2 Tanking and other facilities for inedible products to be separate from edible product facilities.

All tanks and equipment used for rendering, otherwise preparing, or storing inedible products shall be in rooms or compartments separate from those used for preparing or storing edible products. There shall be no connection between rooms or compartments containing inedible products and those containing edible products, except that there may be one connecting doorway between the slaughtering or viscera separating department and the tank charging room of the inedible products rendering department. Pipes and chutes installed in accordance with such arrangements as are permitted by Part 308 of this subchapter, or as may be approved by the Administrator in specific cases, may be used to convey inedible and condemned material from edible product departments to inedible product departments.

§ 314.3 Disposition of condemned products at official establishments having no tanking facilities.

(a) Carcasses, parts of carcasses, and other products condemned at an official establishment which has no facilities for tanking shall, except as provided in paragraph (b) of this section or elsewhere in this part, be denatured with crude carbolic acid, or cresylic disinfectant, or be destroyed by incineration, under the supervision of an inspector. When such product is to be denatured, it shall be freely slashed before the denaturing agent is applied, except that, in the case of dead animals that have not been dressed, the denaturant may be applied by injection. The denaturant must be deposited in all portions of the carcass or product to the extent necessary to preclude its use for food purpose.

(b) All carcasses and parts condemned on account of anthrax, as identified in § 310.9(b) of this subchapter, at official establishments which are not equipped with tanking facilities shall be disposed of by (1) complete incineration, or (2) by thorough denaturing with crude carbolic acid, or cresylic disinfectant and then disposed of in accordance with the requirements of the particular State or municipal authorities, who shall be notified immediately by the officer in charge.

§ 314.4 Suppression of odors in preparing inedible products.

Tanks, fertilizer driers, and other equipment used in the preparation of inedible products shall be properly equipped with condensers and other appliances which will acceptably suppress odors incident to such preparation.

§ 314.5 Inedible rendered fats prepared at official establishments.

Except as provided in § 325.11(c) of this subchapter, rendered animal fat derived from condemned or other inedible materials at official establishments shall be denatured to effectually distinguish it from an edible product, either with low grade offal during the rendering or by adding to, and mixing thoroughly with, such fat, denaturing oil, No. 2 fuel oil,

or brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, and may be shipped in commerce in accordance with § 325.11(d) of this subchapter.

§ 314.6 Inedible fats from outside of official establishments.

Except as provided in § 325.11(c) of this subchapter, inedible fats from outside the premises of any official establishment shall not be received into an official establishment except into the tankroom provided for inedible products, and then only when they have been denatured in accordance with § 314.5 and are marked in accordance with § 316.15 of this subchapter, and when their receipt into the tankroom produces no insanitary condition on the premises; nor shall such fats be received in such volume as interferes with prompt disposal of condemned or other inedible material produced at the establishment. When received, they shall not enter any room or compartment used for edible products.

§ 314.7 Carcasses of livestock condemned on ante mortem inspection not to pass through edible product areas.

Carcasses of livestock which have been condemned on ante mortem inspection shall not be taken through rooms or compartments in which an edible product is prepared, handled, or stored.

§ 314.8 Dead animal carcasses.

(a) With the exception of dead animals which have died en route and are received with animals for slaughter at an official establishment, no dead animal or part of the carcass of any animal that died otherwise than by slaughter may be brought on the premises of an official establishment unless advance permission therefor is obtained from the officer in charge.

(b) Under no circumstances shall the carcass of any animal which has died otherwise than by slaughter, or any part thereof, be brought into any room or compartment in which any edible product is prepared, handled, or stored.

§ 314.9 Specimens for educational, research, and other nonfood purposes; permits for, required.

(a) Specimens of condemned or other inedible materials, including embryos and specimens of animal parasites, may be released for educational, research or other nonfood purposes under permit issued by the officer in charge: *Provided*, That the person desiring such specimens makes a written application to the officer in charge for such permit on MI Form 403-10 and arranges with and receives permission from the official establishment to obtain the specimens. Permits shall be issued for a period not longer than 1 year. The permit may be revoked by the officer in charge if the specimens are not used as stated in the application, or if the collection or handling of the specimens interferes with inspection or the maintenance of sanitary conditions in the establishment.

(b) The specimens referred to in paragraph (a) of this section shall be collected and handled only at such time and place and in such manner as not to

interfere with the inspection or to cause any objectionable condition.

§ 314.10 Livers condemned because of parasitic infestation and for other causes; conditions for disposal as fish feed.

(a) Livers condemned on account of fluke infestation may be forwarded as fish feed if they are first freely slashed, then denatured, as provided in this paragraph, and then frozen. The denaturing shall be accomplished by dipping the slashed livers in a hot solution composed of one part FD&C Green #3 or methyl Violet to 5,000 parts of water, followed by washing in fresh water until the washings are no longer colored. Freezing shall be preceded by chilling the livers to a temperature not above 40° F. Livers packed in containers not more than 7 inches thick shall then be held for a period of not less than 10 days at a temperature not higher than 15° F. or for a period of not less than 5 days at a temperature not higher than 10° F. Livers packed in containers over 7 inches but less than 27 inches thick shall be held not less than 20 days at a temperature not higher than 15° F., or for not less than 10 days at a temperature not higher than 10° F. In lieu of freezing, the livers may be thoroughly cooked and then slashed and denatured in the manner indicated above. It is essential that the livers be sufficiently denatured through discoloration by the dye to preclude their use as human food. Freezing may be accomplished in the regular freezer in a properly separated compartment or receptacle held under Program lock.

(b) Livers condemned on account of hydatids or fringed tapeworms may not be forwarded as fish feed unless thoroughly cooked, slashed, and denatured as indicated in paragraph (a) of this section.

(c) Livers condemned on account of parasites other than flukes, hydatids, or fringed tapeworms may be forwarded for use as fish feed without refrigeration or cooking after slashing and denaturing as indicated in paragraph (a) of this section.

(d) Livers condemned for telangiectasis, angioma, "sawdust" condition, cirrhosis, or other nonmalignant change, benign abscesses, or contamination, when these conditions are not associated with infectious diseases in the carcasses, may be forwarded for use as fish feed without refrigeration or cooking: *Provided*, All tissue affected with abscesses is removed and destroyed within the establishment; and *provided further*, That all livers are slashed and denatured as indicated in paragraph (a) of this section.

(e) Livers denatured as specified in this section shall be placed in containers plainly marked "fish feed—inedible", and when shipped in commerce shall be certified as required by § 325.11 of this subchapter.

§ 314.11 Handling of certain condemned products for animal food purposes.

Condemned carcasses of animals affected with one or more of the following

conditions may be used for animal foods provided permission therefor is obtained from the officer in charge: Anasarca, nonsystemic arthritis (after removal of affected joints), Ocular Squamous Cell Carcinoma (after removal of neoplastic tissue), emaciation, eosinophilic myositis, immaturity, nonseptic bruises and injuries (after removal of abnormal tissues), and sarcosporidiosis. This provision is also applicable to articles such as lungs, paunches, and udders, when not handled as required for human food, or unborn calves. Such permission will be granted only if all parts to be so used will be promptly handled, freely slashed and adequately decharacterized as required by § 325.13 of this subchapter. The slashing, decharacterizing, and packing of the product shall be accomplished in an inedible area under the supervision of an inspector. Facilities must be adequate so that the carcasses or parts to be used for animal foods are not contaminated with pus, manure, septic or toxic materials, or similar substances. The operation must not result in insanitary conditions within the establishment.

PART 315—RENDERING OR OTHER DISPOSAL OF CARCASSES AND PARTS PASSED FOR COOKING

Sec.

315.1 Carcasses and parts passed for cooking; rendering into lard, rendered pork fat, or tallow.

315.2 Disposal of products passed for cooking if not handled according to this part.

§ 315.1 Carcasses and parts passed for cooking; rendering into lard, rendered pork fat, or tallow.

Carcasses and parts passed for cooking may be rendered into lard or rendered pork fat in accordance with § 317.8(c) (18) and (20) of this subchapter or rendered into tallow, provided such rendering is done in the following manner:

(a) When closed rendering equipment is used, the lower opening, except when permanently connected with a blow line, shall first be sealed securely by a Program employee; then the carcasses or parts shall be placed in such equipment in his presence, after which the upper opening shall be securely sealed by such employee. When the product passed for cooking in the tank does not consist of a carcass or whole primal part, the requirements for sealing shall be at the discretion of the officer in charge. Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard, rendered pork fat, or tallow, provided all parts of the products are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes.

(b) At establishments not equipped with closed rendering equipment for rendering carcasses and parts passed for cooking into lard, rendered pork fat, and tallow, such carcasses or parts may be rendered in open kettles under the direct supervision of a Program employee. Such rendering shall be done during regular hours of work and in compliance with

the requirements as to temperature and time specified in paragraph (a) of this section.

§ 315.2 Disposal of products passed for cooking if not handled according to this part.

Products passed for cooking if not handled and processed in accordance with the provisions of this part, shall be disposed of in accordance with Part 314 of this subchapter.

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

Sec.

316.1 Authorization required to make devices bearing official marks.

316.2 Approval required for official marks.

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316.13 Marking of outside containers.

316.14 Marking tank cars and tank trucks used in transportation of edible products.

316.15 Marking outside containers of inedible grease, etc.

§ 316.1 Authorization required to make devices bearing official marks.

No brand manufacturer, printer, or other person shall cast, print, lithograph, or otherwise make or cause to be made any device containing any official mark or simulation thereof without prior written authority therefor from the Administrator as provided for in § 317.14 of this subchapter.

§ 316.2 Approval required for official marks.

No device containing any official mark shall be made or caused to be made for use on any product until it has been approved by the Administrator as provided for in § 317.3 of this subchapter.

§ 316.3 Use of official marks prohibited except under supervision of Program employee; removal of official marks, when required.

(a) No person shall affix or place, or cause to be affixed or placed, the official inspection legend or any other official mark, or any abbreviation or simulation of any official mark, to or on any product, or container thereof, except under the supervision of a Program employee.

(b) No person shall fill, or cause to be filled, in whole or in part, with any product, any container bearing or intended to bear any official mark, or any abbreviation or simulation of any official mark, except under the supervision of a Program employee.

(c) Product bearing any official mark shall not be canned, cooked, cured, smoked, salted, packed, rendered, or otherwise prepared by any person for commercial purposes unless:

(1) Such preparation is performed at an official establishment; or

(2) Such preparation is conducted under State or other governmental inspection and the prepared product is marked to show that fact; or

(3) The official marks are removed, defaced or otherwise destroyed before or during such preparation; or

(4) The preparation of the product consists solely of cutting up operations at any establishment exempted from inspection under paragraph 301(c)(2) of the Act or equal provisions of a law of a State or organized Territory or at any establishment in an unorganized Territory exempted under paragraph 23(b) of the Act.

§ 316.4 Marking devices; to be furnished by official establishments; control of.

(a) Each official establishment shall furnish such ink brands, burning brands and any other device for marking products with official marks as the Administrator may determine is necessary for marking products at such establishment. The official inspection legend on such a device shall be as prescribed in § 312.1 of this subchapter.

(b) All official devices for marking products with the official inspection legend, or other official marks, including self-locking seals, shall be used only under the supervision of a Program employee, and, when not in use for marking shall be kept locked in properly equipped lockers or compartments, the keys of which shall not leave the possession of a Program employee.

§ 316.5 Branding ink; to be furnished by official establishments; approval by Program; color.

(a) Each official establishment shall furnish all ink for marking products with the official marks at such establishment. Such ink must be made with harmless ingredients that are approved for the purpose by the Director, Technical Services Division. Samples of inks shall be submitted to the Program laboratory from time to time as may be deemed necessary by the officer in charge.

(b) Only purple ink approved for the purpose shall be used to apply ink brands bearing official marks to carcasses of cattle, sheep, swine or goats and fresh meat cuts derived therefrom.

(c) Green ink shall not be used to apply marks to carcasses of cattle, sheep, swine or goats or fresh meat cuts derived therefrom.

(d) Except as provided in paragraphs (b) and (c) of this section, branding ink of any color, approved for the purpose by

the Director, Technical Services Division, may be used to apply ink brands, including official marks, to processed meat cuts derived from cattle, sheep, swine or goats.

(e) Only green ink approved for the purpose shall be used to apply ink brands including official marks to carcasses and parts of carcasses and meat cuts derived from horses, mules and other equines.

(f) Ink used must assure legibility and permanence of the markings and the color of ink shall provide acceptable contrast with the color of the product to which it is applied.

§ 316.6 Products not to be removed from official establishments unless marked in accordance with the regulations.

No person shall remove or cause to be removed from an official establishment any products which the regulations in this subchapter require to be marked in any way unless they are clearly and legibly marked in compliance with such regulations.

§ 316.7 Marking devices not to be false or misleading; style and size of lettering; approval required.

No brand or other marking device shall be false or misleading. The letters and figures thereon shall be of such style and type as will make a clear and legible impression. All markings to be applied to products in an official establishment shall be approved prior to use by the Administrator as provided for in § 317.3 of this subchapter, except that official markings prescribed by the Federal meat grading regulations (7 CFR 53.19) need not be submitted to the Administrator for approval.

§ 316.8 Unmarked inspected products; moved between official establishments; moved in commerce.

(a) Unmarked products which have been inspected and passed but do not bear the official inspection legend may be transported in compliance with Part 325 of this subchapter from one official establishment to another official establishment, for further processing, in a car, truck, or other closed container, if the car, truck, or container is sealed with an official seal of the Department (as prescribed in Part 312 of this subchapter) bearing the official inspection legend.

(b) Products which have been inspected and passed but do not bear the official inspection legend may be removed from an official establishment in closed containers bearing the official inspection legend and all other information required by this part and Part 317 of this subchapter: *Provided*, That upon removal from such closed container the product may not be further transported in commerce unless such removal was made under the supervision of a Program employee and such product is reinspected by a Program employee and packed under his supervision in containers bearing the official inspection legend and all other information required by this part and Part 317 of this subchapter: *And*

provided further, That unmarked product shall not be brought into an official establishment in an open container.

§ 316.9 Products to be marked with official marks.

(a) Each carcass which has been inspected and passed in an official establishment shall be marked at the time of inspection with the official inspection legend containing the number of the official establishment.

(b) Except as provided otherwise in this part and Part 325 of this subchapter, each primal part of a carcass, the beef cod fat and beef kidney fat, and each liver, beef tongue, and beef heart which has been inspected and passed shall be marked with the official inspection legend containing the number of the official establishment where it was last prepared: *Provided*, That products need not be so marked if packed in properly labeled immediate containers in accordance with the regulations in Part 317 of this subchapter. Additional official marks of inspection may be applied to such products as desired to meet local conditions.

(c) Beef livers shall be marked with the official inspection legend containing the number of the official establishment, at which the cattle involved were slaughtered, on the convex surface of the thickest portion of the organ.

§ 316.10 Marking of meat food products with official inspection legend and ingredient statement.

(a) Inspected and passed sausage and other products in casings or in link form, of the ordinary "ring" variety or larger shall be marked with the official inspection legend and list of ingredients in accordance with Part 317 of this subchapter. The official marks required by this section shall be branded near each end of sausage or similar product prepared in casings when the product is of a size larger than that customarily sold at retail intact.

(b) Inspected and passed sausage and other products, in casings or in link form, of the smaller varieties, shall bear one or more official inspection legends and one or more lists of ingredients on each 2 pounds of product, except where such products leave the official establishment completely enclosed in properly labeled containers having a capacity of 10 pounds or less and containing a single kind of product: *Provided*, That such products in properly labeled closed containers exceeding 10 pounds shipped to another official establishment for further processing or to a governmental agency, need only have the official inspection legend and list of ingredients shown twice throughout the contents of the container. When such products are shipped to another official establishment for further processing, the officer in charge at

the point of origin shall identify the shipment to the officer in charge at destination.

(c) Any product fabricated from two or more ingredients (if susceptible of marking) shall bear a list of the ingredients in accordance with Part 317 of this subchapter: *Provided*, That bockwurst and sausages of the smaller varieties, such as frankfurters and pork sausage, shall bear the list of ingredients at least once on each 2 pounds of product, except that when such product is distributed from an official establishment in an immediate container of a type and size usually sold at retail intact, the list of ingredients on the label of the package shall be sufficient: *And provided further*, That when sausages of the smaller varieties are shipped to another official establishment for further processing, or to a governmental agency, the list of ingredients need appear only twice throughout the contents of containers and when so shipped may be omitted from the contents of containers of 10-pound size or less. When such products are shipped to another official establishment for further processing, the officer in charge at the point of origin shall identify the shipment to the officer in charge at destination by means of Form MI 408-1.

(d) The list of ingredients may be applied by stamping, printing, using paper bands, tags, or tissue strips, or by other means approved by the Administrator.

§ 316.11 Special markings for certain meat food products.

(a) Meat food products, in casing or link form, other than sausage, which possess the characteristics of, or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: *Provided*, That the following need not be so marked if they bear on each link or piece the name of the product in accordance with § 317.2 of this subchapter: Such products as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substance other than curing materials or condiments; meat rolls, bockwurst and similar products which do not contain cereal or vegetables; headcheese, souse, sulze, scrapple, blood pudding, and liver pudding; and other products such as loaves, chill con carne, and meat and cheese products when prepared with sufficient cheese to give definite characteristics to the finished products: *And, provided further*, That imitation sausage packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact, need not bear the word "imitation" on each link or piece if no other marking or labeling is applied directly to the product.

(b) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk or calcium reduced dried skim milk is added to sausage in casing or link form within the limits prescribed in Part 319 of this subchapter, the product shall be marked

with the name of each added ingredient, as for example "cereal added," "potato flour added," "cereal and potato flour added," "soy flour added," "isolated soy protein added," "nonfat dry milk added," "calcium reduced dried skim milk added," or "cereal and nonfat dry milk added," as the case may be.

(c) (1) When product is placed in a casing to which artificial coloring is thereafter applied, as permitted in Part 318 of this subchapter, the product shall be legibly and conspicuously marked by stamping or printing on the casing the words "artificially colored."

(2) If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, the product from which the casing has been removed shall be marked by stamping directly thereon the words "artificially colored."

(3) The casing containing product need not be marked to show that it is colored if it is colored prior to its use as a covering for the product, and the coloring is of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive in any respect.

(d) When an approved artificial smoke flavoring or an approved smoke flavoring is added to any meat food product as permitted in Part 318 of this subchapter, the product shall be legibly and conspicuously marked with the words "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," whichever may be applicable.

(e) Subject to the provisions in paragraph (a) of this section, in the case of sausage of the smaller varieties, the markings prescribed in this section may be limited to links bearing the official inspection legend, and such markings shall not be required if the sausages are packed in properly labeled containers having a capacity of 3 pounds or less and of a kind usually sold at retail intact. Further, all markings otherwise required by this section (except those required by paragraph (a) of this section, may be omitted from the casings of sausage and other meat food products when these products are to be processed in sealed metal containers properly labeled in accordance with the requirements in Part 317 of this subchapter.

(f) When approved antioxidants are added to dried sausage in casings, fresh pork sausage, or dehydrated meats, the products shall be legibly and conspicuously marked in an approved manner to show their presence and the purpose for which they are added, for example, with the statement "oxygen interceptor added to improve stability."

§ 316.12 Marking of equine carcasses and parts thereof.

(a) All inspected and passed equine carcasses and parts thereof prepared at any establishment shall be conspicuously marked with the official inspection legend as prescribed in § 312.2 of this subchapter and with other information prescribed for marking products in this part.

(b) All equine carcasses and meat and other parts thereof shall be marked to

show the kinds of animals from which they were derived, when sold, transported, offered for sale or transportation, or received for transportation in commerce.

§ 316.13 Marking of outside containers.

(a) Except as provided in Part 325 of this subchapter, when any inspected and passed product for domestic commerce is moved from an official establishment, the outside container shall bear an official inspection legend as prescribed in Part 312 of this subchapter.

(b) When any product prepared in an official establishment for domestic commerce has been inspected and passed and is enclosed in a cloth or other wrapping, such wrapping shall bear the official inspection legend and official establishment number applied by the approved 2½-inch rubber brand in the form prescribed in Part 312 of this subchapter: *Provided*, That the rubber brand may be omitted if the official inspection legend and official establishment number on the product itself are clearly legible through the wrapping or the wrapping is labeled in accordance with Part 317 of this subchapter: *Provided further*, That plain unprinted wrappings, such as stockinets, cheese cloth, paper and crinkled paper bags, for properly marked products, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear the official inspection legend.

(c) The outside containers of products for export shall be marked in compliance with Part 322 of this subchapter as well as this part.

(d) Slack barrels used as outside containers of products shall have a cloth or paper top covering branded with the official inspection legend containing the official establishment number which shall be applied in such a manner that removal of the covering results in defacing such official inspection legend.

(e) The outside containers of any product which has been inspected and passed for cooking, pork which has been refrigerated as provided in § 318.10(c) of this subchapter, and beef which has been inspected and passed for refrigeration shall bear the markings and tag prescribed in § 325.9(b) of this subchapter.

(f) The outside containers of glands and organs which are not used for human food purposes, such as those described in § 325.19 of this subchapter shall be plainly marked with the phrase "For pharmaceutical purposes", "For organotherapeutic purposes" or "For technical purposes", as appropriate, with no reference to inspection, and need not bear other markings otherwise required under the regulations in this subchapter.

(g) Approval in accordance with § 317.3 of this subchapter is not required for labeling information which is not false or misleading and is in accordance with § 317.2 of this subchapter if it is applied by stencils, box dies, other marking devices or labels on outside containers such as tiers, barrels, drums, boxes, crates, and fiberboard containers, and if

the information is approved by the officer in charge and does not contain any official inspection legends and if the containers on which it is to be used will bear all labels and markings required by § 317.2 of this subchapter and other provisions of this part and Part 317 of this subchapter.

(h) The outside containers of condemned livers for fish feed shall be marked as prescribed in § 314.10 of this subchapter.

(i) The outside containers of any equine product shall be marked to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or transported or received for transportation in commerce.

§ 316.14 Marking tank cars and tank trucks used in transportation of edible products.

(a) Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the name of the product in accordance with § 317.2 of this subchapter, the official inspection legend containing the number of the official establishment and the words "date of loading," followed by a suitable space in which the inspector shall insert the date when the tank car or truck is loaded. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

(b) Tank cars and tank trucks carrying inspected and passed product from an official establishment to another official establishment or to a location operating under the Identification Service furnished under Part 350 of Subchapter B of this chapter shall be equipped for sealing and securely sealed by a Program employee with an official seal of the Department bearing the official inspection legend as prescribed in Part 312 of this subchapter.

§ 316.15 Marking outside containers of inedible grease, etc.

(a) Outside containers of inedible grease, inedible tallow or other inedible animal fat, or mixture of any such articles, resulting from operations at any official establishment shall be marked conspicuously with the word "inedible" prior to removal from the point of filling. Containers, such as tierces, barrels, and half barrels shall have both ends painted white with durable paint, if necessary, to provide a contrasting background, and the word "inedible" shall be marked thereon in letters not less than 2 inches high, while on tank cars and tank trucks the letters shall be not less than 4 inches high.

(b) Inspected rendered animal fat which is intended not to be used for human food may also be marked "inedible" if handled as provided in paragraph (a) of this section and Part 314 of this subchapter.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

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§ 317.1 Labels required; supervision by Program employee.

(a) When, in an official establishment, any inspected and passed product is placed or packed in any can, pot, tin, canvas, or other receptacle or covering constituting an immediate container, there shall be affixed to such container a label as described in § 317.2: *Provided*, That plain wrappings for fresh meat, such as dressed carcasses and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear a label: *Provided further*, That uncolored transparent coverings, such as cellophane, which bear no printed or graphic matter and which enclose any unpackaged or packaged product bearing all markings required by Part 316 of this subchapter need not bear a label if the required markings are clearly legible through such coverings: *Provided further*, That animal and transparent artificial casings bearing no markings or printed features other than those required under Part 316 of this subchapter need not bear additional labeling: *And provided further*, That stockinets used as "operative devices", such as those applied to cured meats in preparation for smoking, need not bear labels whether or not such stockinets are removed following completion of the operations for which they were applied.

(b) Folders and similar coverings made of paper or similar materials, which do not completely enclose the product and which bear any written, printed, or graphic matter, shall bear all features

required on a label for an immediate container.

(c) Each immediate container of imported products which have been inspected and passed as required by Part 327 of this subchapter and which are removed from an outside container at an official establishment shall have affixed thereto a sticker bearing an official inspection legend and the official establishment number before the same shall be allowed to leave the establishment.

(d) No covering or other container which bears or is to bear a label shall be filled, in whole or in part, except with product which has been inspected and passed in compliance with the regulations in this subchapter, which is not adulterated and which is strictly in accordance with the statements on the label. No such container shall be filled, in whole or in part, and no label shall be affixed thereto, except under the supervision of a Program employee.

§ 317.2 Labels: definitions; required features.

(a) A label within the meaning of this part shall mean a display of any printing, lithographing, embossing, stickers, seals, or other written, printed, or graphic matter upon the immediate container (not including package liners) of any product.

(b) Any word, statement, or other information required by this part to appear on the label must be prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use. In order to meet this requirement such information must appear on the principal display panel except as otherwise permitted in this part.

(c) Labels of all products shall show the following information on the principal display panel (except as otherwise permitted in this part), in accordance with the requirements of this part or, if applicable, Part 319 of this subchapter:

(1) The name of the product, which in the case of a product for which a definition and standard of identity or composition is prescribed in Part 319 of this subchapter, shall be the name, if any, of the food specified in the standard, and otherwise shall be the common or usual name of the food, if any there be, and if there is none a truthful descriptive designation;

(2) The word "ingredients" followed by a list of the ingredients if the product is fabricated from two or more ingredients;

(3) The name and place of business of the manufacturer, packer or distributor for whom the product is prepared;

(4) An accurate statement of the net quantity of contents;

(5) An official inspection legend and, except as otherwise provided in paragraph (1) of this section, the number of the official establishment, in the form as required by Part 312 of this subchapter.

(6) Any other information required by the regulations in this part or Part 319 of this subchapter.

(d) The principal display panel shall be, in the case of a rectangular package, the entire side or sides that are most likely to be displayed, presented, shown, or examined under customary conditions of display; and in the case of a cylindrical or nearly cylindrical container, an area equal to 40 percent of the surface area of the container (obtained by multiplying the height of the container by the circumference).

(e) Any descriptive designation used as a product name for a product which has no common or usual name shall clearly and completely identify the product. Product which has been prepared by salting, smoking, drying, cooking, chopping, or otherwise shall be so described on the label unless the name of the product implies, or the manner of packaging shows that the product was subjected to such preparation. The unqualified terms "meat," "meat byproduct," "meat food product" and terms common to the meat industry but not common to consumers such as "picnic," "butt," "cala," "square," "loaf," "spread," "delight," "roll," "plate," "luncheon," and "daisy" shall not be used as names of a product unless accompanied with terms descriptive of the product or with a list of ingredients, as deemed necessary in any specific case by the Administrator in order to assure that the label will not be false or misleading.

(f) (1) On containers of frozen dinners, entrees, pizzas and similarly packaged products in cartons, the ingredient statement may be placed on the front riser panel: *Provided*, That the words "see ingredients" followed immediately by an arrow is placed on the principal display panel immediately above the location of such statement: *Provided further*, That such front riser panel is used solely to show the ingredient statement.

(2) The list of ingredients shall show the common or usual names of the ingredients arranged in the descending order of predominance, except as otherwise provided in this paragraph.

(i) The term "flavorings" may be used to designate natural spices, essential oils, oleoresins and other natural spice extractives, and the term "spices" may be used to designate natural spices, without naming each.

(ii) The term "corn syrup" may be used to designate either corn syrup or corn syrup solids.

(iii) The term "animal and vegetable fats" or "vegetable and animal fats" may be used to designate the ingredients of mixtures of such edible fats in product designated "compound" or "shortening". "Animal fats" as used herein means fat derived from inspected and passed cattle, sheep, swine, or goats.

(iv) When a product is coated with pork fat, gelatin, or other approved substance and a specific declaration of such coating appears contiguous to the name of the product, the ingredient statement need not make reference to the ingredients of such coating.

(v) When two meat ingredients comprise at least 70 percent of the meat and meat byproduct ingredients of a formula and when neither of the two meat ingredients is less than 30 percent by weight of the total meat and meat byproducts used, such meat ingredients may be interchanged in the formula without a change being made in the ingredients statement on labeling materials, provided that the word "and" in lieu of a comma shall be shown between the declaration of such meat ingredients in the statement of ingredients.

(g) The name of the person that prepared the product or the name of the operator of the official establishment where the product is prepared by a subsidiary or tenant of the operator may appear as the name of the manufacturer or packer without qualification on the label. Otherwise the name of the distributor of the product shall be shown with a phrase such as "Prepared for * * *" or "Distributed by * * *". The place of business of the manufacturer, packer, or distributor shall be shown on the label by city, State, and postal zip code when such business is listed in a telephone or city directory; and if not listed in such directory then the place of business shall be shown by street address, city, State, and postal zip code.

(h) The statement of net quantity of contents shall appear on the principal display panel in conspicuous and easily legible boldface print or type in distinct contrast to other matter on the package and shall be declared in accordance with the provisions of subparagraphs (1) through (9) of this paragraph (h).

(1) The statement as it is shown on a label shall not be false or misleading and shall accurately reveal the quantity of food in the package exclusive of wrappers and packing substances. For example, when any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, the statement of the quantity of contents shall represent the weight of the drained product when removed from the container, to the exclusion of the packing substance. Unless the statement of net quantity of contents is so qualified as to show that it expresses the minimum quantity, it shall be taken to express the actual quantity. When the statement expresses the minimum quantity, no variation below the stated minimum shall be permitted, and variations above the stated minimum shall be no greater than consistent with filling the container to the stated minimum in accordance with good commercial practice. When the statement purports to express actual quantity, variations incident to packaging in accordance with good commercial practice as set forth in the Manual of Meat Inspection Procedures¹ shall be

¹ This is a manual of instructions to Program employees. Copies may be obtained from the Superintendent of Documents upon payment of the cost thereof. Copies are also available for inspection in the Office of the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or at the office of Program personnel at each official establishment.

allowed but the average net weight of the packages in each lot, determined on the basis of representative samples, shall not be less than the quantity stated.

(2) The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines generally parallel to the base: *Provided*, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph (h). The declaration may appear in more than one line. The terms "net weight" or "net wt." shall be used when stating the net quantity of contents in terms of weight, and the term "net contents" when stating the net quantity of contents in terms of fluid measure.

(3) Except as provided in § 317.7, the statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid, viscous, or a mixture of solid and liquid.

(4) On packages containing 1 pound or 1 pint and not more than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pounds, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fractions of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound, the statement may be in decimal fractions of the pound in lieu of ounces.

(5) The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(i) Not less than one-sixteenth inch in height on packages, the principal display panel of which has an area of 5 square inches or less;

(ii) Not less than one-eighth inch in height on packages, the principal display panel of which has an area of more than 5 but not more than 25 square inches;

(iii) Not less than three-sixteenths inch in height on packages, the principal display panel of which has an area of more than 25 but not more than 100 square inches;

(iv) Not less than one-quarter inch in height on packages, the principal panel of which has an area of more than 100 but not more than 400 square inches;

(v) Not less than one-half inch in height on packages, the principal display

panel of which has an area of more than 400 square inches.

(6) The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). Heights pertain to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minimum standards. When fractions are used, each component numeral shall meet one-half the height standards.

(7) The statement shall be separated from other printed matter appearing above or below the statement by a space equal to the height of the lettering used in the statement and from printed matter appearing to the right or left by a space equal to at least twice the width of the letter "N" of the style of type used in the statement.

(8) (i) Individually wrapped and labeled packages of less than ½-ounce net weight shall be exempt from the required statement of net quantity of contents specified in this paragraph (h) when the statement of net quantity of contents on the shipping container meets the requirements of this paragraph (h).

(ii) Random weight packages bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration and placement requirements of this paragraph (h), if an accurate statement of net weight is shown conspicuously on the principal display panel of the package.

(9) Labels for containers which bear any representation as to the number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each such serving.

(10) As used in this section a "random weight package" is one which is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern.

(1) (1) The establishment number shall be either embossed or lithographed on all hermetically sealed containers of inspected and passed product filled in an official establishment, except that such containers which bear labels lithographed directly on the container and in which the establishment number is incorporated need not have the establishment number separately embossed or lithographed thereon. Labels shall not be affixed to containers so as to obscure the embossed or lithographed establishment number.

(2) When any product is placed in a carton or in a wrapper of paper or cloth or in any other type of container approved by the Administrator, which is labeled in accordance with this part, the official inspection legend and the establishment number as specified in paragraph (c) of this section, may be applied by means of a sticker to be securely and prominently affixed, along with the name of product, at a place on the label re-

served and designated for the purpose. In case there are two or more display panels featuring the name of product, the inspection sticker shall be affixed to the principal panel.

(3) The official establishment number may be omitted from the official inspection legend on cartons used as outer containers of edible fats, such as lard and oleomargarine, when such products are enclosed in wrappers which bear an official inspection legend containing the official establishment number.

(4) Labels of any product within any of the following paragraphs shall show the information required by such paragraph for such product:

(1) A label for product which is in imitation of another food shall bear the word "imitation" immediately preceding the name of the food imitated and in the same size and style of lettering as in that name and immediately thereafter the word "ingredients" and the names of the ingredients arranged in the order of their predominance. This subparagraph (1) shall not apply to any part of a carcass, however prepared.

(2) If a product purports to be or is represented for any special dietary use by man, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for such use is based in whole or in part and shall be in conformity with regulations (21 CFR Part 125) established pursuant to sections 201, 403, and 701 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321, 343, 371).

(3) When an approved artificial smoke flavoring or an approved smoke flavoring is added to meat food products, as permitted in Part 318 of this subchapter, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as may be applicable, and the ingredient statement shall identify any artificial smoke flavoring as such.

(4) When any other artificial flavoring is added to product as permitted under Part 318 of this subchapter, there shall appear on the label in prominent letters and contiguous to the name of the product, the words "Artificially flavored" or "Artificial flavoring added" or "With added artificial flavoring." The ingredient statement shall identify it as an artificial flavoring.

(5) Artificial coloring of edible fats shall be declared on the label in a prominent manner and contiguous to the name of the product by the words "Artificially colored" or "Artificial coloring added" or "With added artificial coloring."

(6) When product is placed in a casing to which artificial coloring is applied, as permitted under Part 318 of this subchapter, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, "Artificially colored."

(7) If a casing is removed from product at an official establishment and there is evidence of artificial coloring on the

surface of the product, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words, "Artificially colored."

(8) When a casing is colored prior to its use as a covering for product and the color is not transferred to the product enclosed in the casing, no reference to color need appear on the label but no such casing may be used if it is misleading or deceptive with respect to color, quality, or kind of product, or otherwise.

(9) Product which bears or contains any other artificial coloring, as permitted under Part 318 of this subchapter, shall bear a label stating that fact on the immediate container or if there is none, on the product.

(10) When an antioxidant is added to product as permitted under Part 318 of this subchapter, there shall appear on the label in prominent letters and contiguous to the name of product, a statement showing that fact and the purpose for which it is added, such as "oxygen interceptor added to improve stability."

(11) Containers of meat packed in borax or other preservative for export to a foreign country which permits the use of such preservative shall, at the time of packing, be marked "for export", followed on the next line by the words "packed in preservative," or such equivalent statement as may be approved for this purpose by the Administrator and directly beneath this there shall appear the word "establishment" or abbreviation thereof, followed by the number of the establishment at which the product is packed. The complete statement shall be applied in a conspicuous location and in letters not less than 1 inch in height.

(12) Containers of other product packed in, bearing, or containing any chemical preservative shall bear a label stating that fact.

(k) Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label, the statement "Keep refrigerated," "Perishable keep under refrigeration," "Keep frozen," or such similar statement as the Administrator may approve. For such canned products the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds the statement shall be shown in letters one-half inch in height.

§ 317.3 Prior approval required for labels and marking devices; conditions and procedure.

(a) No label, and no device containing any official marks or simulation thereof, shall be made or caused to be made for use on any product to be prepared at an official establishment or imported until it has been approved in final form as provided for in this section. To request such approval, the person operating the official establishment (or his agent) or the importer (or his agent) shall submit sketches, in quadruplicate, of the label or device with the application form prescribed in paragraph (d) of this section.

to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. In the case of domestic products, applications shall be submitted through the officer in charge or his designated representative. The preparation of finished labels and devices shall be deferred until sketch approval is obtained and an "Authorization to Manufacture or Print Devices Containing the Official U.S.D.A. Mark of Inspection", as provided for in § 317.14 has been issued. The requirements of this section are applicable also to each reprinting of previously approved labels and reorders of such marking devices.

(b) The "sketch" shall represent the label or device exactly as it will appear in the finished form, including, as appropriate, type size, colors of design and packaging, and the placement of features.

(c) Approval shall be contingent upon approval under § 317.4 of the packaging and other containers proposed to be used for the product.

(d) Each copy of the label or device being submitted for approval shall be accompanied by a completed application form CP-480.²

(1) This form is furnished by the Consumer and Marketing Service. The information on the form shall be verified by the officer in charge before submission to the Director.

(2) Form CP-480 must be completely filled out by the person operating the official establishment or his agent before the application will be acted upon. All information requested must be given either in the space provided or by attaching additional sheets if necessary.

(3) The following information must be supplied and entered in the spaces in the application form indicated below:

(i) In space 1, enter the product name as it will be shown on the label.

(ii) In space 2, enter the official establishment number, if any, in the case of domestic products, and the foreign establishment number in the case of products for importation.

(iii) In space 3, indicate by a checkmark the action requested. If application is for temporary use of a label, indicate days needed to exhaust supply of label already printed under prior authorization and quantity involved.

(iv) In space 4, specify the approval number or date of correspondence relating to this label or device.

(v) In space 5, indicate by a checkmark whether label or device is for the immediate container or for a shipping container. If neither of the above, show as "other" information on the form exactly how the label or device is to be used such as "Band around product," "Placed on product," "Placed in shipping container," etc.

(vi) In space 6A, check applicable block. If answer in space 6A was Yes, enter acceptance number in space 6B from Form CP-481. If answer in space

6A was No, submit a complete packaging composition statement on Form CP-481 as required in space 6C.

(vii) In space 7, specify standard can size, casing diameter, or carton dimensions.

(viii) In space 8, specify natural or artificial casings (fibrous, cellulose, etc.), films, plastics, fiberboard, or other materials.

(ix) In space 9, enter the total surface area of the package in square inches. This shall be taken from the outside dimensions of the package, not the label.

(x) In space 10, enter the net weight as shown on the label.

(xi) In space 11, specify head space for canned products. Where a product is composed of two or more major components, indicate quantity of each used in filling the container. For example, for "Meatballs in Sauce," show quantity of meatballs and quantity of sauce.

(xii) In space 12, specify the major components of the product and the complete formula (ingredient plus amount of each) for each. For example, for "Meatballs in Sauce," a formula listing the ingredients and quantity of each used in preparing the meatballs and a separate one for the sauce. If an ingredient is itself composed of two or more ingredients, then these must also be shown.

(xiii) In space 13, specify the complete formula of the product as it will appear in the ingredient statement on the label. This shall represent all of the ingredients used in preparing the product.

(xiv) In space 14, give details of processing, including any fabricating, cooking, curing, or smoking procedures, with times and temperatures of all operations.

(xv) Space 15, except in the case of products for importation, is for insertion by the Program employee of the date on which he verifies the application.

(xvi) In Space 16, except in the case of products for importation, the signature of the Program employee is required to verify the details of the application and that the format of the label or device is acceptable; that the inspection legend conforms in all respects to the regulations; that the applicant's name and address as shown on the label are correct; and that the packaging data as submitted are correct.

(xvii) In space 17, insert the date of the application.

(xviii) Space 18 is for the signature of the representative of the applicant.

(4) Sketches for labels for new products shall be accompanied by samples of the product that were (except in the case of products for importation) produced, packaged and transmitted under the supervision of the local Program employee.

(5) Approved applications for domestic products will be mailed back to the Program employee who will deliver the approved application to the applicant. Approved applications for foreign products will be returned to the applicant. Any conditions that are applicable to the use of a label will be specified on the approved application.

(e) After receipt of an approved sketch for a label or device for domestic product, the applicant that submitted the sketch shall prepare a letter of "Authorization to Manufacture or Print Devices Containing the Official U.S.D.A. Mark of Inspection" as provided for in § 317.14. The letter shall be completed in all details and presented to the officer in charge, or a Program employee designated by him, for his signature and assignment of the authorization number. The authorization number shall be consecutive within each establishment, such as, 38-1, 38-2, 38-3. No label and no device bearing any official mark for domestic product shall be made until such a letter has been signed by the officer in charge or his designee.

(f) When the finished label or device is received at an official establishment, it shall be presented to the officer in charge or his designated representative for approval prior to use. The finished label or device must comply exactly with the approved sketch before usage can be authorized. Any deviation from the approved sketch will require submittal to the Washington office for consideration.

(g) Labels for imported products shall be submitted in finished form to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, for approval prior to use on product offered for importation. Finished labels shall be submitted with sufficient copies to provide two copies for the Washington office, one copy for each port of entry, and one copy for each foreign establishment at which the product will be produced.

(h) In case of any lithographed labels, paper takeoffs in lieu of sections of the metal containers shall be submitted for final approval. Such paper takeoffs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved. In case of fiber containers, printed layers, such as kraft paper sheet, shall be submitted for approval in lieu of the complete container.

(i) Inserts, tags, liners, pasters and similar devices containing printed or graphic matter and for use on, or to be placed within coverings or other containers of product shall be submitted for approval in the same manner as provided in this section.

(j) Approval in accordance with § 317.3 is not required for labeling information which is not false or misleading and is in accordance with § 317.2 if it is applied by stencils, box dies, other marking devices or labels on immediate containers such as tierces, barrels, drums, boxes, crates, and fiberboard containers that also serve as outside containers, and if the information is approved by the officer in charge and does not contain any official inspection legends and if the containers on which it is to be used will bear all labels and markings required by § 317.2 and other provisions of this part and Part 316 of this subchapter.

² Copy filed with the Office of the Federal Register as part of the original document.

§ 317.4 Packaging and other containers, approval required; conditions and procedure.

(a) Label approval for any product shall be contingent upon approval of the packaging and all other containers to be used with the product. Such approval will be given only if it is found that the containers are not composed, in whole or in part, of any poisonous or deleterious substance which will directly or indirectly render the contents injurious to health.

(b) (1) To request approval of any container, the operator of the establishment shall submit a completed "Packaging Composition Statement" to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(2) This form is supplied by the Consumer and Marketing Service and shall be completed by the applicant for approval of the container.

(3) The composition statement shall include a description of the packaging or other containers and a list of their components, each identified by the name of the manufacturer and his identifying trade name and code. Container components shall include those applied in the establishment such as inks and adhesives.

(4) Form CP-481 must be completely filled out by the applicant before the application will be acted upon. The following information must be supplied and entered in the spaces in the application form indicated below.

(i) In space 1, enter the official establishment number, if any.

(ii) In space 2, enter the name of the product as it will appear on the label.

(iii) In space 3A, state the size and type of container and how the container will be used in relation to the product.

(iv) In space 3B, specify each component part of the material. It is not unusual for a package to have more than one ink adhesive or coating.

(v) In space 3C, enter the name and address of the manufacturer for each of the packaging components shown in 3B.

(vi) In space 3D, enter the trade name or manufacturer's code for each of the packaging components shown in 3B.

(vii) In space 4, enter date signed by the applicant's representative.

(viii) Space 5 shall contain the signature of the authorized representative of the applicant. Spaces 6, 7, and 8 are reserved for use by the Washington office.

§ 317.5 Officer in charge to permit certain modifications of approved labels.

The officer in charge may permit modification of approved labels or markings, under the following circumstances, provided the labeling or marking as modified is so used as not to be false or misleading:

(a) When all features of the label or marking are proportionately enlarged and the color scheme remains the same.

(b) When changes are made in the figures denoting the quantity of contents or when there is substitution of such abbreviations as "lb" for "pound", or "oz." for "ounce", or the word "pound" or "ounce" is substituted for the abbreviation.

(c) When a master or stock label is approved, from which the name and address of the distributor are omitted and such name and address are applied before being used, the words "prepared for" or similar statement must be shown together with the blank space reserved for the insertion of the name and address when such labels are offered for approval.

(d) When, during Christmas and other holiday seasons, wrappers or other covers bearing floral or foliage designs or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are used with approved labels or markings. The use of such designs will not make necessary the application of labeling not otherwise required.

(e) When there is a slight change in arrangement of directions pertaining to the opening of cans or the serving of the product.

(f) When there is a change in the quantity of an ingredient shown in the formula without a change in the order of predominance shown on the label: *Provided*, That the change in quantity of ingredients complies with any minimum or maximum limits for the use of such ingredients prescribed in Parts 318 and 319 of this subchapter.

§ 317.6 Approved labels to be used only on products to which they are applicable.

Labels shall be used only on products for which they are approved, and only if they have been approved for such products in accordance with § 317.3: *Provided*, That existing stocks of labels approved prior to the effective date of this section and which bear the official inspection legend and all other information required by subparagraph (3) and subparagraphs (5) through (11) of paragraph 1(n) of the Act and comply with subparagraphs (1) and (2) of paragraph 1(n) of the Act, and the quantity of which has been identified to the officer in charge as being in storage on said date at the official establishment or other identified warehouse for the account of the operator of the official establishment, may be used until such stocks are exhausted, but not later than 6 months after the effective date of this section unless such labels conform to all the requirements of this part and Part 319 of this subchapter.

§ 317.7 Products for foreign commerce; printing labels in foreign language permissible; other deviations.

Labels to be affixed to packages of product for foreign commerce may be printed in a foreign language and may show the statement of the quantity of contents in accordance with the usage of the country to which exported and other deviations from the form of labeling required under this part may be approved

for such product by the Administrator: *Provided*,

(a) That the proposed labeling accords to the specifications of the foreign purchaser.

(b) That it is not in conflict with the laws of the country to which the product is intended for export, and

(c) That the outside container is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce, all the requirements of this subchapter apply. The inspection legend and the establishment number shall in all cases appear in English but in addition, may appear literally translated in a foreign language.

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

(a) No product or any of its wrappers, packaging or other containers shall bear any false or misleading marking, label or other labeling and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of origin or quality or is otherwise false or misleading shall appear in any marking or other labeling. No product shall be wholly or partly enclosed in any wrapper, packaging or other container that is so made, formed, or filled as to be misleading.

(b) The labels and containers of product shall comply with the following provisions, as applicable.

(1) Terms having geographical significance with reference to a locality other than that in which the product is prepared may appear on the label only when qualified by the word "style," "type," or "brand," as the case may be, in the same size and style of lettering as in the geographical term, and accompanied with a prominent qualifying statement identifying the country, State, Territory, or locality in which the product is prepared, using terms appropriate to effect the qualification. When the word "style" or "type" is used, there must be a recognized style or type of product identified with and peculiar to the area represented by the geographical term and the product must possess the characteristics of such style or type, and the word "brand" shall not be used in such a way as to be false or misleading: *Provided*, That a geographical term which has come into general usage as a trade name and which has been approved by the Administrator as being a generic term may be used without the qualifications provided for in this paragraph. The terms "frankfurter," "vienna," "bologna," "lebanon bologna," "braunschweiger," "thuringer," "genoa," "leona," "berliner," "holstein," "goteborg," "milan," "polish," and their modifications, as applied to sausages, the terms "brunswick" and "irish" as applied to stews, and the term "boston" as applied to pork shoulder butts need not be accompanied with the word "style," "type," or "brand," or a statement identifying the locality in which the product is prepared.

² Copy filed with the Office of the Federal Register as part of the original document.

(2) Such terms as "farm" or "country" shall not be used on labels in connection with products unless such products are actually prepared on the farm or in the country: *Provided*, That if the product is prepared in the same way as on the farm or in the country, these terms, if qualified by the word "style" in the same size and style of lettering, may be used: *Provided further*, That the term "farm" may be used as part of a brand designation when qualified by the word "brand" in the same size and style of lettering, and followed with a statement identifying the locality in which the product is prepared. Sausage containing cereal shall not be labeled "farm style" or "country style," and lard not rendered in an open kettle shall not be designated as "farm style" or "country style."

(3) The requirement that the label shall contain the name and place of business of the manufacturer, packer, or distributor shall not relieve any establishment from the requirement that its label shall not be misleading in any particular.

(4) The term "spring lamb" or "genuine spring lamb" is applicable only to carcasses of new-crop lambs slaughtered during the period beginning in March and terminating not beyond the close of the week containing the first Monday in October.

(5) Coverings shall not be of such color, design, or kind as to be misleading with respect to color, quality, or kind of product to which they are applied. For example, transparent or semitransparent coverings for such articles as sliced bacon or pork sausage shall not bear lines or other designs of red or other color which give a false impression of leanness of the product. Transparent or semitransparent wrappers or coverings for use in packaging cured, cured and smoked, or cured and cooked sausage products, and sliced ready-to-eat meat food products may be color tinted or bear red designs on 50 percent of such wrapper or covering: *Provided*, That the principal display panel is free of color tinting and red designs: *And provided further*, That the principal display panel provides at least 20 percent unobstructed clear space, consolidated in one area so that the true nature and color of the product is visible to the consumer.

(6) The word "fresh" shall not be used on labels to designate product which contains any sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or which has been salted for preservation.

(7) The words "spice," "spices," and "spiced," without qualification, shall not be used unless they refer to genuine natural spices.

(8) As used on labels of product, the term "gelatin" shall mean (i) the jelly prepared in official establishments by cooking pork skins, tendons, or connective tissue from inspected and passed product, and (ii) dry commercial gelatin or the jelly resulting from its use.

(9) Product (other than canned product) labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form.

(10) The term "baked" shall apply only to product which has been cooked by the direct action of dry heat and for a sufficient time to permit the product to assume the characteristics of a baked article, such as the formation of a brown crust on the surface, rendering out of surface fat, and the caramelization of the sugar if applied. Baked loaves shall be heated to a temperature of at least 160° F. and baked pork cuts shall be heated to an internal temperature of at least 170° F.

(11) When products such as loaves are browned by dipping in hot edible oil or by a flame, the label shall state such fact, e.g., by the words "Browned in Hot Cottonseed Oil" or "Browned by a Flame", as the case may be, appearing as part of the product name.

(12) The term "meat" and the names of particular kinds of meat, such as beef, veal, mutton, lamb, and pork, shall not be used in such manner as to be false or misleading.

(13) (i) The word "ham," without any prefix indicating the species of animal from which derived, shall be used in labeling only in connection with pork hams. Ham shanks as such or ham shank meat as such or the trimmings accruing in the trimming and shaping of hams shall not be labeled "ham" or "ham meat" without qualification. When used in connection with a chopped product the term "ham" or "ham meat" shall not include the skin.

(ii) Products resembling ham and other pork products of the kinds specified in the provisions of § 319.105 (a) or (b) of this subchapter, which do not conform to such provisions because they contain added water not in excess of 10 percent of the weight of the fresh, uncured products, shall bear on their labels the term "Water Added," immediately following the word "ham" or other product name, in prominent lettering not less than three-eighths inch in height, and shall be so marked with the term "Water Added," except that the Administrator may approve smaller lettering for labels of small packages, such as 4-ounce packages, when he finds that the size and style of the lettering in connection with the product name are such as to insure the prominence of the required terms. The qualifying phrase "Up to 10%" or equivalent phrase may be used in labeling such products in connection with the term "Water Added" at the option of the operator of the establishment, provided the qualifying phrase does not detract from the prominence of the term "Water Added."

(14) The terms "shankless" and "hockless" shall apply only to hams and pork shoulders from which the shank or hock has been completely removed, thus eliminating the entire tibia and fibula, or radius and ulna, respectively, together with the overlying muscle, skin, and other tissue.

(15) Such terms as "meat extract" or "extract of beef" without qualification shall not be used on labels in connection with products prepared from organs or other parts of the carcass, other than

fresh meat. Extracts prepared from any parts of the carcass other than fresh meat shall not be labeled "meat extract" but may be properly labeled with the true name of the parts from which prepared. In the case of extract in fluid form, the word "fluid" shall also appear on the label, as, for example, "fluid extract of beef."

(16) When cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk is added to sausage within the limits prescribed in Part 319 of this subchapter, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as, for example, "Cereal Added," "With Cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Soy Protein Concentrate Added," "Isolated Soy Protein Added," "Nonfat Dry Milk Added," "Calcium Reduced Dried Skim Milk Added," or "Cereal and Nonfat Dry Milk Added," as the case may be.

(17) When any product is enclosed in a container along with a packing substance such as brine, vinegar, or agar jelly, a declaration of the packing substance shall be printed prominently on the label in connection with the name of the product, as for example, "frankfurts packed in brine", "lamb tongue packed in vinegar", or "beef tongue packed in agar jelly," as the case may be. The packing substance shall not be used in such a manner as will result in the container being so filled as to be misleading.

(18) "Leaf lard" is lard prepared from fresh leaf fat.

(19) When lard or hardened lard is mixed with rendered pork fat or hardened rendered pork fat, the mixture shall be designated as "rendered pork fat" or "hardened rendered pork fat," as the case may be.

(20) Oil, stearin, or stock obtained from beef or mutton fats rendered at a temperature above 170° F. shall not be designated as "oleo oil," "oleo stearin," or "oleo stock," respectively.

(21) When not more than 20 percent of beef fat, mutton fat, oleo stearin, vegetable stearin, or hardened vegetable fat is mixed with lard or with rendered pork fat, there shall appear on the label, contiguous to and in the same size and style of lettering as the name of product, the words "beef fat added," "mutton fat added," "oleo stearin added," "vegetable stearin," whereas the designations "vegetable fat added," as the case may be. If more than 20 percent is added, the product name shall refer to the particular animal fat or fats added. For example, "Lard and Beef fat."

The designation "vegetable fat" is applicable to vegetable oil, vegetable stearin, or a combination of such oil and stearin, whereas the designations "vegetable oil" and "vegetable stearin" shall be applicable only to the oil and the stearin, respectively, when used in meat food products.

(22) Cooked, cured, or pickled pigs feet, pigs knuckles, and similar products, shall be labeled to show that the bones remain in the product, if such is the case. The designation "semi-boneless" shall not be used if less than 50 percent of the total weight of bones has been removed.

(23) When monoglycerides, diglycerides, and/or polyglycerol esters of fatty acids are added to rendered animal fat or a combination of such fat and vegetable fat, there shall appear on the label in a prominent manner and contiguous to the name of the product a statement such as "With Monoglycerides and Diglycerides Added," or "With Diglycerides and Monoglycerides," or "With Polyglycerol Esters of Fatty Acids" as the case may be.

(24) The terms "Animal Fat" and "Meat Fat" may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of product and ingredient statement for such meat food products as shortening and uncolored oleomargarine. The terms "Animal Fat" or "Meat Fat" shall not be used to identify such well known single commodities as lard, rendered pork fat, oleo oil, oleo stearin, oleo stock, and similar products when prepared and packed as such.

(25) Colored oleomargarine or colored margarine packed for retail sale shall be in containers not exceeding 1-pound capacity, labeled as follows:

(i) The word "oleomargarine" or "margarine" shall appear on each principal display panel of the container in type of lettering at least as large and in at least the same prominence as any other type or lettering appearing on such container.

(ii) A full and accurate statement of all the ingredients contained in such oleomargarine or margarine shall be prominently and informatively displayed contiguous to the word "oleomargarine" or "margarine" wherever such word is featured on the container. The ingredients shall be shown by their common or usual name and be arranged in the order of their predominance. Collective terms such as "animal fat" and "vegetable fat" shall not be used but the specific fat, oil or stearin shall be shown.

(iii) Each part of the contents of the container shall be enclosed in a wrapper bearing the word "oleomargarine" or "margarine" in type or lettering not smaller than 20-point type.

(iv) Wrapped quarter pound sticks or similar units of such oleomargarine or margarine packaged together in a container may constitute units for retail sale and they shall be individually wrapped and labeled in accordance with subdivisions (i), (ii), and (iii) of this subparagraph.

(26) When approved proteolytic enzymes are used on steaks or other meat cuts which are frozen or cooked within the official establishment where they are produced, there shall appear on the labels of the frozen or cooked cuts, contiguous to the name of the products, a prominent descriptive statement such as

"Dipped in Solution of Papain," to indicate the use of such enzymes.

(27) When methyl polysilicone is added as an antifoaming agent to rendered fats, its presence shall be declared on the label contiguous to the name of the product. Such declaration shall read "Methyl Polysilicone Added."

(28) When pizzas are formulated with crust containing calcium propionate or sodium propionate, there shall appear on the label contiguous to the name of the product the statement "----- added to retard spoilage of the crust" preceded by the name of the preservative.

(29) Sausage of the dry varieties treated with potassium sorbate or propylparaben (propyl p-hydroxybenzoate) as permitted by Part 318 of this subchapter, shall be marked or labeled with a statement disclosing such treatment and the purpose thereof, such as "dipped in a potassium sorbate solution to retard mold growth."

§ 317.9 Labeling of equine products.

The immediate containers of any equine products shall be labeled to show the kinds of animals from which derived, when the products are sold, transported, offered for sale or transportation or received for transportation in commerce.

§ 317.10 Reuse of official inspection marks; reuse of containers bearing official marks, labels, etc.

(a) No official inspection legend or other official mark which has been previously used shall be used again for the identification of any product, except as provided for in paragraph (b) of this section.

(b) All stencils, marks, labels, or other labeling on previously used containers, whether relating to any product or otherwise, shall be removed or obliterated before such containers are used for any product, unless such labeling correctly indicates the product to be packed therein and such containers are refilled under the supervision of a Program employee.

§ 317.11 Labeling, filling of containers, handling of labeled products to be only in compliance with regulations.

(a) No person shall apply or affix, or cause to be applied or affixed, any label to any product prepared or received in an official establishment, or to any container thereof, or fill any container at such an establishment, except in compliance with the regulations in this subchapter.

(b) No covering or other container shall be filled, in whole or in part, at any official establishment with any product unless it has been inspected and passed in compliance with the regulations in this subchapter, is not adulterated, and is strictly in accordance with the statements on the label, and such filling is done under the supervision of a Program employee.

(c) No person shall remove, or cause to be removed from an official establishment any product bearing a label unless

such label is in compliance with the regulations in this subchapter.

§ 317.12 Relabeling products; requirements.

When it is claimed by an official establishment that some of its products which bore labels bearing official marks has been transported to a location other than an official establishment, and it is desired to relabel the product because the labels have become mutilated or otherwise damaged, a request for relabeling the product shall be sent to the Administrator, accompanied with a statement of the reasons therefor. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Administrator. The relabeling of inspected and passed product with labels bearing any official marks shall be done under the supervision of an inspector of the Program. The official establishment shall reimburse the Program, in accordance with the regulations of the Department, for any cost involved in supervising the relabeling of such product.

§ 317.13 Storage and distribution of labels and containers bearing official marks.

Labels, wrappers, and containers bearing any official marks, with or without the establishment number, may be transported from one official establishment to any other official establishment provided such shipments are made with the prior authorization of the officer in charge at point of origin, who will notify the officer in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of this subchapter.

§ 317.14 Reporting of obsolete labels.

Once a year, or oftener if necessary, each official establishment shall submit to the Administrator, in quadruplicate, a list of approved labels no longer in use, accompanied with a statement identifying the labels for which approval is no longer desired. The approved labels shall be identified by the approval number, the date of approval, and the name of the product or other designation showing the class of labeling material.

§ 317.15 Authorization required to make labels or other devices bearing official marks.

(a) No person shall cast, print, lithograph, or otherwise make or cause to be made any label bearing any official mark, or simulation thereof, or any device for making such a label, without the written authority from the Administrator, as provided for in this section.

(b) After receipt of an approved sketch for a label or device bearing any official mark, the person receiving such approval shall prepare and present to the officer in charge or the Program employee designated by him, a document in the form

as prescribed in this paragraph requesting authorization for the manufacture or printing of such label or device for making such label. The request shall be prepared in quadruplicate and shall be in the following form:

(Use company letterhead or type in name and address.)

(Show name and address of manufacturer or printer from which device is being ordered.)

SUBJECT: Authorization To Manufacture or Print Devices Containing the Official USDA Mark of Inspection.

GENTLEMEN: You are hereby authorized to cast, print, lithograph, or otherwise make the following device containing the official USDA mark of inspection in the quantities shown:

(Show (1) quantity, (2) description of item (label, carton, can, brand, etc.), and (3) date of sketch approval or final approval number and date of final approval of device.)

The official plant or establishment's number is (give number). Its address is as follows:

(Give name and address, including ZIP Code, of plant or establishment.)

(Give shipping and other special instructions.)

Return the duplicate copy of this letter, showing the action you have taken, with the invoices, etc., accompanying the shipment of the finished devices.

Yours very truly,

(Signature and title of company official)

WARNING: Illegal to cast, etc., devices unless approved by USDA.

Approved by USDA representative:

(Date) (Signature)

Authorization No. -----

THIS SECTION FOR USE BY ADDRESSEE

Order shipped as specified on ----- (Date)

Order shipped ----- but modified (Date)

as follows:

(c) When the authorization form has been prepared as indicated thereon, including approval by the officer in charge or his representative, the original and duplicate of the form shall be sent by the official establishment operator with the order to the manufacturer or printer, who shall countersign and complete the form to show action taken with the order, and retain the original and send the duplicate along with the finished device to the official establishment.

(d) The triplicate copy shall be retained by the Program employee at the official establishment until the device is received, at which time the duplicate accompanying the device shall become the official Program copy.

(e) The quadruplicate copy shall be retained by the person preparing the authorization request.

(f) An authorization number, consecutive within each establishment, shall be assigned, by the officer in charge to each authorization issued, such as 38-1, 38-2, etc.

(g) The authorization forms are not furnished by the Consumer and Market-

ing Service but shall be prepared by the person requesting the authorization.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

- Sec.
- 318.1 Products and other articles entering official establishments.
- 318.2 Reinspection, retention, and disposal of products at official establishments.
- 318.3 Designation of places of receipt of products and other articles for reinspection.
- 318.4 Preparation of products to be officially supervised; responsibilities of official establishments.
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- 318.8 Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.
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- 318.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.
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- 318.14 Adulteration of products by food water, etc.; procedure for handling.
- 318.15 Tagging chemicals, preservatives, cereals, spices, etc., "U.S. Retained."
- 318.16 Pesticide chemicals and other residues in products.

§ 318.1 Products and other articles entering official establishments.

(a) Except as otherwise provided in paragraphs (g) and (h) of this section, no product shall be brought into an official establishment unless it has been prepared only in an official establishment and previously inspected and passed by a Program employee, and is identified by an official inspection legend as so inspected and passed. Notwithstanding the foregoing provisions of this subparagraph, product imported in accordance with Part 327 of this subchapter and not prepared in the United States outside an official establishment, may enter any official establishment subject in other respects to the same restrictions as apply to domestic product. Product entering any official establishment shall not be used or prepared thereat until it has been reinspected in accordance with § 318.2. Any product originally prepared at any official establishment may not be returned into any part of such establishment, except the receiving area approved under § 318.3, until it has been reinspected by the inspector.

(b) No slaughtered poultry or poultry product shall be brought into an official establishment unless it has been previously inspected and passed and is identified as such in accordance with the requirements of the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and the regulations thereunder, and has not been prepared other than in an establishment inspected under said Act.

(c) Every article for use as an ingredient in the preparation of meat food products, when entering any official establishment and at all times while it is in such establishment, shall bear a label showing the name of the article, the amount or percentage therein of any substances restricted by this part or Part 317 of this subchapter, and a list of ingredients in the article if composed of two or more ingredients. In addition, the label must show the name and address of the manufacturer or distributor.

(d) Containers of preparations which enter any official establishment for use in cooling or retort water, in hog scalding water, or in denuding of tripe shall at all times while they are in such establishment bear labels showing the chemical names of the chemicals in such preparations. In the case of any preparation containing any chemicals which are specifically limited by § 318.7(b)(4) as to amount permitted to be used, the labels on the containers shall also show the percentage of each such chemical in the preparation.

(e) No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment for use as an ingredient of human food or animal feed.

(f) All isolated soy protein when entering and while in any official establishment, must be labeled in accordance with, and otherwise meet the requirements of § 318.6(b)(11).

(g) Glands and organs, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic and thyroid glands, used in preparing pharmaceutical, organotherapeutic, or technical products and which are not used as human food (whether or not prepared at official establishments) may be brought into and stored in edible product departments of inspected establishments if packaged in suitable containers so that the presence of such glands and organs will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organs which are regarded as human food products, such as livers, testicles, and thymus glands, may be brought into official establishments for pharmaceutical, organotherapeutic, or technical purposes, only if U.S. inspected and passed and so identified.

(h) Carcasses of game animals, and carcasses derived from the slaughter by any person of livestock of his own raising in accordance with the exemption provisions of paragraph 23(a) of the Act, and parts of such carcasses, may be brought into an official establishment

for preparation, packaging, and storing provided that they do not result in any insanitary condition and are segregated from inspected product while in the official establishment, and, in the case of livestock products they are adequately marked or otherwise identified, in lieu of other marking or labeling required by the regulations of this subchapter, as being not for sale and with the name and address of the owner of the products, and provided further, that the owner of any such carcasses or parts thereof of livestock certifies that the products thereof are intended exclusively for use by him and members of his household and his nonpaying guests and employees.

(i) The official establishment shall furnish such information as the inspector may deem necessary to determine the origin of any product or other article entering the official establishment. Such information may include, but is not limited to, the name and address of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question.

(j) Any product or any poultry or poultry product or other article that is brought into an official establishment contrary to any provision of this section may be required by the Administrator to be removed immediately from such establishment by the operator thereof, and failure to comply with such requirement shall be deemed a violation of this regulation. If any slaughtered poultry or poultry products or other articles are received at an official establishment and are suspected of being adulterated or misbranded under the Poultry Products Inspection Act or the Federal Food, Drug, and Cosmetic Act, the appropriate governmental authorities will be notified. Products received in an official establishment during the inspector's absence shall be held separate and apart in the establishment, pending inspection by the inspector.

§ 318.2 Reinspection, retention, and disposal of products at official establishments.

(a) All products and all slaughtered poultry and poultry products brought into any official establishment shall be identified and reinspected at the time of receipt, and shall be subject to further reinspection at any official establishment in such manner and at such times as may be deemed necessary by the officer in charge to assure compliance with the regulations in this subchapter.

(b) All products, whether fresh, cured, or otherwise prepared, even though previously inspected and passed, shall be reinspected by Program employees as often as may be necessary in order to ascertain that they are not adulterated or misbranded at the time they enter or leave official establishments.

(c) A U.S. Retained tag shall be placed by a Program employee at the time of reinspection at any official establishment on all products which are suspected on such reinspection of being adulterated or misbranded, and such

products shall be held for further inspection. Such tags shall be removed only by authorized Program employees. When further inspection is made, if the product is found to be adulterated, all official inspection legends or other official marks for which the product is found to be ineligible under the regulations in this subchapter, shall be removed or defaced and the product shall be condemned and disposed of in accordance with Part 311 of this subchapter, except that a determination regarding adulteration may be deferred if a product has become soiled or unclean by falling on the floor or in any other accidental way or if the product is affected with any other condition which the inspector deems capable of correction, in which case the product shall be cleaned (including trimming if necessary) or otherwise handled in a manner approved by the inspector to assure that it will not be adulterated and shall then be presented for reinspection and disposal in accordance with this section. If upon final inspection, the product is found to be neither adulterated nor misbranded, the inspector shall remove the U.S. Retained tag. If a product is found upon reinspection to be misbranded but not adulterated, it shall be held under a U.S. Retained tag, or a U.S. Detention tag as provided in Part 329 of this subchapter, pending correction of the misbranding or issuance of an order under section 7 of the Act to withhold from use the labeling or container of the product, or the institution of a judicial seizure action under section 403 of the Act. The inspector shall make a complete record of each transaction under this paragraph and shall report his action to the officer in charge.

§ 318.3 Designation of places of receipt of products and other articles for reinspection.

Every official establishment shall designate, with the approval of the officer in charge, a dock or place at which products and other articles subject to reinspection under § 318.2 shall be received, and such products and articles shall be received only at such dock or place.

§ 318.4 Preparation of products to be officially supervised; responsibilities of official establishments.

(a) All processes used in curing, pickling, rendering, canning, or otherwise preparing any product in official establishments shall be supervised by Program employees. No fixtures or appliances, such as tables, trucks, trays, tanks, vats, machines, implements, cans, or containers of any kind, shall be used unless they are of such materials and construction as will not contaminate or otherwise adulterate the product and are clean and sanitary. All steps in the processes of manufacture shall be conducted carefully and with strict cleanliness in rooms or compartments separate from those used for inedible products.

(b) It shall be the responsibility of the operator of every official establishment to comply with the Act and the regula-

tions in this subchapter. In order to effectively carry out this responsibility, the operator of the establishment shall institute appropriate control programs, approved by C&MS and commensurate with the type of activities conducted at the establishment, to assure the maintenance of the establishment and the preparation, marking, labeling, and packaging of its products strictly in accordance with the sanitary and other requirements of this subchapter. When such control programs involve the maintenance of records, such records shall be made available for review by inspectors.

§ 318.5 Requirements concerning procedures.

(a) (1) Care shall be taken to assure that product is not adulterated when placed in freezers. If there is doubt as to the soundness of any frozen product, the inspector will require the defrosting and reinspection of a sufficient quantity thereof to determine its actual condition.

(2) Frozen product may be defrosted in water or pickle in a manner and with the use of facilities which are acceptable to the inspector. Before such product is defrosted, a careful examination shall be made to determine its condition. If necessary, this examination shall include defrosting of representative samples by means other than in water or pickle.

(b) Product, such as pork tenderloins, brains, sweetbreads, stew, or chop suey, shall not be packed in hermetically sealed metal or glass containers, unless subsequently heat processed or otherwise treated to preserve the product in a manner approved by the Administrator in specific cases.

(c) Care shall be taken to remove bones and parts of bones from product which is intended for chopping.

(d) Heads for use in the preparation of meat food products shall be split and the bodies of the teeth, the turbinated and ethmoid bones, ear tubes, and horn butts removed, and the heads then thoroughly cleaned.

(e) Kidneys for use in the preparation of meat food products shall first be freely sectioned and then thoroughly soaked and washed. All detached kidneys, including beef kidneys with detached kidney fat, shall be inspected before being used in or shipped from the establishment.

(f) Cattle paunches and hog stomachs for use in the preparation of meat food products shall be thoroughly cleaned on all surfaces and parts immediately after being emptied of their contents, which shall follow promptly their removal from the carcasses.

(g) Clotted blood shall be removed from hog hearts before they are shipped from the establishment or used in the preparation of meat food products.

§ 318.6 Requirements concerning ingredients and other articles used in preparation of products.

(a) All ingredients and other articles used in the preparation of any product

shall be clean, sound, healthful, wholesome, and otherwise such as will not result in the product being adulterated. Official establishments shall furnish inspectors accurate information on all processing procedures, including product composition and any changes in such procedures essential for inspectional control of the product.

(b) (1) The only animal casings that may be used as containers of product are those from cattle, sheep, swine, or goats.

(2) Casings for products shall be carefully inspected by Program employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing and are suitable for containers, are clean, and are passed on such inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

(3) Hog and sheep casings intended for use as containers of product may be treated by soaking in or applying thereto sound, fresh pineapple juice or papain or bromelin or pancreatic extract to permit the enzymes contained in these substances to act on the casings to make them less resistant. The casings shall be handled in a clean and sanitary manner throughout and the treatment shall be followed by washing and flushing the casings with water sufficiently to effectively remove the substance used and terminate the enzymatic action.

(4) On account of the invariable presence of bone splinters, detached spinal cords shall not be used in the preparation of edible product other than for rendering where they constitute a suitable raw material.

(5) Testicles if handled as an edible product may be shipped from the establishment as such, but they shall not be used as an ingredient of a meat food product.

(6) Tonsils shall be removed and shall not be used as ingredients of meat food products.

(7) Hog blood shall not be used as an ingredient of meat food products. No blood which comes in contact with the surface of the body of an animal or is otherwise contaminated shall be collected for food purposes. Only blood from animals, the carcasses of which are inspected and passed, may be used for meat food products. The defibrination of blood intended for food purposes shall not be performed with the hands.

(8) Intestines shall not be used as ingredients of meat food products.

(9) Poultry products and egg products (other than shell eggs) which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when identified as having been inspected and passed for wholesomeness by the Department under

the regulations in 7 CFR Part 55, 70, or 81 and when found to be sound and otherwise acceptable when presented for use. Poultry products and egg products (other than shell eggs) which have not been so inspected and passed for wholesomeness shall not be used in the preparation of such meat food products.

(10) Dry milk products which are intended for use as ingredients of meat food products shall be considered acceptable for such use only when produced in a plant approved by the Department under the regulations in 7 CFR Part 58, and when found to be sound and otherwise acceptable when presented for use. Dry milk products prepared in a plant not so approved shall not be used in the preparation of such meat food products.

(11) All isolated soy protein used in products processed in any official establishment shall contain not more and not less than 0.1 percent titanium incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

(12) Ingredients for use in any product may not bear or contain any pesticide chemical or other residues in excess of levels permitted in § 318.16.

(13) No chemical substance may be used in the preparation of any product unless it is approved in § 318.7 or by the Administrator in specific cases.

§ 318.7 Approval of substances for use in the preparation of products.

(a) No product shall contain any substance which would render it adulterated or which is not approved by the Administrator.

(b) Under appropriate declaration as required in Parts 316 and 317 of this subchapter, the following substances may be added to products:

(1) Common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup, and glucose syrup), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate, potassium nitrite, and other substances specified in the chart in subparagraph (4) of this paragraph may be added to products under conditions, if any, specified in this part or in Part 317 of this subchapter.

(2) Other harmless synthetic flavorings may be added to products with the approval of the Administrator in specific cases.

(3) Coloring matter and dyes other than those specified in the chart in subparagraph (4) of this paragraph, may be applied to products, mixed with rendered fat, applied to natural and artificial casings, and applied to such casings enclosing products, if approved by the Administrator in specific cases. When any coloring matter or dye is applied to casings, there shall be no penetration of coloring into the product. When any coloring matter or dye is added to meat fat shortening containing synthetic flavoring, the product shall be packed in conventional, round shortening containers having a capacity no greater than 3 pounds.

(4) The substances specified in the following chart are acceptable for use in the processing of products, provided they are used for the purposes indicated, within the limits of the amounts stated and under other conditions specified in this part and Part 317 of this subchapter.

Class of substance	Substance	Purpose	Products	Amount	
Anticoagulants.....	Citric acid.....	To prevent clotting.	Fresh beef blood.....	0.2 percent—with or without water. When water is used to make a solution of citric acid or sodium citrate added to beef blood not more than 2 parts of water to 1 part of citric acid or sodium citrate shall be used.	
	Sodium citrate.				
Antifoaming agent...	Methyl polysilicone.	To retard foaming....	Soups.....	10 parts per million.	
			Rendered fats.....	Do.	
Antioxidants and oxygen interceptors.	BHA (butylated hydroxyanisole).	To retard rancidity.	Curing pickle.....	50 parts per million.	
			Dry sausage.....	0.003 percent based on total weight.	
	BHT (butylated hydroxytoluene).do.....do.....	0.003 percent based on total weight.	0.006 percent in combination.
	Propyl gallate.....	.....do.....	.....do.....	0.003 percent based on total weight.
	BHA (butylated hydroxyanisole).do.....	Rendered animal fat or a combination of such fat and vegetable fat.	0.01 percent....	0.02 percent in combination.
	BHT (butylated hydroxytoluene).	.....do.....	.....do.....	0.01 percent....
	Glycine.....	.....do.....	.....do.....	0.01 percent....
	Nordihydroguaiaretic acid (NDGA).	.....do.....	.....do.....	0.01 percent....
Propyl gallate.....	.....do.....	.....do.....	.....do.....	0.01 percent....
			Resin gualae.....do.....	0.01 percent....
			Tocopherols.....do.....	0.03 percent. A 30 percent concentration of tocopherols in vegetable oils shall be used when added as an antioxidant to products designated as "lard" or "rendered pork fat."

Class of substance	Substance	Purpose	Products	Amount
Cooling and retort water treatment agents.	BHA (butylated hydroxyanisole).	To retard rancidity	Fresh pork sausage.	0.02 percent based on fat content.
	BHT (butylated hydroxytoluene).	do	do	0.01 percent based on fat content.
	Propyl gallate.	do	do	0.01 percent based on fat content.
	BHA (butylated hydroxyanisole).	do	Dried meats.	0.01 percent based on total weight.
	BHT (butylated hydroxytoluene).	do	do	0.01 percent based on total weight.
Binders	Propyl gallate.	do	do	0.01 percent based on total weight.
	Algin	To extend and stabilize product.	Breading mix; sauces.	Sufficient for purpose.
	Carrageenan.	do	do	Do.
	Carboxymethyl cellulose (cellulose gum).	do	Baked pies.	Do.
	Gums, vegetable.	do	Egg roll.	Do.
	Methyl cellulose.	To extend and to stabilize product (also sausage).	Meat and vegetable patties.	0.15 percent.
	Isolated soy protein.	To bind and extend product.	Imitation sausage; nonspicific leaves; soups; stews.	Sufficient for purpose.
	Sodium caseinate.	do	do	Do.
	Waxy (dried).	do	do	Do.
	Hydroxyt peroxide.	To remove color	Tripe (substance must be removed from product by rinsing with clear water).	Do.
Catalysis (substances must be eliminated during process).	Nickel	To accelerate chemical reaction.	Rendered animal fats or a combination of such fats and vegetable oils.	Do.
	Sodium amide.	Rearrangement of fatty acid triolein.	do	Do.
Coloring agents (natural).	Sodium methoxide.	do	do	Do.
	Alkaneol, azarinate, carotene, cochineal, green chlorophyll, saffron and tumeric.	To color eatings or rendered fats; marking and branding product.	Sausage eatings, shortening, marking or branding ink on product.	Sufficient for purpose (may be mixed with approved synthetic dyes or harmless inert materials such as common salt and sugar).
Coloring agents (synthetic).	Coal tar dyes approved under the Federal Food, Drug, and Cosmetic Act (opener must furnish evidence to officer in charge that dye has been certified for use in connection with foods by the Food and Drug Administration).	do	do	Sufficient for purpose (may be mixed with approved natural coloring matters or harmless inert material such as common salt or sugar).
	Sodium pyrophosphate.	To prevent staining on canned goods.	do	0.05 percent.
Cooling and retort water treatment agents.	Calcium chloride.	To prevent staining on exterior of canned goods.	Any	Sufficient for purpose.
	Chloric acid.	do	do	Do.
	Dialyl sodium sulfosuccinate.	do	do	0.05 percent.
	Dibodium-ethylenediamine tetraacetate.	do	do	Sufficient for purpose.
	Dibodium ethylenediaminetetraacetate.	do	do	Do.
	Dibodium phosphate.	do	do	Do.
	Ethylene diamine tetraacetate acid.	do	do	Do.
	Potassium pyrophosphate.	do	do	Do.
	Propylene glycol.	do	do	Do.
	Sodium bicarbonate.	do	do	Do.
	Sodium carbonate.	do	do	Do.
	Sodium dodecylbenzene sulfonate.	do	do	0.05 percent.
	Sodium gluconate.	do	do	Sufficient for purpose.
	Sodium hexametaphosphate.	do	do	Do.
	Sodium lauryl sulfate.	do	do	0.05 percent.
	Sodium metasilicate.	do	do	Sufficient for purpose.
	Sodium n-sulky benzene sulfonate (alkyl group predominantly C ₁₂ and C ₁₄ and not less than 95 percent C ₁₂ to C ₁₄).	To prevent staining on canned goods.	do	0.05 percent.
	Sodium tartrate.	To inhibit carmine on exterior of canned goods.	do	600 parts per million.
	Sulfur dioxide.	do	do	do
	Zinc oxide.	do	do	0.01 percent.
Zinc sulfate.	do	do	Do.	

Class of substance	Substance	Purpose	Products	Amount
Curing agents.....	Ascorbic acid.....	To accelerate color fixing or preserve color during storage.	Cured pork and beef cuts, cured comminuted meat food product.	75 ozs. to 100 gals. pickle as 10 percent solution level; 74 oz. to 100 lbs. 10 percent solution to surfaces of cured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Erythorbic acid Glucono delta lactone.	To accelerate color fixing.	Cured, comminuted meat or meat food product.	8 ozs. to each 100 lbs. of meat or meat byproduct.
Curing agents.....	Sodium ascorbate.....	To accelerate color fixing or preserve color during storage.	Cured pork and beef cuts, cured comminuted meat food product.	57.5 ozs. to 100 gals. pickle as 10 percent pump level; 54 oz. to 100 lbs. 10 percent solution to surfaces of cured cuts prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Sodium erythorbate Citric acid or sodium citrate.	do do	do do	Do. May be used in cured products or in 10 percent solution used to spray surfaces of cured cuts prior to packaging to replace up to 50 percent of the ascorbic acid, erythorbic acid, sodium ascorbate, or sodium erythorbate that is used.
Curing agents.....	Sodium or potassium nitrate.	Source of nitrite.....	Cured products.	7 lbs. to 100 gals. pickle; 45 ozs. to 100 lbs. meat (dry cure); 24 ozs. to 100 lbs. chopped meat.
	Sodium or potassium nitrite (Sodium nitrite and potassium nitrite) mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such mixtures must be shown and marked accordingly.	To fix color	do	do	2 lbs. to 100 gals. pickle at 10 percent pump level; 1 oz. to 100 lbs. meat (dry cure); 3/4 oz. to 100 lbs. chopped meat and/or meat byproduct. The use of nitrites, nitrites, or combinations shall not result in more than 200 parts per million nitrite in finished product.
Demanding agents may be used in combination. Meat be removed from nitrite by rinsing with potable water.	Limes (calcium citrate, calcium hydroxide).	To demulsify mucous membranes.	Tripe.....	Sufficient for purpose.
	Sodium carbonate..... Sodium gluconate..... Sodium hydroxide..... Sodium metasilicate..... Sodium persulfate..... Trisodium phosphate.	do do do do do	do do do do do	do do do do do	Do. Do. Do. Do. Do.
Emulsifying agents.....	Acetylated monoglycerides. Disodium tartaric acid esters of mono and diglycerides.	To emulsify product.	Shortening.....	Sufficient for purpose.
	Glycerol-lactate stearate, oleate, or palmitate. Lecithin.....	To emulsify product (also as antioxidant).	Rendered animal fat or a combination of such fat with vegetable fat. Oleomargarine, shortening.	Do. Do.
Emulsifying agents.....	Mono and diglycerides (glycerol palmitate, etc.). Polyglycerol esters of fatty acids (Polyglycerol esters of fatty acids are restricted to those up to and including the decylglycerol esters and otherwise meeting the requirements of 121.1129(a) of the Food Additive Regulations).	To emulsify product (also as antioxidant).	Rendered animal fat or a combination of such fat with vegetable fat when use is not precluded by standards of identity.	Sufficient for purpose.
	Propylene glycol mono and diesters of fats and fatty acids.	do	Shortening for use in standard baked goods, baking mixes, icings, fillings, and toppings and in the frying of foods.	1 percent when used alone. If used with polyacrylate 60 the combined total shall not exceed 1 percent.
Emulsifying agents.....	Polyacrylate 60 (polyacrylate C-59 serfutan monostearate).	do	Shortening for use in nonstandard baked goods, baking mixes, icings, fillings, and toppings and in the frying of foods.	1 percent when used alone. If used with polyacrylate 80 the combined total shall not exceed 1 percent.
	Steryl-3-lactyle acid. Steryl monoglyceride trioleate.	do do	Shortening to be used for cake icings and fillings. Shortening.....	3.0 percent. Sufficient for purpose.

Class of substance	Substance	Purpose	Products	Amount
Flavoring agents; protectors and developers.	C&M approved artificial smoke flavoring	To flavor product	Any	Sufficient for purpose.
	C&M approved smoke flavoring extract	do	do	Do.
	Analyzed yeast	do	do	Do.
	Harmless bacteria starters of the acidophilus type, or culture of <i>Lactobacillus casei</i>	To develop flavor	Dry sausage, pork loin, ham, bologna, cervelat, and salami.	0.5 percent.
	<i>Pediococcus cerevisiae</i>	do	do	do
	Benzoic acid, sodium benzoate	To retard flavor reversion	Oleomargarine	0.1 percent.
	Chloric acid	To protect flavor	do	Sufficient for purpose.
	Corn syrup solids, corn syrup, glucose syrup	To flavor	Chili con carne, sausage, ham, luncheon meat, chopped or copped ham.	2.5 percent, individually or collectively, based on a dry basis.
	Dextrone	To flavor product	Sausage, ham and cured hams.	Sufficient for purpose.
	Diacetyl	do	do	Do.
	Ethyl alcohol	do	Oleomargarine	Do.
	Isopropanol	do	Any	Do.
	Isopropyl citrate	To protect flavor	Oleomargarine	0.02 percent.
	Milk protein hydrolysate	To flavor product	Cured products	2.5 percent.
	Monosodium glutamate	do	do	Sufficient for purpose.
Sodium sulfacetate derivative of mono and diglycerides	do	do	Do.	
Sour distillate	do	Oleomargarine	Sufficient for purpose.	
Stearic acid	To protect flavor	do	0.15 percent.	
Sugars (sucrose and dextrose)	To flavor product	Any	Sufficient for purpose.	
Carbon dioxide solid (dry ice)	To cool product	Chopping of meat, packaging of product.	Do.	
Hog scald agents; must be removed by subsequent cleaning operations.	Nitrogen	To exclude oxygen	Sealed container	Do.
	Caustic soda	To remove hair	Hog carcasses	Do.
	Dioctyl sodium sulfosuccinate	do	do	Do.
	Lime	do	do	Do.
	Methyl polysiloxane	do	do	Do.
	Sodium carbonate	do	do	Do.
	Sodium dioctylbenzenesulfonate	do	do	Do.
	Sodium hexameta-phosphate	do	do	Do.
	Sodium lauryl sulfate	do	do	Do.
	Sodium metasilicate	do	do	Do.
	Sodium n-alkylbenzenesulfonate (alkyl group predominantly C ₁₂ and C ₁₄ and not less than 95 percent C ₁₂ to C ₁₄)	do	do	Do.
	Sodium zeolite	do	do	Do.
	Sodium tripolyphosphate	do	do	Do.
	Sucrose	do	do	Do.
	Trisodium phosphate	do	do	Do.
Miscellaneous	Potassium sorbate	To retard mold growth	Dry sausage	2.5 percent in water solution may be applied to casings after stuffing or casings may be dipped in solution prior to stuffing. 0.1 percent by weight of the finished oleomargarine or margarine.
	Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate)	To preserve product and to retard mold growth	Oleomargarine or margarine	75 parts per million by weight of the finished oleomargarine or margarine.
	Propylparaben (propyl p-hydroxybenzoate)	To preserve product and to protect flavor	do	do
	Sodium metachromic acid	do	do	do
	Sodium propionate	To neutralize excess acidity, cleaning vegetables	Rendered fats, soups, curries, pickles	Sufficient for purpose.
	Calcium propionate	To retard mold growth	Pizza crust	0.32 percent alone or in combination based on weight of the flour used.
	Sodium propionate	To decrease amount of cooked oat juices	Cured hams, pork shoulder, pickles, and hams, and canned hams and pork shoulder	5.0 percent of phosphate in pickles at 10 percent of phosphate in product (only clear solution may be injected into product).
	Monosodium phosphate	do	do	Do.
	Sodium hexametaphosphate	do	do	Do.
	Sodium tripolyphosphate	do	do	Do.
	Sodium pyrophosphate	do	do	Do.
	Sodium acid pyrophosphate	do	do	Do.
	Proteolytic enzymes	To soften tissues	Beef cuts	Solutions consisting of water, salt, monosodium glutamate, and approved proteolytic enzymes applied or injected into cuts of beef shall not result in a gain of more than 3 percent above the weight of the untreated product.
	Aspartylase	do	do	Do.
	Flavoryase	do	do	Do.
Bromelain	do	do	Do.	
Papain	do	do	Do.	
Acetic acid	To separate fatty acids and glycerol	Rendered fats	Sufficient for purpose.	
Refining agents (must be eliminated during process of manufacturing)	Bicarbonate of soda	To add in refining of charcoal	do	Do.
	Caustic soda (sodium hydroxide)	To refine fats	do	Do.
	Diatomaceous earth; Fuller's earth	do	do	Do.
	Sodium carbonate	do	do	Do.
	Tannic acid	do	do	Do.
	Carbon (purified)	To add in refining of animal fats	do	Do.
	Caustic soda	To refine fats	do	Do.
	Sodium hydroxide	do	do	Do.
	Diatomaceous earth; Fuller's earth	do	do	Do.
	Sodium carbonate	do	do	Do.
	Tannic acid	do	do	Do.
	Carbon (purified)	To add in refining of animal fats	do	Do.
	Caustic soda	To refine fats	do	Do.
	Sodium hydroxide	do	do	Do.
	Diatomaceous earth; Fuller's earth	do	do	Do.
Sodium carbonate	do	do	Do.	
Tannic acid	do	do	Do.	

Class of substance	Substance	Purpose	Products	Amount
Rendering agents	Tricalcium phosphate	To aid rendering	Animal fats	Sufficient for purpose.
	Triodium phosphate	do	do	Do.
Artificial sweeteners	Saccharin	To sweeten product	Bacon	0.01 percent.
	Sodium cyclamate	do	Bacon	0.15 percent.
			Ham	0.03 percent.
	Calcium cyclamate	do	Bacon	0.15 percent.
Synergists (used in combination with antioxidants)	Citric acid	To increase effectiveness of antioxidants.	Ham	0.03 percent.
			Lard and shortening	0.01 percent alone or in combination with antioxidants in lard or shortening.
			Dry sausage	0.001 percent in dry sausage in combination with antioxidants.
			Fresh pork sausage	0.01 percent on basis of fat content, in combination with antioxidants.
			Dried meats	0.01 percent on basis of total weight in combination with antioxidants.
	Monoisopropyl citrate	To increase effectiveness of antioxidants.	Lard, shortening, oleomargarine, fresh pork sausage, dried meats	0.02 percent.
	Phosphoric acid	do	Lard and shortening	0.01 percent.
	Monoglyceride citrate	do	Lard, shortening, fresh pork sausage, dried meats	0.02 percent.

§ 318.8 Preservatives and other substances permitted in product for export only; handling; such product not to be used for domestic food purposes.

(a) Preservatives and other substances not otherwise permitted in this subchapter may be used in the preparation and packing of product intended for export provided the product (1) accords to the specifications of the foreign purchaser, (2) is not in conflict with the laws of the country to which it is intended for export, and (3) is labeled on the outside of the shipping container to show that it is intended for export, and is otherwise labeled as required by this subchapter for such export product.

(b) The preparation and packing of export product as provided for in paragraph (a) of this section shall be done in a manner acceptable to the officer in charge so that the identity of the export product is maintained conclusively and the preparation of domestic product is adequately protected. The preservative or other substances not permitted in domestic product shall be stored in a room or compartment separate from areas used to store other supplies and shall be held under Program lock. Use of the preservative or other substances shall be under the personal supervision of a Program employee.

(c) The packing of all articles under paragraph (a) of this section shall be conducted under the personal supervision of a Program employee.

(d) No article prepared or packed for export under paragraph (a) of this section shall be sold or offered for sale for domestic use or consumption, but unless exported shall be destroyed for food purposes under the personal supervision of a Program employee.

(e) The contents of the container of any article prepared or packed for export under paragraph (a) of this section shall not be removed, in whole or in part, from

such container prior to exportation, except under the supervision of a Program employee. If such contents be removed prior to exportation, then the article shall be either repacked, in accordance with the provisions of paragraphs (b) and (c) of this section, or destroyed for food purposes under the personal supervision of a Program employee.

(f) Permission must be obtained from the Administrator before meats packed in borax are shipped from one official establishment to another or to an unofficial establishment for storage, except such meat prepared for the account of Federal agencies.

(g) At all times, the identity of meat to which borax has been added shall be effectively maintained. In no case shall such meat, nor any trimmings or fat derived from such meat, whether unwashed or washed, or otherwise treated, be diverted to domestic use.

(h) Salt used for bulking meat previously packed in borax may not again be used in an edible products department other than in connection with the packing of meat in borax. If available, only metal equipment shall be used for handling such meat. Particularly effective cleansing will be required if wooden equipment such as trucks, washing vats, etc., is used. Boxes from which boraxed meat has been removed may be used for repacking meat in borax, but their use as containers for other meat will be dependent upon the effective removal of all traces of borax.

(i) The following instructions pertain to export cured pork packed in borax for the account of Federal agencies: The meat may be packed in borax in a room in which there is borax-free meat, provided proper care is taken to see that the borax-free meat is not affected by the borax. Under the same condition meat packed in borax may be received, unpacked, defrosted, soaked, washed, smoked, and repacked in a room where

there is other meat. However, meat originally packed in borax shall at all times be subject to the restrictions of meat so packed, even though repacked without borax. After packing or repacking, borax packed meat may be stored in a room with meat not packed in borax, provided a reasonable degree of separation is maintained between the two classes of product.

§ 318.9 Samples of products, water, dyes, chemicals, etc., to be taken for examination.

Samples of products, water, dyes, chemicals, preservatives, spices, or other articles in any official establishment shall be taken, without cost to the Program, for examination, as often as may be deemed necessary for the efficient conduct of the inspection.

§ 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.

(a) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as bacon and jowls, other than those covered by paragraph (b) of this section, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer. Therefore, the treatment of such products for the destruction of trichinae is not required.

(b) Products named in this paragraph, and products of the character thereof, containing pork muscle tissue (including pork hearts, pork stomachs, and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or cured at a federally inspected establishment to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; ground meat mixtures, containing pork and beef, veal, lamb, mutton, or goat meat and prepared in such a manner that they might be eaten rare or without thorough cooking; flavored pork sausage such as those containing wine or similar flavoring materials; cured pork sausage; sausage containing cured and/or smoked pork; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnics; Italian-style hams; Westphalia-style hams; smoked boneless pork shoulder butts; cured meat rolls; capocollo (capicola, capicola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, shoulder picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); breaded pork products; cured boneless pork loins; boneless back bacon; bacon used for wrapping around patties, steaks and similar products; smoked pork cuts such as hams, shoulders, loins, and pork shoulder picnics (excepting smoked hams, and smoked pork shoulder picnics which are specially prepared for distribution in tropical climates or smoked

hams delivered to the Armed Services). Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

(c) The treatment shall consist of heating, refrigerating, or curing, as follows:

(1) *Heating.* (i) All parts of the pork muscle tissue shall be heated to a temperature not lower than 137° F., and the method used shall be one known to insure such a result. On account of differences in methods of heating and in weights of products undergoing treatment it is impracticable to specify details of procedures for all cases.

(ii) Procedures which insure the proper heating of all parts of the product shall be adopted. It is important that each piece of sausage, each ham, and other product treated by heating in water be kept entirely submerged throughout the heating period; and that the largest pieces in a lot, the innermost links of bunched sausage or other massed articles, and pieces placed in the coolest part of a heating cabinet or compartment or vat be included in the temperature tests.

(2) *Refrigerating.* At any stage of preparation and after preparatory chilling to a temperature of not above 40° F. or preparatory freezing, all parts of the muscle tissue of pork or product containing such tissue shall be subjected continuously to a temperature not higher than one of those specified in Table 1, the duration of such refrigeration at the specified temperature being dependent on the thickness of the meat or inside dimensions of the container.

TABLE 1—REQUIRED PERIOD OF FREEZING AT TEMPERATURE INDICATED

Temperature	Group 1	Group 2
* F.	Days	Days
5	20	30
-10	10	20
-20	6	12

(i) Group 1 comprises product in separate pieces not exceeding 6 inches in thickness, or arranged on separate racks with the layers not exceeding 6 inches in depth, or stored in crates or boxes not exceeding 6 inches in depth, or stored as solidly frozen blocks not exceeding 6 inches in thickness.

(ii) Group 2 comprises product in pieces, layers, or within containers, the thickness of which exceeds 6 inches but not 27 inches, and product in containers including tierces, barrels, kegs, and cartons having a thickness not exceeding 27 inches.

(iii) The product undergoing such refrigeration or the containers thereof shall be so spaced while in the freezer as will insure a free circulation of air between the pieces of meat, layers, blocks, boxes, barrels, and tierces in order that the temperature of the meat throughout will be promptly reduced to not higher than 5° F., -10° F., or -20° F., as the case may be.

(iv) In lieu of the methods prescribed in Table 1, the treatment may consist of refrigeration to a temperature of -30° F. in the center of the pieces of meat or commercial freeze drying.

(v) During the period of refrigeration the product shall be kept separate from other products and in the custody of the Program. Rooms or compartments equipped for being made secure with Program lock or seal shall be provided. The rooms or compartments containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After completion of the prescribed freezing of pork to be used in the preparation of product covered by paragraph (b) of this section, the pork shall be kept under close supervision of an inspector until it is prepared in finished form as one of the products enumerated in paragraph (b) of this section, or until it is transferred under Program control to another official establishment for preparation in such finished form.

(vi) Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another station, for use in the preparation of product covered by paragraph (b) of this section. The sealing of closed containers, such as boxes and slack barrels, shall be effected by cording and affixing thereto Program seals, and such containers as tierces and kegs shall be held in Program custody by sealing with wax impressed with a Program metal brand. Railroad cars, motortrucks, and trailers shall, when necessary, be sealed with Program car seals. Properly sealed and marked closed containers may be shipped with other meat in unsealed railroad cars, motortrucks, and trailers. Shipping containers such as boxes, barrels, and tierces, containing pork refrigerated in accordance with § 318.10, shall be plainly and conspicuously marked with a label or stencil furnished by the establishment, as follows: "Pork product ----- degrees F. ----- days' refrigeration," indicating the temperature at which the product was refrigerated and the length of time so treated. For each consignment there shall be promptly issued and forwarded by the inspector to the officer in charge at destination a report on the form entitled "Notice of Unmarked Meats Shipped in Sealed Cars," appropriately modified to show the character of the containers, and that the contents are "Pork product ----- degrees F. ----- days' refrigeration." A duplicate copy shall be retained in the station file.

(3) *Curing*—(i) *Sausage.* The sausage may be stuffed in animal casings, hydrocellulose casings, or cloth bags. During any stage of treating the sausage for the destruction of live trichinae, except as provided in Method 5, these coverings shall not be coated with paraffin or like substance, nor shall any sausage be washed during any prescribed period of

drying. In the preparation of sausage, one of the following methods may be used:

Method No. 1. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be held in a drying room not less than 20 days at a temperature not lower than 45° F., except that in sausage of the variety known as pepperoni, if in casings not exceeding 1½ inches in diameter measured at the time of stuffing, the period of drying may be reduced to 15 days. In no case, however, shall the sausage be released from the drying room in less than 25 days from the time the curing materials are added, except that sausage of the variety known as pepperoni, if in casings not exceeding the size specified, may be released at the expiration of 20 days from the time the curing materials are added. Sausage in casings exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room not less than 35 days at a temperature not lower than 45° F., and in no case shall the sausage be released from the drying room in less than 40 days from the time the curing materials are added to the meat.

Method No. 2. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked not less than 40 hours at a temperature not lower than 80° F., and finally held in a drying room not less than 10 days at a temperature not lower than 45° F. In no case, however, shall the sausage be released from the drying room in less than 18 days from the time the curing materials are added to the meat. Sausage exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing, shall be held in a drying room, following smoking as above indicated, not less than 25 days at a temperature not lower than 45° F., and in no case shall the sausage be released from the drying room in less than 33 days from the time the curing materials are added to the meat.

Method No. 3. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped meat shall be held at a temperature not lower than 34° F. for not less than 36 hours. After being stuffed the sausage shall be held at a temperature not lower than 34° F. for an additional period of time sufficient to make a total of not less than 144 hours from the time the curing materials are added to the meat, or the sausage shall be held for the time specified in a pickle-curing medium of not less than 50° strength (salometer reading) at a temperature not lower than 44° F. Finally, the sausage having a diameter not exceeding 3½ inches, measured at the time of stuffing, shall be smoked for not less than 12 hours. The temperature of the smokehouse during this period at no time shall be lower than 90° F.; and for 4 consecutive hours of this period the smokehouse shall be

maintained at a temperature not lower than 128° F. Sausage exceeding 3½ inches, but not exceeding 4 inches, in diameter at the time of stuffing shall be smoked, following the prescribed curing, for not less than 15 hours. The temperature of the smokehouse during the 15-hour period shall at no time be lower than 90° F., and for 7 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 128° F. In regulating the temperature of the smokehouse for the treatment of sausage under this method, the temperature of 128° F. shall be attained gradually during a period of not less than 4 hours.

Method No. 4. The meat shall be ground or chopped into pieces not exceeding one-fourth of an inch in diameter. A dry-curing mixture containing not less than 2½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After admixture with the salt and other curing materials and before stuffing, the ground or chopped sausage shall be held as a compact mass, not more than 6 inches in depth, at a temperature not lower than 36° F. for not less than 10 days. At the termination of the holding period, the sausage shall be stuffed in casings or cloth bags not exceeding 3¼ inches in diameter, measured at the time of stuffing. After being stuffed, the sausage shall be held in a drying room at a temperature not lower than 45° F. for the remainder of a 35-day period, measured from the time the curing materials are added to the meat. At any time after stuffing, if the establishment operator deems it desirable, the product may be heated in a water bath for a period not to exceed 3 hours at a temperature not lower than 85° F., or subjected to smoking at a temperature not lower than 80° F., or the product may be both heated and smoked as specified. The time consumed in heating and smoking, however, shall be in addition to the 35-day holding period specified.

Method No. 5. The meat shall be ground or chopped into pieces not exceeding three-fourths of an inch in diameter. A dry-curing mixture containing not less than 3½ pounds of salt to each hundredweight of the unstuffed sausage shall be thoroughly mixed with the ground or chopped meat. After being stuffed the sausage shall be held for not less than 65 days at a temperature not lower than 45° F. The coverings for sausage prepared according to this method may be coated at any stage of the preparation before or during the holding period with paraffin or other substance approved by the Administrator.

(ii) *Capocollo (capicola, capicola).* Boneless pork butts for capocollo shall be cured in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for a period of not less than 25 days at a temperature not lower than 36° F. If the curing materials are applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be smoked for a period of not less than 30 hours at a temperature not lower than 80° F., and shall finally be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(iii) *Coppa.* Boneless pork butts for coppa shall be cured in a dry-curing mixture containing not less than 4½ pounds of salt per hundredweight of meat for a period of not less than 18 days at a temperature not lower than 36° F. If the curing mixture is applied to the butts by the process known as churning, a small quantity of pickle may be added. During the curing period the butts may be overhauled according to any of the usual processes of overhauling, including the addition of pickle or dry salt if desired. The butts shall not be subjected during or after curing to any treatment designed to remove salt from the meat, except that superficial washing may be allowed. After being stuffed, the product shall be held in a drying room not less than 35 days at a temperature not lower than 45° F.

(iv) *Hams.* In the curing of hams either of the following methods may be used:

Method No. 1. The hams shall be cured by a dry-salt curing process not less than 40 days at a temperature not lower than 36° F. The hams shall be laid down in salt, not less than 4 pounds to each hundred weight of hams, the salt being applied in a thorough manner to the lean meat of each ham. When placed in cure the hams may be pumped with pickle if desired. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from cure the hams may be soaked in water at a temperature not higher than 70° F. for not more than 15 hours, during which time the water may be changed once; but they shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall finally be dried or smoked not less than 10 days at a temperature not lower than 95° F.

Method No. 2. The hams shall be cured by a dry-salt curing process at a temperature not lower than 36° F. for a period of not less than 3 days for each pound of weight (green) of the individual hams. The time of cure of each lot of hams placed in cure shall be calculated on a basis of the weight of the heaviest ham of the lot. Hams cured by this method, before they are placed in cure, shall be pumped with pickle solution of not less than 100° strength (salometer), about 4 ounces of the solution being injected into the shank and a like quantity along the flank side of the body bone (femur). The hams shall be laid down in salt, not less than 4 pounds of salt to each hundredweight of hams, the salt being applied in a thorough manner to the lean meat of each ham. At least once during the curing process the hams shall be overhauled and additional salt applied, if necessary, so that the lean meat of each ham is thoroughly covered. After removal from the cure the hams may be soaked in water at a temperature not higher than 70° F. for not more than 4 hours, but shall not be subjected to any other treatment designed to remove salt from the meat, except that superficial washing may be allowed. The hams shall then be dried or smoked not less than 48 hours at a temperature not lower than 80° F., and finally shall be held in a drying room not less than 20 days at a temperature not lower than 45° F.

(v) *Boneless pork loins and loin ends.* In lieu of heating or refrigerating to destroy trichinae in boneless loins, the loins may be cured for a period of not

less than 25 days at a temperature not lower than 36° F. by the use of one of the following methods.

Method No. 1. Application of a dry-salt curing mixture containing not less than 5 pounds of salt to each hundredweight of meats.

Method No. 2. Application of a pickle solution of not less than 80° strength (salometer) on the basis of not less than 60 pounds of pickle to each hundredweight of meat.

Method No. 3. Application of a pickle solution added to the dry-salt cure prescribed as Method No. 1 in this subdivision (v) provided the pickle solution is not less than 80° strength (salometer).

After removal from cure, the loins may be soaked in water for not more than 1 hour at a temperature not higher than 70° F. or washed under a spray, but shall not be subjected, during or after the curing process, to any other treatment designed to remove salt.

Following curing, the loins shall be smoked for not less than 12 hours. The minimum temperature of the smokehouse during this period at no time shall be lower than 100° F., and for 4 consecutive hours of this period the smokehouse shall be maintained at a temperature not lower than 125° F.

Finally, the product shall be held in a drying room for a period of not less than 12 days at a temperature not lower than 45° F.

(d) General instructions: When necessary to comply with the requirements of this section, the smokehouses, drying rooms, and other compartments used in the treatment of pork to destroy trichinae shall be suitably equipped, by the establishment, with accurate automatic recording thermometers. Officers in charge are authorized to approve for use in sausage smokehouses, drying rooms, and other compartments, such automatic recording thermometers as are found to give satisfactory service and to disapprove and require discontinuance of use, for purposes of the regulations in this subchapter any thermometers (including any automatic recording thermometers) of the establishment that are found to be inaccurate or unreliable.

§ 318.11 Canning with heat processing and hermetically sealed containers; cleaning containers; closure; code marking; heat processing; incubation.

(a) Containers which are intended to be hermetically sealed shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently. However, cans in which lard is to be hermetically sealed may be examined immediately before filling and if found to be acceptably clean by a Program employee need not be washed.

(b) Containers of metal, glass, or other material shall be washed in an inverted position with running water at a temperature of at least 180° F. The container-washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers. In lieu of cleaning with hot water the use of efficient jet-vacuum type equipment for cleaning cans and jars is permitted before filling.

(c) Nothing less than perfect closure is acceptable for hermetically sealed containers. Heat processing shall follow promptly after closing.

(d) Careful inspection shall be made of the containers by competent establishment employees immediately after closing, and containers which are defectively filled or defectively closed or show inadequate vacuum shall not be processed until the defect has been corrected. The containers shall again be inspected by establishment employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within 6 hours following the sealing of the containers or completion of the heat processing, as the case may be, except that: (1) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected, (2) short vacuum or overstuffed cans of product which have not been handled in accordance with subparagraph (1) of this paragraph may be incubated under Program supervision, after which the cans shall be opened and the sound product passed for food, and (3) short vacuum or overstuffed cans of product of a class permitted to be labeled "Perishable, Keep Under Refrigeration" and which have been kept under adequate refrigeration since processing may be opened and the sound product passed for food.

(e) Canned products shall not be passed unless after cooling to atmospheric temperature, they show the external characteristics of sound cans; that is, the cans shall not be overfilled; they shall have concave sides, excepting the seam side, and all ends shall be concave; there shall be no bulging; the sides and ends shall conform to the product; and there shall be no slack or loose tin.

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the officer in charge.

(g) Canned product must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation when heating is relied on for preservation, with the exception of those canned products which are processed without steam-pressure cooking by permission of the Administrator in specific cases and labeled "Perishable, Keep Under Refrigeration."

(h) Lots of canned product shall be identified during their handling preparatory to heat processing by tagging the baskets, cages, or cans with a tag which will change color on going through the heat processing or by other effective means so as to positively preclude failure to heat process after closing.

(i) Facilities shall be provided by the operator of the official establishment for incubation of representative samples of

fully processed canned product. The incubation shall consist of holding the canned product for the periods of time and at the temperatures prescribed in subparagraph (4) of this paragraph.

(1) The extent to which incubation tests shall be required depends on conditions such as the record of the official establishment in conducting canning operations, the extent to which the establishment furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the officer in charge in determining the extent of incubation testing at a particular establishment.

(2) In the event of failure by an official establishment to provide suitable facilities for incubation of test samples, the officer in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the product.

(3) The officer in charge may permit lots of canned product to be shipped from the official establishment prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the product to the establishment for reinspection should such action be indicated by the incubation results.

(4) Incubation shall consist of holding the samples at 95° F. for no less than 10 days; except

(i) Samples of firmly packed products such as luncheon meat, and products with high fat content, such as chorizos packed in lard, and products weighing 3 pounds or more shall be held at 95° F. for not less than 20 days.

(ii) Samples of products composed of chunks or patties of meat in a medium or sauce wherein the pH of the meat component and the medium or sauce are significantly different shall be incubated at 95° F. for no less than 30 days.

§ 318.12 Preparation of dog food or similar uninspected article at official establishments.

(a) When dog food, or similar uninspected article is prepared in an edible product department, there shall be sufficient space allotted and adequate equipment provided so that the preparation of the uninspected article in no way interferes with the handling or preparation of edible products. Where necessary to avoid adulteration of edible products, separate equipment shall be provided for the uninspected article. To assure the maintenance of sanitary conditions in the edible product departments, the operations incident to the preparation of the uninspected article will be subject to the same sanitary requirements that apply to all operations in edible product departments. The preparation of the uninspected article shall be limited to those hours during which the establishment generally operates under inspectional supervision; and there shall be no handling, other than receiving at the offi-

cial establishment, of any of the product ingredient of the uninspected article, other than during the regular hours of inspection. The materials used in the preparation of the uninspected article shall not be used so as to interfere with the inspection of edible product or the maintenance of sanitary conditions in the department or render any edible product adulterated. The uninspected article may be stored in, and distributed from, edible product department: *Provided*, That adequate facilities are furnished, that there is no interference with the maintenance of sanitary conditions, and that it is properly identified.

(b) When dog food or similar uninspected article is prepared in a part of an official establishment other than an edible product department, the area in which the dog food is prepared shall be separated from edible product departments in the manner required for separation between edible product departments and inedible product departments. Sufficient space must be allotted and adequate equipment provided so that the preparation of the uninspected article does not interfere with the proper functioning of the other operations at the establishment. Nothing in this paragraph shall be construed as permitting any deviation from the requirement that dead animals, condemned products, and similar materials of whatever origin, must be placed in the inedible product rendering equipment, and without undue delay. The preparation of the uninspected product must be such as not to interfere with the maintenance of general sanitary conditions on the premises, and it shall be subject to inspectional supervision similar to that exercised over other inedible product departments. There shall be no return of any product to edible product departments. Trucks, barrels, and other equipment shall be cleaned before being returned to edible product departments from inedible product departments. Unoffensive material prepared outside edible product departments may be stored in, and distributed from, edible product departments only if packaged in clean, properly identified, sealed containers.

(c) Animal food shall be distinguished from articles of human food, so as to avoid the distribution of such animal food as human food. To accomplish this, labeling of hermetically sealed, retort processed, conventional retail size containers, as for example, "dog food" will be considered sufficient. If not in such containers the product must not only be properly identified as animal food but it must be of such character or so denatured or decharacterized as prescribed in § 325.13 of this subchapter as to deter its use for human food. Animal food shall not be represented as being a human food.

§ 318.13 Mixtures containing product but not amenable to the Act.

Mixtures containing product but not classed as a meat food product under the Act shall not bear the inspection legend or any abbreviation or representation thereof unless prepared under the food inspection service provided for in

Part 350¹ of Subchapter B of this chapter. When such mixtures are prepared in any part of an official establishment, the sanitation of that part of the establishment shall be supervised by Program employees, and the preparation of such mixtures shall not cause any deviation from the requirement that no uninspected products shall be brought into the establishment.

§ 318.14 Adulteration of products by flood water, etc.; procedure for handling.

(a) Any product at any official establishment which has been adulterated by contamination with flood water, harbor water, or other polluted water, shall be condemned.

(b) After flood water has receded at an official establishment the operator shall cause its employees to thoroughly cleanse all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, under the supervision of a Program employee. An adequate supply of hot water, under pressure, is essential for effective cleansing of the rooms and equipment. After cleansing, a solution of sodium hypochlorite containing approximately one-half of 1 percent available chlorine (5,000 parts per million), or other disinfectant approved by the Administrator shall be applied to the surface of the rooms. Where the solution has been applied to equipment which will afterwards contact meat, the equipment shall be rinsed with clean water before being used. All metal should be rinsed with clean water to prevent corrosion.

(c) Hermetically sealed containers of product which have been submerged or otherwise contaminated by flood water, harbor water, or other polluted water shall be rehandled promptly under supervision of a Program employee at official establishments as follows:

(1) Separate and condemn all product the containers of which show extensive rusting or corrosion, such as might materially weaken the container, as well as any swollen, leaky, or otherwise suspicious container.

(2) Remove paper labels and wash the containers in warm soapy water, using a brush where necessary to remove rust or other foreign material, immerse in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine or other disinfectant approved for purposes of Part 308 of this subchapter² and rinse in clean fresh water and dry thoroughly.

(3) After handling as described in subparagraph (2) of this paragraph, the containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the product therein.

(4) The identity of the canned product shall be maintained throughout all stages

of the rehandling operations, to insure correct labeling of the containers.

§ 318.15 Tagging chemicals, preservatives, cereals, spices, etc., "U.S. Retained."

When any chemical, preservative, cereal, spice, or other substance is intended for use in an official establishment, it shall be examined by a Program employee and if found to be unfit or otherwise unacceptable for the use intended, or if final decision regarding acceptance is deferred pending laboratory or other examination, the employee shall attach a "U.S. Retained" tag to the substance or container thereof. The substance so tagged shall be kept separate from other substances as the officer in charge may require and shall not be used until the tag is removed, and such removal shall be made only by a Program employee after a finding that the substance can be accepted, or, in the case of an unacceptable substance, when it is removed from the establishment.

§ 318.16 Pesticide chemicals and other residues in products.

(a) *Nonmeat ingredients.* Residues of pesticide chemicals, food additives and color additives or other substances in or on ingredients (other than meat, meat byproducts and meat food products) used in the formulation of products shall not exceed the levels permitted under the Federal Food, Drug, and Cosmetic Act, and such nonmeat ingredients must otherwise be in compliance with the requirements under that Act.

(b) *Products, and meat, meat byproduct or meat food product ingredients.* Products, and products used as ingredients of products, shall not bear or contain any pesticide chemical, food additive, or color additive residue in excess of the level permitted under the Federal Food, Drug, and Cosmetic Act and the regulations in this subchapter, or any other substance that is prohibited by such regulations or that otherwise makes the products adulterated.

(c) *Standards and procedures.* Instructions specifying the standards and procedures for determining when ingredients or finished products are in compliance with this section shall be issued to the inspectors by the Administrator. Copies of such instructions will be made available to interested persons upon request made to the Administrator.

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION AND STANDARDS OF FILL OF CONTAINERS

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Subpart N—Meat Food Entree Products, Pies, and Turnovers

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Subpart O—Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items

319.600 Pizza.

Subpart P—Fats, Oils, Shortenings

319.700 Oleomargarine or margarine.
319.701 Mixed fat shortening.
319.702 Lard, leaf lard.
319.703 Rendered animal fat or mixture thereof.

¹ The regulations now in Part 340 will be transferred later to a new Part 350.

² A list of approved disinfectants is available upon request to the Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Subpart Q—Meat Soups, Soup Mixes, Broths, Stocks, Extracts

- Sec.
319.720 Meat extract.
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Subpart R—Meat Salads and Meat Spreads

- 319.760 Deviled ham, deviled tongue and similar products.
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Subpart S—Meat Baby Foods [Reserved]

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Subpart A—General

§ 319.1 Labeling of standardized products.

Labels for products for which standards of identity or composition are prescribed in this part shall show the quoted product name, and ingredient statement and other label information in accordance with the special provisions, if any, in this part, and otherwise in accordance with the general labeling provisions in Part 317 of this subchapter.

Subpart B—Raw Meat Products

§ 319.15 Miscellaneous beef products.

(a) *Chopped beef.* "Chopped Beef" shall consist of chopped fresh beef with or without seasoning and without the addition of beef fat as such and shall not contain more than 30 percent fat. When beef cheek meat (trimmed beef cheeks) is used in the preparation of chopped beef, the amount of such cheek meat shall be limited to 25 percent and its presence shall be declared on the label, either continuous to the name of the product or in the ingredient statement.

(b) *Hamburger.* "Hamburger" shall consist of chopped fresh beef with or without the addition of beef fat as such and/or seasoning and shall not contain more than 30 percent fat. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of hamburger only in accordance with the conditions prescribed in paragraph (a) of this section.

(c) *Beef patties.* "Beef patties" shall consist of chopped fresh beef with or without the addition of beef fat as such and/or seasonings. Binders or extenders and/or partially defatted beef fatty tissue may be used with or without added water in amounts such that the product's characteristics are essentially that of a meat patty.

(d) *Fabricated beef steaks.* Fabricated beef steaks labeled "Beef Steak, Chopped, Shaped, Frozen" or "Minute Steak, Formed, Wafer Sliced, Frozen" shall be prepared by comminuting and forming from fresh beef. Beef cheek meat (trimmed beef cheeks) may be used in the preparation of fabricated beef steaks only in accordance with conditions prescribed in paragraph (a) of this section.

(e) *Partially defatted beef fatty tissue.* "Partially Defatted Beef Fatty Tissue" is a beef byproduct derived from the

low temperature rendering (not exceeding 120° F.) of fresh beef fatty tissue. Such product shall have a pinkish color and a fresh odor and appearance.

§ 319.29 Miscellaneous pork products.

(a) *Partially defatted pork fatty tissue.* "Partially Defatted Pork Fatted Tissue" is a pork byproduct derived from the low temperature rendering (not exceeding 120° F.) of fresh pork fatty tissue. Such product shall have a pinkish color and a fresh odor and appearance.

Subpart C—Cooked Meats

§ 319.30 Barbecued meats.

Barbecued meats, such as product labeled "Beef Barbecue" or "Barbecued Pork", shall be cooked by the direct action of dry heat resulting from the burning of hard wood or the hot coals therefrom for a sufficient period to assume the usual characteristics of a barbecued article, which include the formation of a brown crust on the surface and the rendering of surface fat. The product may be basted with a sauce during the cooking process. The weight of barbecued meat shall not exceed 70 percent of the weight of the fresh uncooked meat.

§ 319.31 Roast beef parboiled and steam roasted.

"Roast Beef Parboiled and Steam Roasted" shall be prepared so that the weight of the finished product, excluding salt and flavoring material, shall not exceed 70 percent of the fresh beef weight. Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap may be used individually or collectively to the extent of 5 percent of the meat ingredient in the preparation of canned product labeled "Roast Beef Parboiled and Steam Roasted." When beef cheek meat, beef head meat, or beef heart meat are used in the preparation of this product, its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter.

Subpart D—Cured Meats, Unsmoked and Smoked

§ 319.100 Corned beef.

"Corned Beef" shall be prepared from hog briskets, navals, clods, middle ribs, rounds, rungs or similar cuts using one or a combination of the curing ingredients specified in § 318.7(b)(4) of this subchapter. Canned product labeled "Corned Beef" shall be prepared so that the weight of the finished product, excluding salt and flavoring material, shall not exceed 70 percent of the fresh beef weight. Beef cheek meat, beef head meat and beef heart meat may be used to the extent of 5 percent of the meat ingredient in preparation of this product when trimmed as specified in § 319.81. When beef cheek meat, beef head meat, or beef heart meat are used in preparation of this product, its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter.

The application of curing solution to beef cuts, other than briskets, which are intended for bulk corned beef shall not result in an increase in the weight of the finished cured product of more than 10 percent over the weight of the fresh uncured meat.

§ 319.101 Corned beef brisket.

In preparing "Corned Beef Brisket," the application of curing solution to the beef brisket shall not result in an increase in the weight of the finished cured product of more than 20 percent over the weight of the fresh uncured brisket.

§ 319.102 Corned beef round and other beef cuts.

"Corned Beef Round" and other beef cuts except "Corned Beef Brisket" shall be prepared by the application of not more than 10 percent of curing solution to the beef cut and shall result in cooked product not exceeding the weight of the fresh uncured beef cut.

§ 319.103 Cured beef tongue.

In preparing "Cured Beef Tongue," the application of curing solution to the fresh beef tongue shall not result in an increase in the weight of the cured beef tongue of more than 10 percent over the weight of the fresh uncured beef tongue.

§ 319.104 Cured, unsmoked, boneless pork cuts.

Cured, unsmoked, "Boneless Pork Shoulders," "Boneless Pork Shoulder Butts," or pieces of pork loin in casing or similar containers of consumer size, shall not contain more than 10 percent added substances as a result of the curing process.

§ 319.105 Cured pork products, unsmoked or smoked.

(a) *Smoked products.* The weight of any smoked products such as "Ham," "Pork Shoulder," "Pork Shoulder Picnic," "Pork Shoulder Butt," or similar products except such products prepared for canning, shall not exceed the weight of the fresh uncured article.¹

(b) *Cooked, cured products.* The preparation of any cooked, cured products, such as "Ham," "Pork Shoulder," "Pork Shoulder Picnic," "Pork Shoulder Butt," and "Pork Loin," either by moist or dry heat, shall not result in the finished cooked product weighing more than the fresh uncured article.¹

(c) *Canned products.* The preparation of any canned products such as "Ham," "Pork Shoulder Picnic," or similar products shall not result in an increase in weight of more than 8 percent over the weight of the fresh uncured article.¹

(d) *Pressed ham, spiced ham.* "Pressed Ham," "Pressed Ham with Natural Juices," "Spiced Ham," and similar products may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham. The weight of the cured

¹ See § 317.8(b)(13) of this subchapter for provisions on labeling of ham and for labeling of products containing up to 10 percent added water.

chopped ham prior to processing shall not exceed the weight of the fresh uncured ham, exclusive of the bone and fat removed in the boning operation, plus the weight of the curing ingredients and 3 percent moisture.

§ 319.106 Chopped ham.

(a) "Chopped Ham" is the semisolid meat food product, in the form of a compact mass with a limited amount of cooked out juices, which is prepared with ham, curing agents, seasonings and any of the optional ingredients listed in paragraph (b) of this section, in accordance with the provisions of subparagraphs (1), (2), and (3) of this paragraph.

(1) Fresh ham, cured ham or smoked ham, or a mixture of two or more of such meat components may be used. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham and fresh uncured ham shank meat if any is used, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.

(2) The curing agents that may be used, singly or in combination, are salt, sodium nitrate, sodium nitrite, potassium nitrate, and potassium nitrite. When sodium nitrate, sodium nitrite, potassium nitrate or potassium nitrite is used, singly or in combination, the amount thereof shall not exceed that permitted in § 318.7(b)(4) of this subchapter.

(3) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins and other spice extractives.

(b) Chopped ham may contain one or more of the following optional ingredients:

(1) Finely chopped ham shank meat (fresh, cured or smoked, or a combination thereof) to the extent of not more than 25 percent over that normally present in the boneless ham.

(2) Water, for the purpose of dissolving the curing agents, and not in excess of the amount permitted in paragraph (a)(1) of this section.

(3) Monosodium glutamate.

(4) Hydrolyzed plant protein.

(5) Corn syrup solids, corn syrup and glucose syrup, singly or in combination, in an amount not to exceed 2 percent (calculated on a dry basis), of all the ingredients used in preparing the chopped ham.

(6) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, singly or in combination, in an amount not to exceed that permitted in § 318.7(b)(4).

(7) Ascorbic acid, sodium ascorbate, isoascorbic acid or sodium isoascorbate in amount not to exceed that permitted in § 318.7(b)(4) of this subchapter.

(8) Dehydrated onions or onion powder.

(9) Dehydrated garlic or garlic powder.

(c) The label shall bear the name "Chopped Ham," an ingredient statement and other information required by Parts 301 through 328 of this subchapter.

Subpart E—Fresh Sausage

§ 319.140 Fresh pork sausage.

"Fresh Pork Sausage" shall be prepared with fresh pork skeletal muscle and may be seasoned with condimental substances as permitted under Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

§ 319.141 Breakfast sausage.

"Breakfast Sausage" shall be prepared with fresh meat, or meat and meat by-products and may be seasoned with condimental substances as permitted in Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

§ 319.142 Whole hog sausage.

"Whole Hog Sausage" shall be prepared with fresh meat from swine in such proportions as are normal to a single animal and may be seasoned with condimental substances as permitted in Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

Subpart F—Uncooked, Smoked Sausage

§ 319.160 Smoked pork sausage.

"Smoked Pork Sausage" is sausage that is smoked. It may be seasoned with condimental substances as permitted in Part 318 of this subchapter. It shall not be made with any lot of product which, in the aggregate, contains more than 50 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting. To facilitate chopping or mixing, water or ice may be used in amount not to exceed 3 percent of the total ingredients used.

Subpart G—Cooked, Smoked Sausage

§ 319.180 Frankfurter, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.

"Frankfurter," "Wiener," "Vienna," "Bologna," "Garlic Bologna," "Knock-

wurst," and similar products are comminuted semisolid meat food products which are prepared from one or more kinds of meat or meat and meat by-products seasoned and cured using one or more of the curing agents in accordance with § 318.7(b) of this subchapter. Water and/or ice may be used to facilitate chopping or mixing or to dissolve the curing ingredients, but the sausage shall contain no more than 10 percent of added water. One or more of the following binders or extenders may be used, which individually or collectively shall not exceed 3½ percent of the total ingredients in the sausage, except that 2 percent of isolated soy protein shall be deemed to be the equivalent of 3½ percent of any one or more of the other binders: Dried milk, nonfat dry milk, calcium reduced dried skim milk, cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein. Partially defatted pork fatty tissue or partially defatted beef fatty tissue or a combination of both may be used in an amount not exceeding 15 percent of the meat and meat byproduct ingredients.

§ 319.181 Cheesefurters and similar products.

"Cheesefurters" and similar products are products in casings which resemble frankfurters except that they contain sufficient cheese to give definite characteristics to the finished article. They may contain cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced skim milk, or dried milk. The finished product shall contain no more than 3.5 percent of these additives, individually and collectively, exclusive of the cheese constituent. In determining the maximum amount of the ingredients specified in this subparagraph which may be used, individually and collectively, in a product, 2 percent of isolated soy protein shall be considered the equivalent of 3.5 percent of any other ingredient specified in this subparagraph. When any such additive is added to these products, there shall appear on the label in a prominent manner, contiguous to the name of the product, the name of each such added ingredient, as for example, "Cereal Added," "With Cereal," "Potato Flour Added," "Cereal and Potato Flour Added," "Soy Flour Added," "Nonfat Dry Milk Added," "Cereal and Nonfat Dry Milk Added," as the case may be. Cooked sausage shall not contain more than 10 percent of added water or other substances.

Subpart H—Other Cooked Sausage

§ 319.200 Liver sausage and similar products.

"Liver Sausage," "Braunsweiger," and "Liver Cheese," are made from fresh pork and liver, and may contain cured pork and veal. This product shall contain not less than 30 percent of liver computed on the weight of the fresh liver.

Subpart I—Semi-dry Fermented Sausage [Reserved]

Subpart J—Dry Fermented Sausage [Reserved]

Subpart K—Luncheon Meat, Loaves and Jellied Products

§ 319.260 Luncheon meat.

"Luncheon Meat" is a cured, comminuted, cooked meat food product. To facilitate chopping or mixing or to dissolve the usual curing ingredients, water or ice may be used in the preparation of luncheon meat in an amount not to exceed 3 percent of the total ingredients.

§ 319.261 Meat loaf.

"Meat Loaf" is a comminuted, cooked, meat food product in loaf form. To facilitate chopping or mixing, water or ice may be used in an amount not to exceed 3 percent of the total ingredients used.

Subpart L—Cooked Meat Specialties, Puddings and Nonspecific Loaves

§ 319.280 Scrapple.

"Scrapple" shall contain not less than 40 percent meat and/or meat byproducts computed on the basis of the fresh weight, exclusive of bone. The meal or flour used may be derived from grain and/or soybeans.

Subpart M—Canned, Frozen, or Dehydrated Meat Food Products

§ 319.300 Chili con carne.

"Chili Con Carne" shall contain not less than 40 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, and heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredients under specific declaration on the label. The mixture may contain not more than 8 percent, individually or collectively, of cereal, vegetable starch, starchy vegetable flour, soy flour, soy protein concentrate, isolated soy protein, dried milk, nonfat dry milk, or calcium reduced dried skim milk.

§ 319.301 Chili con carne with beans.

"Chili Con Carne with Beans" shall contain not less than 25 percent of meat computed on the weight of the fresh meat. Head meat, cheek meat, or heart meat exclusive of the heart cap may be used to the extent of 25 percent of the meat ingredient, and its presence shall be reflected in the statement of ingredients required by Part 317 of this subchapter.

§ 319.302 Hash.

"Hash" shall contain not less than 35 percent of meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

§ 319.303 Corned beef hash.

(a) "Corned Beef Hash" is the semi-solid food product in the form of a compact mass which is prepared with beef,

potatoes, curing agents, seasonings, and any of the optional ingredients listed in paragraph (b) of this section, in accordance with the provisions of subparagraphs (1), (2), (3), and (4) of this paragraph and the provisions of paragraph (c) of this section.

(1) Either fresh beef, cured beef, or canned corned beef, or a mixture of two or more of these ingredients, may be used, and the finished product shall contain not less than 35 percent of beef computed on the weight of the cooked and trimmed beef. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the weight of the uncooked fresh meat.

(2) "Potatoes" refers to fresh potatoes, dehydrated potatoes, cooked dehydrated potatoes, or a mixture of two or more of these ingredients.

(3) The curing agents that may be used are salt, sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite, or a combination of two or more of these ingredients. When sodium nitrate, sodium nitrite, potassium nitrate, or potassium nitrite is used it shall be used in amounts not exceeding those specified in § 318.7(b)(4) of this subchapter.

(4) The seasonings that may be used, singly or in combination, are salt, sugar (sucrose or dextrose), spice, and flavoring, including essential oils, oleoresins, and other spice extractives.

(b) Corned beef hash may contain one or more of the following optional ingredients:

(1) Beef cheek meat and beef head meat from which the overlying glandular and connective tissues have been removed, and beef heart meat, exclusive of the heart cap, may be used individually or collectively to the extent of 5 percent of the meat ingredients.

(2) Onions, including fresh onions, dehydrated onions, or onion powder.

(3) Garlic, including fresh garlic, dehydrated garlic, or garlic powder.

(4) Water.

(5) Beef broth or beef stock.

(6) Monosodium glutamate.

(7) Hydrolyzed plant protein.

(8) Beef fat.

(c) The finished product shall not contain more than 15 percent fat nor more than 72 percent moisture.

(d) (1) When any ingredient specified in paragraph (b)(1) of this section is used, the label shall bear the following applicable statement: "Beef cheek meat constitutes 5 percent of the meat ingredient", or "Beef head meat constitutes 5 percent of the meat ingredient", or "Beef heart meat constitutes 5 percent of the meat ingredient." When two or more of the ingredients are used the words "Constitutes 5 percent of meat ingredient" need only appear once.

(2) Whenever the words "corned beef hash" are featured on the label so conspicuously as to identify the contents, the statements prescribed in subparagraph (1) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or other graphic matter.

§ 319.304 Meat stews.

Meat stews such as "Beef Stew" or "Lamb Stew" shall contain not less than 25 percent of meat computed on the weight of the fresh meat.

§ 319.305 Tamales.

"Tamales" shall be prepared with at least 25 percent meat computed on the weight of the uncooked fresh meat in relation to all ingredients of the tamales. When tamales are packed in sauce or gravy, the name of the product shall include a prominent reference to the sauce or gravy, for example "Tamales With Sauce" or "Tamales With Gravy." Product labeled "Tamales With Sauce" or "Tamales With Gravy" shall contain not less than 20 percent meat, computed on the weight of the uncooked fresh meat in relation to the total ingredients making up the tamales and sauce or the tamales and gravy.

§ 319.306 Spaghetti with meat balls and sauce, spaghetti with meat and sauce, and similar products.

"Spaghetti with Meat Balls in Sauce" and "Spaghetti with Meat and Sauce," and similar products shall contain not less than 12 percent of meat computed on the weight of the fresh meat. The presence of the sauce or gravy constituent shall be declared prominently on the label as part of the name of the product. Meat balls may be prepared with not more than 12 percent, singly and collectively, of farinaceous material, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk, and similar substances.

§ 319.307 Spaghetti sauce with meat.

"Spaghetti Sauce with Meat" shall contain not less than 6 percent of meat computed on the weight of the fresh meat.

§ 319.308 Tripe with milk.

"Tripe with Milk" shall be prepared so that the finished canned article, exclusive of the cooked-out juices and milk, will contain at least 65 percent tripe. The product shall be prepared with not less than 10 percent milk.

§ 319.309 Beans with frankfurters in sauce, sauerkraut with wieners and juice, and similar products.

"Beans with Frankfurters in Sauce," "Sauerkraut with Wieners and Juice," and similar products shall contain not less than 20 percent frankfurters or wieners computed on the weight of the smoked and cooked sausage prior to its inclusion with the beans or sauerkraut.

§ 319.310 Lima beans with ham in sauce, beans with ham in sauce, beans with bacon in sauce, and similar products.

"Lima Beans with Ham in Sauce," "Beans with Ham in Sauce," "Beans with Bacon in Sauce," and similar products shall contain not less than 12 percent ham or bacon computed on the weight of the smoked ham or bacon prior to its inclusion with the beans and sauce.

§ 319.311 Chow mein vegetables with meat and chop suey vegetables with meat.

"Chow Mein Vegetables with Meat" and "Chop Suey Vegetables with Meat" shall contain not less than 12 percent meat computed on the weight of the uncooked fresh meat prior to its inclusions with the other ingredients.

§ 319.312 Pork with barbecue sauce and beef with barbecue sauce.

"Pork with Barbecue Sauce" and "Beef with Barbecue Sauce" shall contain not less than 50 percent meat computed on the weight of the cooked and trimmed meat. The weight of the cooked meat used in this calculation shall not exceed 70 percent of the uncooked weight of the meat. If uncooked meat is used in formulating the products, they shall contain at least 72 percent meat computed on the weight of the fresh uncooked meat. When cereal, vegetable flour, soy flour, soy protein concentrate, isolated soy protein, nonfat dry milk, calcium reduced dried skim milk or similar substances are used in preparing the products there shall appear on the label in a prominent manner, the name of the product, the name of each such added ingredient, as for example "Cereal Added" or "With Cereal and Nonfat Dry Milk."

§ 319.313 Beef with gravy and gravy with beef.

"Beef with Gravy" and "Gravy with Beef" shall not be made with beef which, in the aggregate for each lot contains more than 30 percent trimmable fat, that is, fat which can be removed by thorough, practicable trimming and sorting.

Subpart N—Meat Food Entree Products, Pies, and Turnovers

§ 319.500 Meat pies.

Meat pies such as "Beef Pie", "Veal Pie" and "Pork Pie" shall contain not less than 25 percent of the meat computed on the weight of the fresh uncooked meat in relation to all of the other ingredients including the crust.

Subpart O—Meat Snacks, Hors d'Oeuvres, Pizza, and Specialty Items

§ 319.600 Pizza.

(a) "Pizza with Meat" is a bread base meat food product with tomato sauce, cheese and meat topping. It shall contain cooked meat made from not less than 15 percent raw meat.

(b) "Pizza with Sausage" is a bread base meat food product with tomato sauce, cheese and not less than 12 percent cooked sausage or 10 percent dry sausage, e.g., Pepperoni.

Subpart P—Fats, Oils, Shortenings

§ 319.700 Oleomargarine or margarine.

(a) Oleomargarine or margarine is the plastic food which is prepared in accordance with the provisions of subparagraphs (1), (2), (3), and (4) of this subparagraph.

(1) It is prepared with one or more of the fat ingredients named in any one of the subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(i) The rendered fat or oil, or stearin derived therefrom (any or all of which may be hydrogenated), of cattle, sheep, swine, or goats, or any combinations of two or more of such articles;

(ii) Any vegetable food fat or oil, or oil or stearin derived therefrom (any or all of which may be hydrogenated), or any combination of two or more of such articles;

(iii) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (i) of this subparagraph either equals the weight of the ingredients named under subdivision (ii) of this subparagraph or exceeds such weight by a ratio not greater than 9 to 1;

(iv) Any combination of ingredients named under subdivisions (i) and (ii) of this subparagraph in such proportion that the weight of the ingredients named under subdivision (ii) of this subparagraph exceeds the weight of the ingredients named under subdivision (i) of this subparagraph by a ratio not greater than 9 to 1.

(2) One of the articles (or combinations) named under subdivision (i), (ii), (iii), (iv), (v), (vi), or (vii) of this subparagraph is intimately mixed with the fat ingredient or ingredients. The ingredients named under subdivisions (i), (ii), (iii), (iv), and (v) of this subparagraph are pasteurized and then may be subjected to the action of harmless bacterial starters. The term "milk" as used in this subparagraph means "cow's milk."

- (i) Cream;
- (ii) Milk;
- (iii) Skim milk;

(iv) Any combination of nonfat dry milk and water in which the weight of the nonfat dry milk is not less than 10 percent of the weight of the water.

(v) Any combination of two or more of the articles (or combination) named under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(vi) In case only of the fat ingredient named under subparagraph (1) (ii) of this paragraph, any combination of finely ground soybeans and water, in which the weight of the finely ground soybeans is not less than 10 percent of the weight of the water. The finely ground soybeans are subjected to a heat treatment before or after mixing with the water. The soybeans may or may not be dehulled.

(vii) Water in lieu of any of the articles (or combinations) designated in subdivisions (i), (ii), (iii), (iv), (v), or (vi) of this subparagraph.

(viii) Congealing is effected, either with or without contact with water, and the congealed mixture may be worked.

(3) It may contain one or more of the following optional ingredients in addition to the ingredients and articles named in subparagraphs (1) and (2) of this paragraph:

(i) Artificial coloring. For the purpose of this subdivision, provitamin A shall be deemed to be artificial coloring.

(ii) Sodium benzoate, or benzoic acid, or a combination of these, in a quantity not to exceed 0.1 percent of the weight of the finished product.

(iii) Vitamin A (with or without any accompanying vitamin D and with or without vitamin D concentrate), in such quantity that the finished oleomargarine or margarine contains not less than 15,000 United States Pharmacopoeia units of vitamin A per pound, as determined by the method prescribed in the Pharmacopoeia of the United States for total biological vitamin A activity. The vitamin A potency prescribed may be furnished by fish liver oil; by concentrates of vitamin A or its fatty acid esters from animal sources; by synthetic vitamin A or its fatty acid esters; by mixtures of synthetic vitamin A or its fatty acid esters with harmless substances formed during the synthesis of the vitamin A, if the vitamin A or its fatty acid ester constitutes not less than 50 percent of the mixture; by provitamin A; or by any combination of two or more of these. For the purposes of this subdivision the term "fatty acid" may include acetic acid.

(vi) Any safe and suitable artificial flavoring substance that imparts to the food a flavor in semblance of butter. Such artificial flavoring substances are deemed to be safe for use in oleomargarine or margarine which contains any fat ingredient named under subparagraph (1) (i) of this paragraph if they have been approved for such use by the Administrator, and they are deemed to be safe for use in other oleomargarine or margarine if they are used in conformity with regulations established pursuant to section 409 of the Federal Food, Drug and Cosmetic Act or their use is otherwise lawful under that Act.

(v) (a) Lecithin, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or

(b) Monoglycerides or diglycerides of fat-forming fatty acids, or a combination of these, in an amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or

(c) Such monoglycerides and diglycerides in combination with the sodium sulfoacetate derivatives thereof in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine; or

(d) A combination of the substances specified in (a) and (b) of this subdivision in which the amount of neither exceeds that above stated; or

(e) A combination of the substances specified in (a) and (c) of this subdivision in a total amount not exceeding 0.5 percent of the weight of the finished oleomargarine or margarine. (The weight of the diglycerides in each of the ingredients specified in (b), (c), (d), and (e) of this subdivision is calculated at one-half actual weight.)

(vi) Butter.

(vii) Salt.

(viii) Citric acid incorporated in the fat or oil ingredient used.

(ix) Isopropyl citrates incorporated in the fat or oil ingredient used, in an

amount not to exceed 0.02 percent by weight of the finished oleomargarine or margarine.

(x) Stearyl citrate incorporated in the fat or oil ingredient in an amount not to exceed 0.15 percent by weight of the finished oleomargarine or margarine.

(xi) Potassium sorbate, in an amount not to exceed 0.1 percent by weight of the finished oleomargarine or margarine.

(xii) Calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) in an amount not to exceed 75 parts per million by weight of the finished oleomargarine or margarine.

(4) The finished oleomargarine or margarine shall contain not less than 80 percent fat, as determined by the method prescribed in the current "Official Methods of Analysis of the Association of Official Agricultural Chemists."²

(b) The name of the food for which a definition and standard of identity are prescribed by this section is "oleomargarine" or "Margarine." The presence of ingredients, provided for in paragraph (a) of this section, in the finished product shall be declared as follows:

(1) Fat ingredients shall be declared first in the ingredient statement by the name of the specific fat or oil or stearin used. Where combinations of fat ingredients are used, the names shall be arranged in descending order of predominance. If any fat ingredient is hydrogenated, the ingredient statement shall include the word "Hydrogenated" or "Hardened" at such place or places in the list of fats as to indicate which fats are hydrogenated: For example, "corn oil, hardened soybean oil."

(2) Immediately following the listing of fat ingredients, other ingredients used shall be named in the descending order of predominance.

(i) The optional ingredients butter, salt, water, cream, milk, skim milk, non-fat dry milk and water, ground soybeans and water, lecithin, monoglycerides or diglycerides, and sodium sulfoacetate derivatives of monoglycerides or diglycerides shall each be declared by those terms.

(ii) Artificial colors shall be declared by the statement "Artificially colored" or "Artificial coloring added" or "With added artificial coloring."

(iii) Artificial flavors shall be declared by the statement "Artificially flavored" or "Artificial flavoring added" or "With added artificial flavoring."

(iv) Oleomargarine or margarine that contains the optional ingredients citric acid, isopropyl citrate, stearyl citrate, or calcium disodium EDTA shall be labeled by the statement "_____ added as a preservative" or "_____ added to protect flavor." Oleomargarine or margarine that contains the optional ingredient sodium benzoate or benzoic acid shall be labeled by the statement "_____ added as a preservative" or "_____ as a preservative" or

"With added _____ as a preservative." Oleomargarine or margarine that contains the optional ingredient potassium sorbate shall be labeled by the statement "_____ added as a preservative" or "_____ added to retard mold growth." The blank in each of the statements in this subdivision is filled in with the common name of the preservative ingredient used.

(v) Vitamin A shall be declared by the statement "Vitamin A added" or "With added Vitamin A." Vitamin A shall be declared by the statement "Vitamin D added" or "With added Vitamin D."

(vi) Where two or more optional ingredients named in paragraph (a) (3) of this section are used, the words "Added" or "With Added" need appear only once, either at the beginning or end of the list of such ingredients declared.

(3) Whenever the name "oleomargarine" or "margarine" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed in this section, showing the ingredients used, shall immediately and conspicuously precede or follow, or in part precede and in part follow, such name, without intervening written, printed, or other graphic matter.

(c) Colored oleomargarine or colored margarine which is packed for retail sale and contains any ingredient named in paragraph (a) (1) (d) of this section must also comply with the requirements of § 317.8(b) (25) of this subchapter.

§ 319.701 Mixed fat shortening.

Shortening prepared with a mixture of meat fats and vegetable oils may be identified either as "Shortening Prepared with Meat Fats and Vegetable Oils" or "Shortening Prepared with Vegetable Oils and Meat Fats" without regard to the order of predominance of the fats and oils used, provided the product contains at least 2 percent of the lesser ingredient.

§ 319.702 Lard, leaf lard.

"Lard" is the fat rendered from fresh, clean, sound, fatty tissue from hogs in good health at the time of slaughter, with or without lard stearin or hydrogenated lard. The fatty tissues shall not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and similar materials, and the fatty tissues shall be reasonably free from muscle tissue and blood. "Leaf lard" is lard prepared from fresh leaf fat.

§ 319.703 Rendered animal fat or mixture thereof.

(a) "Rendered Animal Fat", or any mixture of fats containing edible rendered animal fat, shall contain no added water, except that "Puff Pastry Shortening" may contain not more than 10 percent of water.

(b) "Rendered Pork Fat" is fat, other than lard, rendered from clean, sound carcasses, parts of carcasses, or edible organs from hogs in good health at the time of slaughter, except that stomachs,

bones from the head, and bones from cured or cooked pork are not included. The tissues rendered are usually fresh, but may be cured, cooked, or otherwise prepared and may contain some meat food products. Rendered pork fat may be hardened by the use of lard stearin and/or hydrogenated lard and/or rendered pork fat stearin and/or hydrogenated rendered pork fat.

Subpart Q—Meat Soups, Soup Mixes, Broths, Stocks, Extracts

§ 319.720 Meat extract.

Meat extract (e.g., "Beef extract") shall contain not more than 25 percent of moisture.

§ 319.721 Fluid extract of meat.

Fluid extract of meat (e.g., "Fluid Extract of Beef") shall contain not more than 50 percent of moisture.

Subpart R—Meat Salads and Meat Spreads

§ 319.760 Deviled ham, deviled tongue and similar products.

(a) "Deviled Ham" is a semiplastic cured meat food product made from finely comminuted ham and containing condiments. Deviled ham may contain added ham fat: *Provided*, That the total fat content shall not exceed 35 percent of the finished product. The moisture content of deviled ham shall not exceed that of the fresh unprocessed meat.

(b) The moisture content of "Deviled Tongue" and similar products shall not exceed that of the fresh, unprocessed meat.

§ 319.761 Potted meat food product and deviled meat food product.

"Potted Meat Food Product" and "Deviled Meat Food Product" shall not contain cereal, vegetable flour, nonfat dry milk, or similar substances. The amount of water added to potted meat food products and deviled meat food products shall be limited to that necessary to replace moisture lost during processing.

§ 319.762 Ham spread, tongue spread, and similar products.

"Ham Spread", "Tongue Spread" and similar products shall contain not less than 50 percent of the meat ingredient named, computed on the weight of the fresh meat. Other meat and fat may be used to give the desired spreading consistency provided it does not detract from the character of the spread as named.

Subpart S—Meat Baby Foods [Reserved]

Subpart T—Dietetic Meat Foods [Reserved]

Subpart U—Miscellaneous

§ 319.880 Breaded products.

The amount of batter and breading used as a coating for breaded product shall not exceed 30 percent of the weight of the finished breaded product.

²Copies of this publication are available from Association of Official Agricultural Chemists, Post Office Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

PART 320—RECORDS, REGISTRATION, AND REPORTS

Sec.	
320.1	Records required to be kept.
320.2	Place of maintenance of records.
320.3	Record retention period.
320.4	Access to and inspection of records, facilities, and inventory; copying and sampling.
320.5	Registration.
320.6	Information and reports required from official establishment operators.
320.7	Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

§ 320.1 Records required to be kept.

(a) Every person (including every firm or corporation) within any of the classes specified in subparagraph (1), (2), or (3) of this paragraph is required by the Act to keep records which will fully and correctly disclose all transactions involved in his or its business subject to the Act:

(1) Any person that engages, for commerce, in the business of slaughtering any cattle, sheep, swine, goats, horses, mules, or other equines, or preparing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any such animals, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as a meat broker, wholesaler or otherwise), or transporting in commerce, or storing in, or for commerce, or importing, any carcasses, or parts or products of carcasses, of any such animals;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting, in commerce, or importing, any dead, dying, disabled, or diseased cattle, sheep, swine, goats, horses, mules, or other equines, or parts of the carcasses of any such animals that died otherwise than by slaughter.

(b) The required records are:

(i) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any livestock or carcass, part thereof, meat or meat food product is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act.

(i) The name or description of the livestock or article;

(ii) The net weight of the livestock or article;

(iii) The number of shipping containers (if any);

(iv) The name and address of the buyer of livestock or articles sold by such person, and the name and address of the seller of livestock or articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

(2) Shipper's certificates and permits required to be kept by shippers and car-

riers of articles under Part 325 of this subchapter;

(3) All information relating to consumer complaints received by the person required to keep the records, concerning articles prepared under Federal inspection and handled by him.

§ 320.2 Place of maintenance of records.

Every person required by this part to keep records shall maintain such records at his or its principal place of business. When not in actual use, all such records shall be kept in a fireproof safe, box, or compartment, except that with the written consent of the Administrator, upon a showing by such person that it is not practicable to provide such fireproof safe, box, or compartment, such person may keep the required records in some other place of safety approved by the Administrator.

§ 320.3 Record retention period.

Every record required to be maintained under this part shall be retained for a period of 5 years after December 31 of the year in which the transaction to which the record relates has occurred and for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such records under this part.

§ 320.4 Access to and inspection of records, facilities, and inventory; copying and sampling.

Every person (including every firm or corporation) within any of the classes specified in § 320.1 shall upon proper identification and request by any authorized representative of the Secretary during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept by § 320.1 and the facilities and inventory pertaining to the business of such person subject to the Act, and to copy all such records, and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to authorized representatives of the Secretary by such person.

§ 320.5 Registration.

(a) Except as provided in paragraph (c) of this section, every person that engages in business, in or for commerce as a meat broker, renderer, or animal food manufacturer, or engages in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any livestock, whether intended for human food or other purposes, or engages in business as a public warehouseman storing any such articles in or for commerce, or engages in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any such livestock that died otherwise than by

slaughter, shall furnish the Administrator such information as required including his name, and the address of each place of business at which, and all trade names under which he conducts such business, by filing with the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, a form containing such information within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from the Director, Compliance and Evaluation Staff, Consumer Protection Programs, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conducts his business, he shall report such change in writing to the Administrator within 15 days after making the change.

(c) The registration requirements prescribed in this section shall not apply to persons conducting any of the businesses specified in this section only at an official establishment.

§ 320.6 Information and reports required from official establishment operators.

(a) The operator of each official establishment shall furnish to Program employees accurate information as to all matters needed by them for making their daily reports of the amount of products prepared or handled in the departments of the establishment to which they are assigned and such reports concerning sanitation and other aspects of the operations of the establishment and the conduct of inspection thereat as the officer in charge may require of such Program employees for the purposes of the Act and the regulations in this subchapter.

(b) The operator of each official establishment shall also make such other reports as the Administrator may from time to time require under the Act.

§ 320.7 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

Whenever the consignee of any product which bears an official inspection legend refuses to accept delivery of such product on the grounds that it is adulterated or misbranded, the consignee shall notify the Director, Processed Food Inspection Division, Consumer Protection Programs, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, of the kind, quantity, source, and present location of the product and the respects in which it is alleged to be adulterated or misbranded, and it will be a violation of the Act for any person to sell or transport, or offer for sale or transportation, or receive for transportation, in commerce, any

such product which is capable of use as human food and is proved to be adulterated or misbranded at the time of such sale, transportation, offer, or receipt: *Provided, however,* That any such allegedly adulterated or misbranded product may be transported to the official establishment from which it had been transported, in accordance with § 325.10 of this subchapter.

PART 321—COOPERATION WITH STATES AND TERRITORIES

- Sec.
321.1 Assistance to State and Territorial programs.
321.2 Cooperation of States in Federal programs.

§ 321.1 Assistance to State and Territorial programs.

(a) The Administrator is authorized under paragraph (a) of section 301 of the Act, when he determines it would effectuate the purposes of the Act, to cooperate with any State (including Puerto Rico) or any organized Territory in developing and administering the meat inspection program of such jurisdiction with a view to assuring that it imposes and enforces requirements at least equal to those under Titles I and IV of the Act, with respect to establishments at which products are prepared for use as human food solely for distribution within such jurisdiction, and with respect to the products of such establishments. Such cooperation is authorized if the jurisdiction has enacted a law imposing mandatory ante mortem and post mortem inspection, reinspection, and sanitation requirements at least equal to the Federal requirements with respect to all or certain classes of persons engaged in slaughtering livestock or otherwise preparing products solely for distribution within such jurisdiction.

(b) The Administrator is also authorized under paragraph (a) of section 301 of the Act to cooperate with any State (including Puerto Rico) or any organized Territory in developing and administering programs under the laws of such jurisdiction containing authorities at least equal to those in Title II of the Act (relating to records; registration of specified classes of operators; dead, dying, disabled, or diseased livestock; and products not intended for human food), when he determines that such cooperation would effectuate the purposes of the Act.

(c) Such cooperation may include advisory assistance, technical and laboratory assistance and training, and financial aid. The Federal contribution to any State (or Territory) may not exceed 50 percent of the estimated total cost of the cooperative State (or Territorial) program. A cooperative program under this section is called a State-Federal program.

§ 321.2 Cooperation of States in Federal programs.

Under the "Talmadge-Aiken Act" of September 28, 1962 (7 U.S.C. 450), the Administrator is authorized to utilize employees and facilities of any State in

carrying out Federal functions under the Federal Meat Inspection Act. A cooperative program for this purpose is called a Federal-State program.

PART 322—EXPORTS¹

- Sec.
322.1 Manner of affixing stamps and marking products for export.
322.2 Export stamps and certificates; instructions concerning issuance.
322.3 Transferring products for export.
322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.
322.5 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless certified as prescribed.

§ 322.1 Manner of affixing stamps and marking products for export.

(a) A numbered official export meat inspection stamp in the form prescribed in § 312.8 of this subchapter shall be affixed to each outside container (except cloth wrappings) of any inspected and passed product for export except ship stores and small quantities exclusively for the personal use of the consignee and not for sale or distribution. So far as possible stamps shall be issued serially.

(b) Such stamps shall be securely affixed, and if the container is of wood the stamps shall be placed either (1) in a grooved space made by removing a portion of the wood of sufficient size to admit the stamp, (2) on either end of the package: *Provided,* That the sides thereof are made to project at least one-eighth of an inch to afford the necessary protection from abrasion, or (3) in some other manner equally acceptable to the officer in charge.

(c) The cloth wrapping used as an outside container of any inspected and passed product for export shall bear the official inspection legend and the establishment number applied by the 2½-inch rubber brand as prescribed in § 312.2 of this subchapter or a numbered official export meat inspection stamp as prescribed in § 312.9 of this subchapter, as may be required by the foreign country to which the product is being exported.

(d) A numbered official export meat inspection stamp as prescribed in § 312.9 of this subchapter shall be affixed to each tank car of inspected and passed lard or similar edible product, and to each door of each railroad car or other closed means of conveyance containing inspected and passed loose product shipped directly to a foreign country.

§ 322.2 Export stamps and certificates; instructions concerning issuance.

(a) Upon application of the exporter, the officer in charge is authorized to issue official export certificates for shipments of inspected and passed product to any foreign country. Certificates should be issued at the time the products leave the

¹ Attention is directed to the requirements of Part 325 of this subchapter, governing transportation, and to the requirements of § 318.8 of this subchapter that products prepared under that section for export be destroyed for food purposes before being sold or offered for sale for domestic use.

official establishment; if not issued at that time they may be issued later only after identification and reinspection of the products.

(b) Official export certificates shall be issued with serial numbers and in triplicate form. Quadruplicate certificates may be issued for any exportation on request of the exporter. Each certificate shall show the names of the exporter and the consignee, the destination, the numbers of the stamps, if any, attached to the products to be exported, the number and type of packages, the shipping marks, the kind of products, and the weight of the products in accordance with § 317.2 of this subchapter.

(c) Only one certificate shall be issued for each consignment, except that for sufficient reasons new certificates in lieu of the original certificates may be issued by officers in charge. A certificate issued in lieu of another shall show in the left hand margin the notation "Issued in lieu of * * *", and the number of the certificate which is superseded. The certificate that is superseded when another is issued in lieu thereof, shall show in the left hand margin the number of the certificate which supersedes it, as follows: "Superseded by No. _____".

(d) The original of the certificate shall be delivered to the shipper and may be furnished by him to the consignee for purposes of effecting the entry of product.

(e) The duplicate of the certificate shall be delivered to the shipper and shall be delivered by him to the agent of the railroad or other carrier which transports the consignment from the United States otherwise than by water, or to the chief officer of the vessel on which the export shipment is made, and shall be used only by such carrier and only for the purpose of effecting the transportation of the consignment certified. The chief officer of the vessel shall file such duplicate with the Customs officer at the time of filing the master's manifest or the supplemental manifest.

(f) The triplicate of the certificate shall be retained in the circuit file.

(g) Under no circumstances shall the original or the triplicate of such certificate be used for the purpose prescribed by paragraph (e) of this section for the duplicate.

(h) Upon request, official export certificates and export meat inspection stamps may be issued by officers in charge for export consignments of product of official establishments not under their supervision, provided the consignments are first identified as having been "U.S. inspected and passed" and are found to be neither adulterated nor misbranded.

§ 322.3 Transferring products for export.

When inspected and passed products for export are transferred from tank cars to other containers on vessels, such transfer shall be done in accordance with the provisions of Part 350² of Subchapter B of this chapter.

² The regulations in Part 340 of this subchapter will be transferred later to Part 350 of Subchapter B.

§ 322.4 Clearance of vessels and transportation without certificate prohibited; exceptions.

No clearance shall be given to any vessel having on board any product destined to any foreign country, and no person operating any vessel, and no railroad or other carrier, shall receive for transportation or transport from the United States to any foreign country, any product, unless and until an official export certificate covering the same has been issued and delivered as provided in this part, except in the case of inspected and passed ship stores or small quantities of inspected and passed product exclusively for the personal use of the consignee and not for sale or distribution, and except for exempted product eligible for transportation under § 325.8 or § 325.9 of this subchapter.

§ 322.5 Uninspected tallow, stearin, oleo oil, etc., not to be exported unless certified as prescribed.

No tallow, stearin, oleo oil, or the rendered fat derived from the carcasses of livestock, that has not been inspected, passed, and marked in compliance with the regulations in this subchapter shall be exported, unless the product has been denatured as required by § 314.5 or § 325.13 of this subchapter or identified and marked as prescribed by § 325.11 of this subchapter and the exporter files with the Director of Customs at the port from which the export shipment is made a certificate so stating.

PART 325—TRANSPORTATION

- Sec. 325.1 Transportation in commerce prohibited without certificate; exception for imported product prior to inspection.
- 325.2 Parcel post and ferries deemed carriers.
- 325.3 Product transported within the United States as part of export movement.
- 325.4 U.S. inspected, passed, and marked product; certificate.
- 325.5 Unmarked inspected product transported under official seal between official establishments for further preparation; certificate.
- 325.6 Shipment of paunches between official establishments under official seal; certificate.
- 325.7 Shipment of products requiring special supervision between official establishments under official seal; certificate.
- 325.8 Shipment of custom slaughtered or prepared products; certificates.
- 325.9 Shipment of products of producer's livestock for personal use; certificate.
- 325.10 Returned products; certificate; permit; and other requirements.
- 325.11 Inedible products; denaturing; certificate; exceptions for animal food.
- 325.12 Imported products for importer's consumption; certificate.
- 325.13 Denaturing procedures.
- 325.14 Certificates; retention by carrier.
- 325.15 Evidence of proper certification required on waybills, transfer bills, etc., for shipment by connecting carrier; forms of statement.
- 325.16 Official seals; form, use, and breaking.

- Sec. 325.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.
- 325.18 Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Administrator.
- 325.19 Provisions inapplicable to specimens for laboratory examination, etc., or to inedible articles not having physical characteristics of edible products.
- 325.20 Transportation and other transactions concerning dead, dying, disabled, or diseased livestock and parts of carcasses of livestock that died otherwise than by slaughter.
- 325.21 Means of conveyance in which dead, dying, disabled, or diseased livestock and parts of carcasses thereof shall be transported.

§ 325.1 Transportation in commerce prohibited without certificate; exception for imported product prior to inspection.

No carrier shall transport or receive for transportation in commerce and no person shall offer for such transportation any product unless and until a certificate is made and furnished to such carrier in one of the forms prescribed in this part: *Provided, however,* That any product offered for importation into the United States may be transported and offered and received for transportation in commerce without such certificate, if such product is conveyed prior to inspection, in railroad cars or other means of conveyance, or packages, sealed with special official import meat seals of the Department or with customs or consular seals or otherwise identified as provided in Part 327 of this subchapter.

§ 325.2 Parcel post and ferries deemed carriers.

(a) For the purposes of this subchapter, the United States parcel post shall be deemed a carrier, and the provisions of this subchapter relating to transportation by carrier shall apply, so far as they may be applicable, to transportation by parcel post.

(b) For the purposes of this subchapter, the operator of every ferry shall be deemed a carrier, and the provisions of this subchapter relating to transportation by carrier shall apply to transportation by ferry of any product loaded on a truck or other vehicle, or otherwise moved by such ferry.

§ 325.3 Product transported within the United States as part of export movement.

When any shipment of any product is offered to any carrier for transportation within the United States as a part of an export movement, the same certificate shall be required as if the shipment were destined to a point within the United States.

§ 325.4 U.S. inspected, passed, and marked product; certificate.

(a) When any product (including any imported product) which has been inspected and passed and bears the official inspection legend on the outside container (or on the product if not in a con-

tainer) is offered to any initial carrier for transportation in commerce, the carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in the following form:

Date _____, 19__

Name of carrier _____

Shipper _____

Point or shipment _____

Consignee _____

Destination _____

I hereby certify that the following described product, which is offered for shipment in commerce has been U.S.-inspected and passed by the U.S. Department of Agriculture, is so marked, and at this date is not adulterated or misbranded.

Kind of product	Amount and weight
_____	_____
_____	_____

(Signature of shipper)

(Address of shipper)

(b) The signature of the shipper or his agent shall be written in full. This certificate may be stamped upon or incorporated in any form ordinarily used in the transportation of product. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department. A copy of the certificate required by this section shall be retained by the carrier in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.5 Unmarked inspected product transported under official seal between official establishments for further preparation; certificate.

(a) Any product which has been inspected and passed may be transported from one official establishment to another for further preparation without each article being marked with the official inspection legend, if it is so transported in a railroad car, motortruck, or other means of conveyance which is sealed by a Program employee with an official seal of the Department prescribed in § 312.5(a) of this subchapter. Unless 25 percent or more of the contents of each car or other means of conveyance consists of product not marked with the inspection legend, transportation will not be permitted under this paragraph.

(b) When articles are offered for transportation under paragraph (a) of this section, the initial carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in duplicate in the following form:¹

Date _____, 19__

Name of carrier _____

Establishment number of consignor _____

Point of shipment _____

Establishment number of consignee _____

Destination _____

Car number and initials _____

License number of other means of conveyance _____

¹ For convenience in filing, it is requested that these certificates be made on paper 5½ x 8 inches in size.

I hereby certify that the following described product has been U.S. inspected and passed by the U.S. Department of Agriculture; and that it is not marked "U.S. inspected and passed," but has been placed in the means of conveyance specified above under the supervision of an employee of the Consumer Protection Programs of said Department, and the means of conveyance has been sealed by him with official U.S. Government seals Nos. _____ and _____

Kind of product	Amount and weight
-----	-----
-----	-----
-----	-----
(Signature of shipper)	

(Address of shipper)	

(c) The signature of the shipper or his agent shall be written in full. This certificate may be stamped upon or incorporated in any form ordinarily used in the transportation of product. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department. The original of the certificate required by this section shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.6 Shipment of paunches between official establishments under official seal; certificate.

Cattle and sheep paunches which have been made clean and from which the mucous membrane has not been removed may be transported from one official establishment to another official establishment for further preparation, only under an official seal of the Department as prescribed in § 312.5(a) of this subchapter. When paunches are offered for transportation under this paragraph, the initial carrier shall require, and the shipper shall make and deliver to the carrier, a certificate in duplicate in the form set out in § 325.5(b), appropriately modified. Certificates in this form or copies thereof need not be forwarded to any official or office of the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.7 Shipment of products requiring special supervision between official establishments under official seal; certificate.

(a) Products passed for cooking, pork that has been refrigerated to destroy trichinae, and beef that is to be refrigerated to destroy cysticerci, may be shipped loose from one official establishment to any other official establishment, for further treatment, in railroad cars, trucks, or other means of conveyance sealed with the official seal of the Department as prescribed in § 325.16: Pro-

vided, That in the case of railroad cars, the receiving establishment has railroad facilities for unloading the products directly into the establishment.

(b) When such restricted product is shipped from one official establishment to another official establishment in the same railroad car or other means of conveyance with other product, such restricted product shall be packed in individual closed containers and the containers shall be sealed in accordance with § 318.10(c) of this subchapter, and marked "U.S. passed for cooking" or "pork product _____" F. _____ days refrigeration" or "beef passed for refrigeration," as the case may be. In addition, a "U.S. Retained" tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The means of conveyance shall not be sealed unless at least 25 percent of the other product in the vehicle is unmarked.

(c) When products are offered for transportation under this section, the initial carrier shall require and the shipper shall make and deliver to the carrier a certificate in duplicate in the form

SHIPMENT OF CUSTOM SLAUGHTERED PRODUCTS

(The initial carrier shall retain one copy and send one copy to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609.)

I, the undersigned custom slaughterer certify that the following described nonfederally inspected products described below were prepared by me from cattle, sheep, swine, or goats, which were delivered by the owner thereof, and slaughtered by me, exclusively for use in the household of such owner by the owner and members of his household and his nonpaying guests and employees, and that I do not engage in the business of buying or selling any carcasses, parts thereof, meat or meat food products of cattle, sheep, swine, goats, or equines, capable of use as human food. I further certify that the products described below at this date contain no preservative, coloring matter, or other substance prohibited by the Federal Meat Inspection Regulations and are not otherwise adulterated and are in other respects in compliance with the Federal Meat Inspection Act.

Name of carrier _____ Month _____ Day _____ Year _____
 Shipper's name and point of shipment _____ City _____ State _____
 Consignee's name and destination _____

Species	Fresh meats						Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
	Beef (1)	Veal (2)	Mutton (3)	Lamb (3)	Pork (5)	Goat (4)		Goat kid
Number of carcasses							
Number of pounds							Pounds

Signature of shipper and address _____
 Name and address of custom slaughterer _____

(2) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be forwarded immediately by the initial carrier to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609, and the initial carrier shall retain the original of the certificate in accordance with Part 320 of this subchapter. The shipper shall also retain a copy of the certificate in accordance with Part 320 of this subchapter.

set out in § 325.5(b). Certificates in this form or copies thereof need not be forwarded to any official or office of the Department, but the original of the certificate shall be retained by the carrier and a copy shall be retained by the shipper in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute and retain the certificate in accordance with Part 320 of this subchapter.

§ 325.8 Shipment of custom slaughtered or prepared products; certificates.

(a) (1) When any product of cattle, sheep, swine, or goats which has not been inspected and passed under the provisions of this subchapter and was prepared exclusively for use in the household of the owner of the livestock by a custom slaughterer exempted by paragraph (a) of section 23 of the Act, is offered for transportation in commerce, the initial carrier shall require and the shipper shall make in triplicate and deliver to the carrier, two copies of a certificate in the following form printed on paper 3½ x 8 inches:

If the shipper is also the carrier, he shall nevertheless execute such certificate in duplicate, retain one copy and send the original to said Data Processing Center.

(b) (1) When any product of livestock slaughtered by the owner thereof under exemption in accordance with paragraph 23(a) of the Act is further prepared at an official establishment under § 318.1(h) of this subchapter, and such product is offered for transportation in commerce, the initial carrier shall require and the shipper shall make in triplicate and deliver to the carrier two copies of a certificate in the following form, printed on paper 3½ x 8 inches:

SHIPMENT OF CUSTOM PREPARED PRODUCT

I, the undersigned certify that the products described below were prepared under § 318.1(h) of the Federal Meat Inspection Regulations at the official establishment identified below from livestock slaughtered by the owner thereof under exemption in accordance with paragraph 23(a) of the Federal Meat Inspection Act and are intended exclusively for use in the household of such owner by the owner and members of his household and his nonpaying guests and employees. I further certify that the products described below at this date contain no preservative, coloring matter, or other substance prohibited by the Federal Meat Inspection Regulations.

Name of carrier _____ Month _____ Day _____ Year _____
 Shipper's name and point of shipment _____ City _____ State _____
 Consignee's name and destination _____

Species.....	Fresh meats						Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
	Beef (1)	Veal (2)	Mutton (3)	Lamb (3)	Pork (5)	Goat (4)		Goat kid
Number of carcasses.....							
Number of pounds.....							Pounds

Signature of representative of official establishment _____
 Name and address of official establishment _____

(2) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be forwarded immediately by the initial carrier to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609, and the initial carrier shall retain the original of the certificate in accordance with Part 320 of this subchapter. The shipper shall also retain a copy of the certificate in accordance with Part 320 of this subchapter. If the shipper is also the carrier, he shall nevertheless execute such certificate in duplicate, retain one copy

and send the original to said Data Processing Center.

§ 325.9 Shipment of products of producer's livestock for personal use; certificate.

(a) When any product which has not been inspected and passed under the provisions of this subchapter and was prepared by any individual from livestock raised and slaughtered by him exclusively for use by him and members of his household and his nonpaying guests and employees, is offered to a carrier for transportation in commerce, the initial carrier shall require, and the shipper shall make in triplicate and deliver to the carrier two copies of a certificate in the following form, printed on paper 3 1/2 by 8 inches:

copy of the certificate in accordance with Part 320 of this subchapter. If the product is transported by the shipper himself, a certificate shall nevertheless be forwarded by him to the said Data Processing Center, and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

§ 325.10 Returned products; certificate; permit; and other requirements.

(a) When it is claimed that any product which has theretofore been inspected and passed and marked with the inspection legend, has become adulterated or misbranded after it has been transported away from an official establishment, then, in order to ascertain whether it is adulterated or misbranded, it may be transported in commerce to the official establishment from which it had been transported, if written permit in duplicate for such shipment is first obtained from the officer in charge of the circuit in which the establishment is located. In case of every such shipment, both the original and the duplicate of the permit shall be surrendered to the initial carrier, and the carrier shall require and the shipper shall make in triplicate and deliver to the carrier two copies of a certificate in the following form:

Date _____, 19__
 Name of carrier _____
 Consignor _____
 Point of shipment _____
 Consignee _____
 Destination _____
 Number of permit _____
 Description and weight of product _____

I hereby certify that the following described product has been U.S. inspected and passed by the U.S. Department of Agriculture and is so marked. It is alleged that the said product is adulterated or misbranded.

(b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be retained by the shipper in accordance with Part 320 of this subchapter. The original of the certificate and the duplicate copy of the inspector's permit shall be retained by the carrier; the copy of the certificate and the original inspector's permit shall be forwarded immediately by the carrier to the Director, Processed Food Inspection Division, Consumer and Marketing Service, USDA, Washington, D.C. 20250. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and forwarded by him to said Director and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

(c) Upon the arrival of the shipment at the official establishment, a careful inspection shall be made of the product by a Program inspector, and if it is found that the article is not adulterated, the same may be received into the establishment; but if the article is found to be adulterated, it shall at once be stamped "U.S. inspected and condemned" and disposed of in accordance with Part 314 of this subchapter. If it is found to be

SHIPMENT OF PRODUCTS FROM ANIMALS SLAUGHTERED BY THE OWNER THEREOF

(The initial carrier shall retain one copy and send one copy to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609.)

I hereby certify that the following described nonfederally inspected product is from livestock slaughtered by the undersigned and is offered for transportation in commerce as exempted from inspection under the Federal Meat Inspection Act and that at this date it contains no preservative or coloring matter or other substance prohibited by the Federal Meat Inspection Regulations and is not otherwise adulterated and is in other respects in compliance with the Federal Meat Inspection Act.

Name of carrier _____ Month _____ Day _____ Year _____
 Shipper's name and point of shipment _____ City _____ State _____
 Consignee's name and destination _____

Species.....	Fresh meats						Processed meats such as salted, cooked, cured, dried, or canned meat; sausage, lard, etc. (9)
	Beef (1)	Veal (2)	Mutton (3)	Lamb (3)	Pork (5)	Goat (4)		Goat kid
Number of carcasses.....							
Number of pounds.....							Pounds

Signature of shipper and address _____

(b) The signature of the shipper or his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be forwarded immediately by the

carrier to the Data Processing Center, Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609, and the initial carrier shall retain the original of the certificate in accordance with Part 320 of this subchapter. The shipper shall also retain a

misbranded, it shall be handled in accordance with § 318.2(c) of this subchapter.

(d) No product which is adulterated or misbranded shall be transported from an official establishment under this section, but it shall be disposed of at the official establishment in accordance with Part 314 or 318 of this subchapter: *Provided*, That when a product is found to come within one of the classes designated in § 318.1(a) of this subchapter, in respect to which rehandling is permitted, it may be transported from an official establishment and admitted into another official establishment for such rehandling. The transportation of such a product from an official establishment shall be done in a manner prescribed in each specific case by the Administrator.

§ 325.11 Inedible products: denaturing; certificate; exceptions for animal food.

(a) Except as provided in paragraph (c), (d), or (e) of this section or § 325.10, no rendered or unrendered grease, tallow, or other fat derived from the carcasses of livestock, or other product which has not been inspected and passed at an official establishment under the provisions of this subchapter and is not exempted from inspection under section 23 of the Act, and no product that is adulterated or misbranded, shall be transported in commerce, unless it is denatured or otherwise destroyed for food purposes as required by § 325.13, § 314.3, or § 314.10 of this subchapter. The shipper shall not offer nor the carrier receive for such transportation any product subject to the requirements of this section until it has been so denatured or otherwise destroyed for food purposes. The initial carrier shall require and the shipper shall make in triplicate and deliver to the carrier two copies of a certificate in the following form:

Date _____, 19__

Name of carrier _____
 Consignor _____
 Point of shipment _____
 Consignee _____
 Destination _____

I hereby certify that the following described inedible grease, tallow, or other fat, or other product, which is offered for shipment in commerce, has been denatured or otherwise destroyed for food purposes or identified as required by the Federal Meat Inspection Regulations.

Kind of product	Amount and weight
_____	_____
_____	_____

(Signature of shipper)

(Business or occupation of shipper)

(Address of shipper)

(b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the transportation of meat. A copy of the certificate shall be forwarded immediately by the carrier to the Data Processing Center,

Consumer and Marketing Service, USDA, Room 211, 4101 South Halsted Street, Chicago, Ill. 60609, and the carrier shall retain the original of the certificate and the shipper shall retain a copy in accordance with Part 320 of this subchapter. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and forwarded to said Data Processing Center by the shipper, and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

(c) Inedible rendered animal fats from federally inspected establishments or elsewhere having the physical characteristics of a meat food product fit for human food may be shipped in commerce without denaturing, if they are labeled "technical animal fat" and otherwise meet the following conditions:

(1) Such inedible rendered fat shall not be bought, sold, transported, or offered for sale or offered for transportation in commerce, or imported, except by rendering companies, dealers, brokers, or others who obtain a numbered permit for such activities from the Director, Processed Food Inspection Division.

(2) Such inedible rendered animal fat may be so distributed only if destined to a manufacturer of technical articles other than for human food or to an export terminal for exportation or storage for exportation as an inedible article, provided, in the case of domestic firms, the product is for use solely by the consignee for manufacturing purposes of nonhuman food articles and may not be further sold or shipped without first receiving approval of the Director, Processed Food Inspection Division; and provided further, that product intended for export and stored at terminal point prior to export will be subject to review by Program employees to assure that such product is exported as inedible.

(3) When transported in commerce, or imported, such inedible rendered fat shall be marked conspicuously with the words "technical animal fat not intended for human food" on the ends of the shipping containers, in letters not less than 2 inches high, in the case of shipping containers such as drums, tierces, barrels, and half barrels, and not less than 4 inches high in the case of tank cars and trucks. All shipping containers shall have both ends painted with a durable paint, if necessary, to provide a contrasting background for the required marking.

(4) Such inedible rendered fat could be transported only in sealed shipping containers bearing seals with official symbols applied by the shipper, which shall include the identification number assigned by said Director for the permit holder; and the rendered fat shall be accompanied by a shipper's certificate specifying the identification number. The number shall appear on the bill of lading or other transportation documents for the shipment. Breaking of the seals or altering or defacing the symbol by any person other than the consignee or Program personnel is prohibited (except in cases of emergencies as provided in regulations in this subchapter). The

consignee in the United States must retain the seals in their records as prescribed in Part 320 of this subchapter.

(5) Any effort to divert product or otherwise violate the regulations in this section may result in the revocation of the permit for shipment of technical animal fat at the discretion of the Administrator.

(d) Inedible rendered animal fat derived from condemned or other inedible materials at official establishments or elsewhere, mixed with low grade offal or other materials which render the fat readily distinguishable from an article of human food, may be shipped in commerce without further denaturing if the container bears the word "inedible."

(e) (1) Except as provided in subparagraphs (2) and (3) of this paragraph, no dog food or other animal food prepared, in whole or in part, from materials derived from the carcasses of livestock either in an official establishment or elsewhere, shall be transported in commerce, unless

(i) It is properly identified as dog food or other animal food;

(ii) It is not represented as being a human food;

(iii) It has been denatured as prescribed in § 325.13 so as to be readily distinguishable from an article of human food; and

(iv) A certificate is issued as required by § 325.11.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, dog food or other animal food packed in hermetically sealed, retort processed, conventional retail-size containers need not be denatured if the name of the canned article, as for example, "Dog Food," "Cat Food," "Dog and Cat Food," and "Animal Food," and the statement "not for human food" appears on the label in a conspicuous manner. To be considered conspicuous, the letters in the name of the canned articles, as for example, "Dog Food," must be at least three times as high, wide, and thick as the letters in the words denoting the use, as ingredients in the article, of the materials derived from the carcasses of livestock. The letters in the name of such article shall contrast as markedly with their background as the letters in the words denoting the use of such ingredient materials contrast with their background.

(3) Notwithstanding the provisions of subparagraph (1) of this paragraph, semimoist animal food need not be denatured if it is sold in consumer-size packages of not more than 2 pounds in weight and its labels do not refer to its use as, or likeness to, a product for human food, and the words "Dog Food" or "Pet Food" and "not for human food" appear in the largest size of type used on the label.

§ 325.12 Imported products for importer's consumption; certificate.

(a) No carrier in the United States shall transport or receive for transportation in the course of importation or in commerce any product exempted from

inspection and admitted into the United States in compliance with § 327.16 of this subchapter unless the shipper shall make in triplicate and deliver to the initial carrier within the United States two copies of a certificate in the following form:

PRODUCTS FOR IMPORTER'S OWN CONSUMPTION

Date _____, 19____

Name of carrier _____

Shipper _____

Point of shipment _____

Consignee _____

I hereby certify that the following described products offered for transportation were purchased by the undersigned outside the United States exclusively for his own consumption and are not for sale or distribution, and do not exceed 50 pounds in weight and were imported under exemption from import inspection under the Federal Meat Inspection Act.

Kind of Product	Amount and Weight
_____	_____
_____	_____

(Signature of shipper)

(Address of shipper)

(b) The signature of the shipper or of his agent shall be written in full. This certificate shall be separate and apart from any waybill, bill of lading, or other form ordinarily used in the shipment of meat. A copy of the certificate shall be forwarded immediately by the initial carrier to the Compliance and Evaluation Staff, Consumer and Marketing Service, USDA, Washington, D.C. 20250, and the initial carrier shall retain the original of the certificate and the shipper shall retain a copy in accordance with Part 320 of this subchapter. If the product is transported by the shipper himself, a certificate shall nevertheless be executed and forwarded to said Staff by the shipper, and a copy thereof shall be retained by the shipper in accordance with Part 320 of this subchapter.

§ 325.13 Denaturing procedures.

(a) Products (other than rendered animal fats) that have been treated in accordance with the provisions of this paragraph shall be considered denatured for purposes of the regulations in this part, except as otherwise provided in Part 314 of this subchapter.

(1) Products in pieces more than 4 inches in diameter shall be freely slashed. One of the following approved agents shall be liberally applied to all surfaces: crude carbolic acid; cresylic disinfectant; No. 2 fuel oil; brucine; unrefined (malodorous) fish oil; or FD&C green No. 3 coloring; FD&C blue No. 1 coloring; FD&C blue No. 2 coloring, or FD&C violet No. 1 coloring, used separately or in combination with a formula consisting of 40 parts water, 40 parts liquid detergent, and 40 parts oil of citronella; or any proprietary substance

approved by the Administrator in specific cases: *Provided, however,*

(i) That if the products are in small pieces (not more than 4 inches in diameter) slashing will not be necessary;

(ii) That tripe may be denatured by dipping it in a 6 percent solution of tannic acid for 1 minute followed by immersion in a water bath, then immersing it for 1 minute in a solution of .022 percent FD&C yellow No. 5 coloring;

(iii) That meat may be denatured by dipping it in a solution of .0625 percent tannic acid, followed by immersion in a water bath, then dipping it in a solution of .0625 percent ferric acid; and

(iv) That when the meat, meat by-products, or meat food products are ground, 4 percent by weight of coarsely ground hard bone which shall be no less than the opening size specified for No. 5 mesh (U.S. Bureau of Standards) uniformly incorporated with the meat may be used in lieu of the agents prescribed above.

(2) The application of any of the denaturing agents listed in subparagraph (1) of this paragraph to the outer surface of molds or blocks of boneless meat, meat byproducts or meat food products shall not be considered adequate. The denaturing agent must be mixed intimately with all of the material to be denatured, and must be applied in such quantity and manner that it cannot easily and readily be removed by washing or soaking. A sufficient amount of the chosen denaturant shall be used to give the material a distinctive color, odor, or taste so that such material cannot be confused with an article of human food. The denaturing agents and the methods described in subparagraph (1) of this paragraph shall not be used in lieu of the agents and methods prescribed in paragraphs (a) and (b) of § 314.4 of this subchapter for carcasses and products condemned in an official establishment.

(b) Inedible rendered animal fats shall be denatured by thoroughly mixing therein denaturing oil, No. 2 fuel oil, brucine dissolved in a mixture of alcohol and pine oil or oil of rosemary, or finely powdered charcoal or any proprietary denaturing agent approved for the purpose by the Administrator. The charcoal shall be used in no less dilution than 100 parts per million and shall be of such character that it will remain suspended indefinitely in the liquid fat. Sufficient of the chosen denaturants shall be used to give the rendered fat so distinctive a color, odor, or taste that it cannot be confused with an article of human food.

§ 325.14 Certificates, retention by carrier.

All original certificates delivered to a carrier in accordance with this part shall

³ Information as to approval of any proprietary denaturing substance may be obtained from the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

be filed separate and apart from all its other papers and records or identified in such a manner as to be readily checked by Department employees.

§ 325.15 Evidence of proper certification required on waybills, transfer bills, etc., for shipment by connecting carrier; forms of statement.

(a) All waybills, transfer bills, running slips, conductor's cards, or other papers accompanying a shipment, in the course of importation or in commerce, of any product shall have embodied therein, stamped thereon, or attached thereto a signed statement which shall be evidence to connecting carriers that the proper shipper's certificate, as required by § 325.4, § 325.5, § 325.6, § 325.7, § 325.8, § 325.9, § 325.10, § 325.11, or § 325.12, is on file with the initial carrier; and no connecting carrier shall receive for transportation or transport in the course of importation or in commerce any product unless the waybill, transfer bill, running slip, conductor's card, or other paper accompanying the same includes the aforesaid signed statement in the appropriate one of the following forms:

(1) When shipment is made under § 325.4, § 325.5, § 325.6, or § 325.7:

(Name of transportation company)

U.S. inspected and passed, as evidenced by shipper's certificate on file with initial carrier.

(Signed) _____ Agent.

(2) When shipment is made under § 325.8, or § 325.9, or § 325.12:

(Name of transportation company)

Exempted from inspection, or custom prepared at an official establishment, as evidenced by shipper's certificate on file with initial carrier.

(Signed) _____ Agent.

(3) When shipment is made under § 325.10:

(Name of transportation company)

U.S. inspected and passed product alleged to be adulterated or misbranded as evidenced by permit and shipper's certificate on file with initial carrier.

(Signed) _____ Agent.

(4) When shipment is made under § 325.11:

(Name of transportation company)

Adulterated or nonfederally inspected product which has been denatured or otherwise identified as required by the Federal Meat Inspection Regulations, as evidenced by shipper's certificate on file with initial carrier.

(Signed) _____ Agent.

(b) Signatures of agents to statements required under this section shall be written in full.

§ 325.16 Official seals; form, use, and breaking.

(a) The official seals required by this part shall be those prescribed in § 312.5(a) of this subchapter.

(b) Except as provided in § 325.18(b), seals affixed under this part shall be affixed or broken only by Program employees, and no person other than a Program employee shall affix, detach, break, change, or tamper with any such seal in any way whatever. Commission of any such acts contrary to this regulation is a criminal offense.

§ 325.17 Loading or unloading products in sealed railroad cars, trucks, etc., en route prohibited; exception.

Unloading any product from a sealed railroad car, truck, or other means of conveyance containing any unmarked product or loading any product or any other commodity in the means of conveyance while en route from one official establishment to another official establishment is not permitted, except that product transported under § 325.5 from one official establishment to another for further preparation may be unloaded and stored in transit at any approved warehouse which is operated under the identification service provided under the regulations in Part 350³ of subchapter B of this chapter and which has railroad facilities or a receiving dock for unloading the product directly into such warehouse: *Provided*, That the product is stored in rooms which are of such size and type as will not result in adulteration or misbranding of the product: *And provided further*, That the product is transported to and from such warehouse, and stored in such rooms at such warehouse, under official seal as prescribed in § 325.5.

§ 325.18 Diverting of shipments, breaking of seals, and reloading by carrier in emergency; reporting to Administrator.

(a) Shipments of inspected and passed product that bear the inspection legend may be diverted from the original destination without a reinspection of the articles, provided the waybills, transfer bills, running slips, conductor's card, or other papers accompanying the shipments are marked, stamped, or have attached thereto signed statements in accordance with § 325.15.

(b) In case of wreck or other extraordinary emergency, the Department seals on a railroad car or other means of conveyance containing any inspected and passed product may be broken by the carrier, and if necessary, the articles may be reloaded into another means of conveyance, or the shipment may be diverted from the original destination, without another shipper's certificate; but in all such cases the carrier shall immediately report the facts by telegraph to the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. Such report shall include the following information:

- (1) Nature of the emergency.
- (2) Place where seals were broken.
- (3) Original points of shipment and destination.

³ The regulations in Part 340 of this subchapter will be transferred later to Part 350 of subchapter B.

(4) Number and initial of the original car or truck.

(5) Number and initials of the car or truck into which the articles are reloaded.

(6) New destination of the shipment.

(7) Kind and amount of articles.

§ 325.19 Provisions inapplicable to specimens for laboratory examination, etc., or to naturally inedible articles.

(a) The provisions of this part do not apply:

(1) To specimens of product sent to or by the Department of Agriculture or divisions thereof in Washington, D.C., or elsewhere, for laboratory examination, exhibition purposes, or other official use;

(2) To material released for educational, research, and other purposes, and to material released for educational uses, laboratory examination, and other non-food purposes as prescribed in § 314.9 of this subchapter;

(3) To glands and organs for use in preparing pharmaceutical, organotherapeutic, or technical products and not used for human food, as described in § 318.1(g) of this subchapter;

(4) To material or specimens of product for laboratory examination, research, or other nonhuman food purposes, when authorized by the Administrator, and under conditions prescribed by him in specific cases; and

(5) To articles that are naturally inedible by humans, such as hoofs, horns, and hides in their natural state.

§ 325.20 Transportation and other transactions concerning dead, dying, disabled, or diseased livestock, and parts of carcasses of livestock that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased animals or parts of the carcasses of any animals that died otherwise than by slaughter shall:

(a) Buy, sell, transport, or offer for sale or transportation, in commerce, or import any dead livestock if its hide or skin has been removed;

(b) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any livestock that died otherwise than by slaughter, unless such livestock and parts are consigned and delivered, without avoidable delay, to establishments of animal food manufacturers or renderers that are registered as required by Part 320 of this subchapter, or to official establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Administrator as one that imposes requirements at least equal to the Federal requirements for purposes of paragraph 301(c) of the Act (a list of such registrants and States, and amendments thereof, will be published in the FEDERAL REGISTER, and information concerning the registration status of particular animal food manufacturers or renderers or particular States may also be obtained

from the Director, Consumer Protection Programs Services Staff, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250);

(c) Buy in commerce or import any dead, dying, disabled, or diseased livestock or parts of the carcasses of any livestock that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by Part 320 of this subchapter, or is the operator of an establishment inspected as required by paragraph (b) of this section and such livestock or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (b) of this section;

(d) Unload en route to any establishment eligible to receive them under paragraph (b) of this section, any dead, dying, disabled, or diseased livestock or parts of the carcasses of any livestock that died otherwise than by slaughter, which are transported in commerce or imported by any such person: *Provided*, That any such dead, dying, disabled, or diseased livestock, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or other extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director, Compliance and Evaluation Staff, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(e) Load into any means of conveyance containing any dead, dying, disabled, or diseased livestock, or parts of the carcasses of any livestock that died otherwise than by slaughter, while in the course of transportation in commerce or importation, any livestock or parts of carcasses not within the foregoing description or any other products or other commodities.

§ 325.21 Means of conveyance in which dead, dying, disabled, or diseased livestock and products thereof shall be transported.

All vehicles and other means of conveyance used by persons subject to § 325.20 used for transporting in commerce or importing, any dead, dying, disabled, and diseased livestock or parts of carcasses of livestock that died otherwise than by slaughter shall be leak-proof and so constructed and equipped as to permit thorough cleaning and sanitizing. The means of conveyance so used in conveying such livestock, or parts thereof, shall be cleaned and disinfected prior to use in the transportation of any product intended for use as human food. The cleaning procedure shall include the complete removal from the means of conveyance or any fluid, parts, or product of such dead, dying, disabled, or diseased livestock and the thorough application of a disinfectant to the interior surfaces of the cargo space. Substances permitted for such use are:

(a) Liquefied phenol (U.S.P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to 1 gallon of water.

(b) "Cresylic disinfectant" in the proportion of not less than 4 fluid ounces to 1 gallon of water.

The use of "cresylic disinfectant" is permitted subject to the conditions prescribed in Part 71, § 71.10(b), Subchapter C, of this Title 9 of the Code of Federal Regulations.

PART 327—IMPORTED PRODUCTS

- Sec.
- 327.1 Application of provisions.
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- 327.21 Special inspection procedures for chilled fresh or frozen boneless manufacturing meat.
- 327.22 Official import meat inspection marks and seals.

§ 327.1 Application of provisions.

The provisions of this part shall apply to products derived from cattle, sheep, swine, goats, horses, mules, and other equines, if capable of use as human food.

§ 327.2 Eligibility of foreign countries for importation of products into the United States.

(a) (1) Whenever it shall be determined by the Administrator that the system of meat inspection maintained by any foreign country, with respect to establishments preparing product in such country for export to the United States, insures compliance of such establishments and their products with require-

ments at least equal to all the inspection, building construction standards, and all other provisions of the Act and the regulations in this subchapter which are applied to official establishments in the United States, and their products, and that reliance can be placed upon certificates required under this part from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section. Thereafter, products prepared in such establishments which are certified and approved in accordance with subparagraph (3) of this paragraph, shall be eligible for importation into the United States from such foreign country after applicable requirements of this subchapter have been met.

(2) The determination of acceptability of a foreign meat inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following requirements and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards at least equal to those of the Federal system of meat inspection in the United States with respect to:

(a) Organizational structure and staffing, so as to insure uniform enforcement of the requisite laws and regulations in all establishments throughout the system at which products are prepared for export to the United States;

(b) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(c) The assignment of competent, qualified inspectors;

(d) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing meat inspection and to certify or refuse to certify products intended for export;

(e) Adequate administrative and technical support;

(f) Other requirements of adequate inspection service as required by the regulations in this subchapter.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements at least equal to those governing the system of meat inspection organized and maintained in the United States with respect to:

(a) Ante mortem inspection of animals for slaughter, which shall be performed by veterinarians or by other employees or licensees of the system under the direct supervision of veterinarians;

(b) Post mortem inspection of carcasses and parts thereof at time of slaughter, performed by veterinarians or other employees or licensees of the system under the direct supervision of veterinarians;

(c) Official controls by the national government over establishment construction, facilities, and equipment;

(d) Direct and continuous official supervision of slaughtering and preparation

of product, by the assignment of inspectors to establishments certified under subparagraph (3) of this paragraph, to assure that adulterated or misbranded product is not prepared for export to the United States;

(e) Complete separation of establishments certified under subparagraph (3) of this paragraph, from establishments not certified and the maintenance of a single standard of inspection and sanitation throughout all certified establishments;

(f) Requirements for sanitation at certified establishments and for sanitary handling of product;

(g) Official controls over condemned material until destroyed or otherwise rendered incapable of use for human food;

(h) Other matters for which requirements are contained in the regulations in this subchapter.

(iii) Countries desiring to establish eligibility for importation of product into the United States may request a determination of eligibility by presenting copies of the laws and regulations on which the foreign meat inspection system is based and such other information as the Administrator may require with respect to matters enumerated in subdivisions (i) and (ii) of this subparagraph. Determination of eligibility is based on a study of the documents and other information presented and an initial review of the system in operation by a representative of the Department using the criteria listed in subdivisions (i) and (ii) of this subparagraph. Maintenance of eligibility of a country for importation of products into the United States depends on the results of periodic reviews of the foreign meat inspection system in operation, by a representative of the Department, and the timely submission of such documents and other information as the Administrator may require, related to the conduct of the foreign inspection system, including information required by paragraph (e) of section 20 of the Act.

(3) Only those establishments that are determined and certified to the Department by a responsible official of the foreign meat inspection system as fully meeting the requirements of subparagraph (2) (i) and (ii) of this paragraph are eligible to have their products imported into the United States. Eligibility of certified establishments is subject to review by the Department (including observations of the establishments by program representatives at times prearranged with the officials of the foreign meat inspection system). Certifications of establishments must be renewed annually. Notwithstanding certification by a foreign official, the Administrator may, at his discretion, terminate the eligibility of any foreign establishment for importation of its products into the United States if he has information that such establishment does not comply with the requirements listed in subparagraph (2) (i) and (ii) of this paragraph or if he cannot obtain current information

concerning such establishment. The Administrator will provide reasonable notice to the foreign government of the proposed termination of eligibility of any foreign establishment for importation of its products into the United States unless, in his judgment, delay in terminating its eligibility could result in the importation of adulterated or misbranded product. Certifications of official establishments by the responsible official of the foreign meat inspection system shall be in the following form:

FOREIGN OFFICIAL MEAT ESTABLISHMENT CERTIFICATE

I hereby certify that the establishment(s) listed below fully comply (complies) with requirements of (specify foreign country) at least equal to all the inspection, building construction standards, and other requirements for the slaughter and preparation of the carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, and equines applied to official establishments in the United States under the Federal Meat Inspection Act and otherwise meet the requirements of § 327.2 (a) of the regulations governing meat inspection of the U.S. Department of Agriculture.

Control No. _____
 Name _____
 Address _____
 Date _____
 Signature _____
 Official Title _____

(4) Product of cattle, sheep, swine, and goats from foreign countries not listed in paragraph (b) of this section and product of equines from countries not listed in paragraph (c) of this section is not eligible for importation into the United States, except as provided by § 327.16 or § 327.17. The listing of any foreign country under this section may be withdrawn whenever it shall be determined by the Administrator that the system of meat inspection maintained by such foreign country does not assure compliance with requirements at least equal to all the inspection, building construction standards, and other requirements of the Act and the regulations in this subchapter as applied to official establishments in the United States; or that reliance cannot be placed upon certificates required under this part from authorities of such foreign country; or that, for lack of current information concerning the system of meat inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility for listing.

(b) It has been determined that product of cattle, sheep, swine, and goats from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 327.4, except fresh, chilled, or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest, or of foot-and-mouth disease, or of African swine fever exists as provided in Part 94 of this title, is eligible under the regulations in this subchapter for importation into the United States after inspection and mark-

ing as required by the applicable provisions of this part.

- | | |
|-----------------------------|-------------------|
| Argentina. | Ireland (Eire). |
| Australia. | Italy. |
| Austria. | Japan. |
| Belgium. | Luxembourg. |
| Brazil. | Mexico. |
| Canada. | Netherlands. |
| Colombia. | New Zealand. |
| Costa Rica. | Nicaragua. |
| Czechoslovakia. | Northern Ireland. |
| Denmark. | Norway. |
| Dominican Republic. | Panama. |
| England and Wales. | Paraguay. |
| Finland. | Poland. |
| France. | Scotland. |
| Germany (Federal Republic). | Spain. |
| Guatemala. | Sweden. |
| Haiti. | Switzerland. |
| Honduras. | Uruguay. |
| Hungary. | Venezuela. |
| Iceland. | Yugoslavia. |

(c) It has been determined that product of equines from the following countries, covered by foreign meat inspection certificates of the country of origin as required by § 327.4, is eligible under the regulations in this subchapter for importation into the United States after inspection and marking as required by the applicable provisions of this part.

- | | |
|------------|--------------|
| Argentina. | New Zealand. |
| Canada. | Paraguay. |
| Mexico. | |

§ 327.3 No product to be imported without compliance with applicable regulations.

(a) No product offered for importation from any foreign country shall be admitted into the United States except upon compliance with all the requirements of this subchapter that would apply to it if it were a domestic product.

(b) However, no meat trimmings (including cooked or cured meat trimmings) in pieces too small to permit adequate inspection upon arrival shall be admitted into the United States. Individual pieces or trimmings must not be smaller than 2-inch cubes or pieces comparable in size. Processed meat food products prepared with meat pieces smaller than 2-inch cubes or pieces comparable in size shall not be permitted entry except under the following conditions:

- (1) Ground or comminuted meats may be imported in labeled containers of not more than 3 pounds net weight.
- (2) Chopped steaks and meat patties may be imported in labeled containers of not more than 10 pounds net weight.
- (3) Sausages and canned meat products may be imported in labeled containers of a size suitable for retail sale and distribution to consumers.
- (4) Meat extracts may be imported in labeled containers of any size.

(c) Further, no carcasses or parts of carcasses of livestock offered for importation from which naturally associated tissues such as the peritoneum, pleura, body lymph glands, or the portal glands of the liver have been removed, shall be admitted into the United States.

§ 327.4 Imported products; foreign certificates required.

(a) Except as provided in § 327.16, each consignment containing any fresh meat or fresh meat byproducts consigned to the United States from a foreign country shall be accompanied by a foreign meat-inspection certificate for fresh meat and meat byproducts in the following form:

ORIGINAL

OFFICIAL MEAT-INSPECTION CERTIFICATE FOR FRESH MEAT AND MEAT BYPRODUCTS

Place _____ Date _____
 (City) (Country)

I hereby certify that the meat and meat byproducts herein described were derived from livestock which received ante mortem and post mortem veterinary inspections at time of slaughter in plants certified for importation of their products into the United States and are not adulterated or misbranded as defined by the regulations governing meat inspection of the U.S. Department of Agriculture; and that said products have been handled in a sanitary manner in this country and are otherwise in compliance with requirements at least equal to those in the Federal Meat Inspection Act and said regulations.

Kind of product	Species of livestock derived from	Number of pieces or containers	Weight
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

Identification marks on products and containers _____

Consignor _____
 Address _____
 Establishment number _____
 Consignee _____
 Destination _____
 Shipping marks _____

(Signature) _____
 (Name of official authorized by the national foreign government to issue inspection certificates for meat and meat byproducts exported to the United States)

(Official title) _____

(b) Except as provided in § 327.16, each consignment containing any meat food product consigned to the United States from a foreign country shall be accompanied by a foreign meat-inspection certificate for meat food products in the following form:

ORIGINAL

OFFICIAL MEAT-INSPECTION CERTIFICATE FOR MEAT FOOD PRODUCTS

Place ----- Date -----
 (City) (Country)

I hereby certify that the meat food products herein described were derived from livestock which received ante mortem and post mortem veterinary inspections at time of slaughter in plants certified for importation of their products into the United States, were handled in a sanitary manner, and were prepared under the continuous supervision of an inspector under control of the national meat inspection system and that said meat food products are not adulterated or misbranded as defined by the regulations governing meat inspection of the U.S. Department of Agriculture, and are otherwise in compliance with requirements at least equal to those in the Federal Meat Inspection Act and said regulations.

I further certify that all products herein described that are prepared customarily to be eaten without cooking and contain muscle tissue of pork were treated for destruction of trichinae as prescribed in § 318.10 of the Meat Inspection Regulations of the U.S. Department of Agriculture.

Kind of product	Species of livestock derived from	Number of pieces or containers	Weight
-----	-----	-----	-----
-----	-----	-----	-----
-----	-----	-----	-----

Identification marks on products and containers -----
 Consignor -----
 Address -----
 Establishment number -----
 Consignee -----
 Destination -----
 Shipping marks -----

(Signature) -----
 (Name of official authorized by the national foreign government to issue inspection certificates for meat food product exported to the United States)
 (Official title) -----

(c) Each foreign meat-inspection certificate shall bear the official seal of the national government agency responsible for the inspection of the product and be signed and issued by an official authorized to sign and issue such certificates by the national government of the foreign country in which the product is inspected.

(d) Each foreign meat-inspection certificate shall be in both the English language and the language of the foreign country of origin.

(e) The foreign meat-inspection certificate required by this section to accompany each consignment containing any product shall be delivered by the consignee, or his agent, in the United States to the Program inspector at the place of inspection, and inspection of the product will not be commenced prior to such delivery.

§ 327.5 Importer to make application for inspection; information required.

Each importer shall make application for inspection to the officer in charge, if one is stationed at the port where any product is to be offered for importation or, if not, to the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, as long as possible in advance of the anticipated arrival of each consignment, except in the case of consignments of product expressly exempted from inspection by §§ 327.16 and 327.17.

Each application shall state the approximate date on which the consignment is due to arrive at such port in the United States, the name of the ship or other carrier transporting it, the name of the country from which the product was shipped, the place of destination, the quantity and kind of product, and whether fresh, cured, or canned. In case of consignments arriving in the United States by water, the application should also state the port of first arrival in the United States.

§ 327.6 Import products; Program inspection, time and place.

(a) Except as provided in §§ 327.16 and 327.17, all products offered for importation from any foreign country shall be inspected by a Program inspector before they shall be admitted into the United States.

(b) All products required by this part to be inspected, which arrive in the United States by water at any port where a Program inspector is stationed and which are consigned to any place where a Program inspector is stationed, shall be inspected on the wharf at the time of unloading, except that if, upon the application of the consignee, or his agent, the officer in charge at such port shall so direct, the products may be inspected at any other place within the limits of the port, or shipped for inspection to the destination where a Program inspector is stationed.

(c) All products required by this part to be inspected, which arrive in the United States by water at a port where a Program inspector is stationed, and which are consigned to any place where no Program inspector is stationed, shall be inspected on the wharf at the time of unloading, except that if, upon the application of the consignee, or his agent, the officer in charge at such port shall so direct, the products may be inspected at any other place within the limits of the port.

(d) All products required by this part to be inspected, which arrive in the United States by water at a port where no Program inspector is stationed and which are consigned to any place where a Program inspector is stationed, shall be inspected at destination.

(e) All products required by this part to be inspected, which arrive in large quantities (carload or more) in the United States by water at a port where no Program inspector is stationed and which are consigned to any place where no Program inspector is stationed, shall be inspected at such place as the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, on application of the consignee or his agent, or upon the request of the Customs officer at the port of arrival, shall direct.

(f) All products required by this part to be inspected, which arrive in small quantities (less than carload lots) in the United States by water at a port where no Program inspector is stationed and which are consigned to any place where no Program inspector is stationed, shall be shipped in customs custody under seal to the nearest point where an inspector of the Program is stationed for inspection at that point.

(g) All products required by this part to be inspected, which arrive in the United States otherwise than by water and which are consigned to any place where a Program inspector is stationed, shall be inspected at destination.

(h) All products required by this part to be inspected, which arrive in carload lots in the United States otherwise than by water, and which are consigned to any place where no Program inspector is stationed, shall proceed to destination in customs custody under seal for inspection at destination. In such cases the inspector of the Program or the Customs officer at the border port shall immediately telegraph the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, all facts in connection with the shipment. Upon receipt of such telegraphic information the Administrator shall detail an inspector to the point where the products are destined to make the required inspection.

(i) All products required by this part to be inspected, which arrive in less than carload lots in the United States otherwise than by water at a border port where an inspector of the Program is stationed, and which are consigned to any place where no Program inspector is stationed, shall be inspected by the inspector of the Program at the border port.

(j) All products required by this part to be inspected and which arrive in less than carload lots in the United States otherwise than by water at a border port where no inspector of the Program is stationed, and which are consigned to any place where no Program inspector is stationed, shall proceed in customs custody under seal to the nearest point where an inspector is stationed for inspection at that point.

(k) A sufficient sampling inspection shall be made of each consignment of foreign chilled fresh or frozen fresh meat, including defrosting if necessary, to determine its condition. Inspection standards for foreign chilled fresh or frozen fresh meat shall be the same as those used for domestic chilled fresh or frozen fresh meat.

(l) Foreign canned products are required to be sound, healthful, wholesome, and otherwise not adulterated at the time they are offered for importation into the United States. Provided other requirements of this part are met, the determination of the acceptability of the product and the condition of the containers shall be based on the results of an examination of a statistical sample drawn from the consignment in accordance with instructions to Program inspectors. If the examination of the sample discloses that the product or the containers do not meet the acceptance level prescribed in the instructions, the consignment shall be refused entry. However, a consignment rejected for container defects but otherwise acceptable may be reoffered for inspection under the following conditions: (1) If the number and kinds of container defects found in the original sample do not exceed limits specified for this purpose in such instructions; and (2) if the defective cans in the consignment have been sorted out and reexported or destroyed under supervision of an inspector.

(m) Program inspectors or Customs officers at border or seaboard ports shall report the sealing of cars, trucks, or other means of conveyance, and the sealing or identification of containers of foreign product on Form MI-410 to Program officers in charge at points where such product is to be inspected.

(n) Representative samples of canned product designated by the Administrator in instructions to Program inspectors shall be incubated under supervision of such inspectors by holding the samples for at least 10 days at about 95° F. The necessary incubation facilities shall be provided by the importers or their agents.

(o) Pamphlets detailing the sampling plans, acceptance levels, and other requirements in connection with inspection of imported products as set forth in the instructions to inspectors under paragraphs (l) and (n) of this section will be furnished to interested persons upon request.

§ 327.7 Import products; movement prior to inspection; sealing; handling; bond; facilities and assistance.

(a) (1) No product required by this part to be inspected shall be moved, prior to inspection, from the port of first ar-

rival in the United States, or, if arriving by water, from the wharf where unloaded, unless the same is conveyed in cars, trucks or other means of conveyance, sealed in compliance with this section or in containers corded and sealed or otherwise identified in accordance with this section, except when such sealing and identification are deemed not to be necessary by the officer in charge because other equally adequate controls are used.

(2) Cars, trucks, other means of conveyance, or containers in which any product is conveyed in accordance with this part, prior to inspection, from the port of first arrival in the United States, or, if arriving by water, from the wharf where unloaded, shall be sealed with Customs seals or official import meat seals of the Department as prescribed in § 312.5(b) of this subchapter or, in the case of containers, otherwise identified as provided for in subparagraph (3) of this paragraph, except when such sealing and identification are deemed not to be necessary by the officer in charge because other equally adequate controls are used. Containers shall be securely corded before being offered for sealing. Official import meat seals shall be affixed by Program inspectors unless there is no Program inspector assigned to such port or wharf where the product is entered, in which case the seals shall be affixed by Customs officers.

(3) In lieu of cording and sealing containers, the carrier or importer may furnish and attach to each outside container of product a warning notice on bright yellow paper, not less than 5 by 8 inches in size, containing the following legend in black type of a conspicuous size:

(NAME OF TRUCK LINE OR CARRIER)

NOTICE

This container of meat or meat product must be delivered intact to an inspector of the Consumer Protection Programs, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the Customs entry bond.

If the product is found to be acceptable upon inspection the container will be marked as U.S. inspected and passed and this warning notice defaced.

(b) No person shall affix, break, alter, deface, mutilate, remove, or destroy any official import meat seal of the Department, except Customs officers or Program inspectors or as provided for in paragraph (h) of this section.

(c) No product shall be removed from any car, wagon, other means of conveyance, or container sealed with an official import meat seal of the Department except under the supervision of a Program inspector or a Customs officer, or as provided for in paragraph (h) of this section.

(d) No product required by this part to be inspected shall be moved, prior to inspection from any port, or, if arriving by water from the wharf where first un-

loaded, to any place other than the place designated by, or in accordance with, this part as the place where the same shall be inspected.

(e) No product required by this part to be inspected shall be conveyed, prior to inspection, from any port, or, if arriving by water, from the wharf where first unloaded, in any manner other than in compliance with this part.

(f) No product required by this part to be inspected shall be delivered to the consignee or his agent prior to inspection, unless the consignee shall furnish a bond, in form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through the customs.

(g) The consignee or his agent shall furnish such facilities and shall provide such assistance for handling and marketing product offered for importation as Program inspectors may require.

(h) In case of a wreck or similar extraordinary emergency, the official import meat seal of the Department on a car, wagon, or other means of conveyance may be broken by the carrier, and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. Such report shall include the following information:

- (1) Nature of the emergency.
- (2) Place where seals were broken.
- (3) Points of shipment and destination.

(4) Identity of the means of conveyance, such as the initials and number of the car.

(5) Identity of the means of conveyance into which the articles are loaded.

(6) Kind and quantity of articles.

§ 327.8 Import products; equipment and means of conveyance used in handling to be maintained in sanitary condition.

Compartments of steamships, sailing vessels, railroad cars, and other means of conveyance transporting any product to the United States, and all trucks, chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any product offered for importation into the United States, shall be maintained in a sanitary condition.

§ 327.9 Burlap wrapping for foreign meat.

The use of burlap as a wrapping for foreign meat will not be permitted unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign material.

§ 327.10 Samples; inspection of consignments; refusal of entry; marking.

(a) Program inspectors may take, without cost to the United States, for

laboratory examination, samples of any product which is subject to analysis, from each consignment offered for importation, except that such samples shall not be taken of any product offered for importation under § 327.16.

(b) All products offered for importation from any foreign country and accompanied with a foreign inspection certificate as required by this part, which, upon inspection by Program inspectors, are found not to be adulterated or misbranded and to be otherwise eligible for entry into the United States under this part, shall be marked with the official inspection legend prescribed in § 312.8 of this subchapter. All product so marked, in compliance with this part, shall be admitted into the United States, insofar as such admittance is regulated under the Act.

(c) If the inspection of the portion of product withdrawn from a consignment indicates that the consignment is adulterated or misbranded or otherwise is not eligible for entry under this part, the consignment shall be identified as "U.S. Refused Entry" and handled as prescribed in § 327.13(a). The consignments refused entry may be marked "U.S. Refused Entry" if the officer in charge deems such marking necessary to maintain their identity.

§ 327.11 Receipts to importers for import product samples.

In order that importers may be assured that samples of foreign products collected for laboratory examination are to be used exclusively for that purpose, official receipts shall be issued and delivered to importers, or their agents, by inspectors for all samples of foreign products collected. The official receipt shall be prepared in duplicate, over the signature of the inspector who collects the samples, and shall show the name of the importer, country of origin, quantity and kind of product collected, date of collection, and that the sample was collected for laboratory examination. The duplicate copy of the receipt shall be retained by officers in charge as their office record.

§ 327.12 Foreign canned or packaged products bearing trade labels; sampling and inspection.

(a) Samples of foreign canned or packaged products bearing on their immediate containers trade labels which have not been approved under § 317.3 of this subchapter shall be collected and forwarded to the laboratory by the Program inspector for examination, and the products shall be held pending receipt of the report of the laboratory findings and the results of the examination of trade labels and the marks on shipping containers.

(b) Foreign canned or packaged products bearing trade labels and other markings which have been approved under § 317.3 of this subchapter shall be inspected for soundness and checked for net weight. Samples may be collected for laboratory examination, but the products may be released under customs' bond

pending the report of laboratory findings.

(c) A number of cans sufficient in the judgment of Program inspectors to be representative of the whole consignment shall be taken from more than one case when consignments of foreign canned products consisting of cases of large numbers of small cans are sampled.

§ 327.13 Foreign products offered for importation; reporting of findings to customs; handling of articles refused entry.

(a) Program inspectors shall report their findings as to any product which has been inspected in accordance with this part, to the Director of Customs at the port where the same is offered for clearance through the customs, and shall request the Director to refuse admission to any product which is designated as "U.S. refused entry", and to direct that the same be exported by the consignee within the time specified in this section, unless the consignee, within such specified time shall cause the destruction thereof for human food purposes under the supervision of a Program inspector: *Provided*, That in the case of product refused entry solely because of misbranding, in lieu of exportation or destruction the product may be brought into compliance with the requirements of this part, under supervision of an authorized representative of the Administrator. Such specified time shall be 30 days after such notice is given to the Customs officer, unless a different time is fixed by the Administrator upon application to him. If any such product is destroyed for human food purposes or misbranded product is brought into compliance under this paragraph, under the supervision of a Program inspector, he shall give prompt notice thereof to the Director.

(b) Upon the request of the Director of Customs at the port where a product is offered for clearance through the customs, the consignee of the product shall, at his own expense, immediately return to the Director any product which is designated "U.S. refused entry" or which in any respect does not comply with the requirements in this part. All such product shall be returned in cars, wagons, or other means of conveyance, or in corded containers, sealed with the official import meat seal of the Department unless such sealing is deemed not to be necessary by the officer in charge because other equally adequate controls are used.

(c) All charges for storage, cartage, and labor with respect to any product which was imported contrary to the Act shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such product and any other product thereafter imported by or for such owner or consignee.

§ 327.14 Marking of products and labeling of immediate containers thereof for importation.

(a) Product which is offered for importation, and which is susceptible of marking, shall, whether or not enclosed in an immediate container, bear the

name of the country of origin, preceded by the words "product of"; the establishment number assigned by the foreign meat inspection system and certified to the Program; and such other markings as are necessary for compliance with Part 316 of this subchapter. When such markings are imprints of stamps or brands made with branding ink, such ink shall be harmless and shall create permanent imprints. In case the name of the country of origin appears as part of an official mark of the national foreign government and such name is prominently and legibly displayed, the words "product of" may be omitted.

(b) In addition to the marking of products required under paragraph (a) of this section, the immediate container of any product offered for importation:

(1) Shall bear a label showing in accordance with § 317.2 of this subchapter all information required by that section (except that the establishment number assigned by the foreign meat inspection system and certified to the Program and the official inspection mark of the foreign meat inspection system shall be shown instead of the official inspection legend of the United States) and in addition the name of the country of origin preceded by the words "product of", immediately under the name or descriptive designation of the product as required by § 317.2 of this subchapter: *Provided*, That, such establishment number may be omitted from a label lithographed directly on a can if said number is lithographed or embossed elsewhere on the can; and

(2) Shall, if such immediate container is a sealed metal container, have the establishment number assigned by the foreign meat inspection authority and certified by the Program embossed or lithographed on the sealed metal container, and such establishment number shall not be covered or obscured by any label or other means.

(c) All labels and marks on immediate containers as well as private brands on carcasses or parts of carcasses shall be submitted for approval, to the Director, Technical Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, and approved before products bearing such labels, marks, or brands will be admitted into the United States. However, the marks of inspection of foreign systems embossed on metal containers or branded on carcasses or parts thereof need not be submitted for approval; and stencils, box dies, labels, and brands may be used on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers of foreign products provided the markings made by such devices are applicable to the product and are not false or misleading and are used with the approval of the officer in charge.

(d) When product in an immediate container which has been inspected and passed in compliance with this Part is removed from the shipping container in which it was imported, at an official establishment or elsewhere, a sticker

bearing an official inspection legend and the official establishment number or other number assigned by the Program shall be securely affixed to the immediate container under supervision of an inspector before the product may be distributed in commerce. Supervision of the application of such stickers at any place other than an official establishment will be provided in accordance with the regulations in Part 350.¹

§ 327.15 Outside containers of foreign products; marking and labeling; application of official inspection legend.

(a) The outside container in which any immediate container of foreign product is shipped to the United States shall bear, in English, in a prominent and legible manner:

(1) The name or descriptive designation of the product in accordance with § 317.2 of this subchapter;

(2) The name of the country of origin; and

(3) The establishment number assigned by the foreign meat inspection system and certified to the Program.

(b) All outside containers of products which have been inspected and passed in accordance with this part shall be marked by a Program employee or under his supervision with the official import meat inspection mark prescribed in § 312.8.

§ 327.16 Small importations for importer's own consumption; requirements.

Any product offered for importation in a quantity of 50 pounds or less which was purchased by the importer outside the United States for his own consumption, is eligible for importation into the United States from any country without compliance with the provisions in other sections of this part but subject to applicable requirements under other laws, including the regulations in Part 94 of this title. However, Program employees may inspect any product offered for importation under this section to determine whether it is within the class eligible for importation under this paragraph. Products imported in compliance with this paragraph may be transported to their destination in the course of importation or subsequently in commerce if covered by a certificate as required by § 325.12 of this subchapter.

§ 327.17 Returned United States inspected and marked products.

United States inspected and passed and so marked products exported to and returned from foreign countries will be admitted into the United States without compliance with this part upon notification to and approval of the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, in specific cases.

¹ The regulations now in Part 340 will be transferred later to a new Part 350.

§ 327.18 Imported products to be handled and transported as domestic; entry into official establishments; exception.

(a) All imported products, after entry into the United States, shall be deemed and treated as domestic products and shall be subject to the applicable provisions of the Act and the regulations in this subchapter and the applicable requirements under the Federal Food, Drug, and Cosmetic Act, except that products imported under § 327.16 are required to comply only with the requirements of that section and § 325.12 of this subchapter.

(b) Imported products inspected, passed, and marked in accordance with this part may, subject to the provisions of § 318.4(a) of this subchapter, be taken into official establishments and be mixed with or added to any product in such establishments which has been inspected and passed therein.

(c) Imported product which has been inspected, passed, and marked under this part may be transported in the course of importation or subsequently in commerce only upon compliance with Part 325 of this subchapter.

§ 327.19 Specimens for laboratory examination and similar purposes.

The provisions in this part do not apply to specimens of products for laboratory examination, research, or similar purposes when authorized importation by the Administrator under conditions specified by him in specific cases, including requirements of denaturing or identification to deter their use for human food. Authorization will not be given for the importation of any products contrary to the provisions of Part 94 of this title.

§ 327.20 Importation of foreign inedible fats.

No inedible grease, inedible tallow, or other inedible rendered fat shall be admitted into the United States, unless it has been first denatured as prescribed in § 325.13 of this subchapter and the containers marked as prescribed by § 316.15 of this subchapter or unless it is identified and handled as prescribed by § 325.11 (c) or (d) of this subchapter.

§ 327.21 Special inspection procedures for chilled fresh or frozen boneless manufacturing meat.

(a) *Definitions; sampling; standards.*

(1) Frozen boneless manufacturing meat is meat from cattle, sheep, swine, goats, horses, mules, and other equines that has all bone removed and is cut into pieces or trimmings, frozen into a compact block of any shape and suitable for slicing or chopping in the manufacturing of meat food products. Individual pieces or trimmings must not be smaller than a 2-inch cube or a piece comparable in size. As used in this section, the term "frozen" includes "chilled fresh," and "lot" means any amount of frozen boneless manufacturing meat of one species, similarly packaged, shipped from one es-

tablishment, and offered for import inspection under one or more foreign inspection certificates.

(2) All lots of imported frozen boneless manufacturing meat will be sampled and such samples defrosted for inspection in accordance with this paragraph. The inspector will select from each lot the appropriate number of cartons specified by the table of sampling plans contained in the current U.S. Department of Agriculture Manual of Meat Inspection Procedures.¹ The total sample for inspection will consist of the necessary number of 12-pound units drawn from these cartons. The 12-pound units selected will be completely defrosted and subjected to a thorough examination.

(b) *Lots refused entry. Reinspection (including resampling)* will be provided for any lot of frozen boneless manufacturing meat which was refused entry under this section on the basis of the original evaluation of the sample thereof, only if there is reason to question the judgment of the inspector in making the evaluation. If, in other cases, any portion of any lot refused entry is identified by markings as consisting of any particular type of meat (e.g., as made from beef trimmings or from chucks or rounds) which differs from all other types of meat in the lot or is identified by a production date or shift mark which distinguishes it from all other meat in the lot, the eligibility of each such portion of the lot for importation will be evaluated upon the basis of the original inspection findings and in accordance with standards specified for this purpose in instructions issued to the inspectors.² Portions of the lot so found eligible for entry will be admitted and the remainder of the lot will be refused entry.

(c) *Certain lots found to qualify as lots for entry.* If it is found upon initial evaluation of the sample of any lot of frozen boneless manufacturing meat that the lot as a whole meets the inspection standard for entry but such lot includes any portion identified by markings as consisting of any particular type of meat different than all other types of meat in the lot or identified by a different production date or shift mark than the remainder of the lot, the eligibility for importation of such portion of the lot shall be evaluated, upon the basis of the original inspection findings and in accordance with standards specified for this purpose in instructions issued to the inspectors.² Any portion of the lot found ineligible for entry upon such evaluation will be refused entry and the remainder of the lot will be admitted.

(d) *Lots for which unloading is delayed.* If a portion of a lot is unloaded from a ship on any day and the unloading of the remainder of the lot is being delayed beyond the following day, the eligibility for importation of each portion which is identified by markings as consisting of any particular type of meat

¹ See footnotes at end of Part 327.

different than all other types of meat in the lot or identified by a different production date or shift mark than the remainder of the lot, may be evaluated at the importer's request separately in accordance with standards specified for this purpose in instructions issued to the inspectors.²

§ 327.22 Official import meat inspection marks and seals.

The official import meat inspection mark and official import meat seal are those described in §§ 312.8 and 312.5(b) of this subchapter.

¹ Copies of such table are available, upon request, from the Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

² The instructions may be obtained, upon request, from the Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

PART 329—DETENTION; SEIZURE AND CONDEMNATION; CRIMINAL OFFENSES

- Sec.
- 329.1 Article or livestock subject to administrative detention.
- 329.2 Method of detention; form of detention tag.
- 329.3 Notification of detention to the owner of the article or livestock detained or his agent or person in possession thereof.
- 329.4 Notification of governmental authorities having jurisdiction over article or livestock detained.
- 329.5 Movement of article or livestock detained; removal of official marks.
- 329.6 Articles or livestock subject to judicial seizure and condemnation.
- 329.7 Procedure for seizure, condemnation and disposition.
- 329.8 Authority for condemnation or seizure under other provisions of law.
- 329.9 Criminal offenses.

§ 329.1 Article or livestock subject to administrative detention.

Any carcass, part of a carcass, meat or meat food product of livestock, or article exempted from the definition of meat food product, or any dead, dying, disabled, or diseased livestock is subject to detention for a period not to exceed 20 days when found by any authorized representative of the Secretary upon any premises where it is held for the purposes of, or during or after distribution in, commerce or it is otherwise subject to Title I or II of the Act, and there is reason to believe that:

- (a) Any such article is adulterated or misbranded and is capable of use as human food; or
- (b) Any such article has not been inspected, in violation of the provisions of Title I of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia; or
- (c) Any such article or livestock has been or is intended to be, distributed in violation of the provisions of Title I of the Act, any other Federal law, or the laws of any State or Territory, or the District of Columbia.

§ 329.2 Method of detention; form of detention tag.

An authorized representative of the Secretary shall detain any article or livestock subject to detention under this part, by affixing an official "U.S. Detained Tag" (Form CP-483) to such article or livestock.¹

§ 329.3 Notification of detention to the owner of the article or livestock detained or his agent or person in possession thereof.

Within 48 hours after the detention of any article or livestock pursuant to this part, an authorized representative of the Secretary or other employee of the United States shall give oral or written notification of such detention to the owner of the article or livestock detained, or if such owner cannot be ascertained and notified within such period of time, to his agent or the carrier or other person in possession of the article or livestock detained. The notification, if in writing, shall be served by either delivering the notification to such owner, or his agent, or to such other person, or by certifying and mailing the notification, addressed to such owner, agent, or other person, at his last known residence or principal office or place of business. In the event that notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

§ 329.4 Notification of governmental authorities having jurisdiction over article or livestock detained; form of written notification.

Within 48 hours after the detention of any livestock or article pursuant to this part, an authorized representative of the Secretary shall give oral or written notification of such detention to any Federal authorities not connected with the Program, and any State or other governmental authorities, having jurisdiction over such livestock or article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

§ 329.5 Movement of article or livestock detained; removal of official marks.

No article or livestock detained in accordance with the provisions in this part shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Secretary. All official marks may be required by such representative to be removed from such article or livestock before it is released unless it appears to the satisfaction of the representative that the article or livestock is eligible to retain such marks.

§ 329.6 Articles or livestock subject to judicial seizure and condemnation.

Any carcass, part of carcass, meat or meat food product or any dead, dying, disabled, or diseased livestock, that is being transported in commerce or is otherwise subject to Title I or II of the

¹ Copy filed with the Office of the Federal Register as part of the original document.

Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 403 of the Act if such product or livestock:

- (a) Is or has been prepared, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act, or
- (b) Is capable of use as human food and is adulterated or misbranded, or
- (c) In any other way is in violation of the Act.

§ 329.7 Procedure for seizure, condemnation, and disposition.

Any article or livestock subject to seizure and condemnation under this part shall be liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any United States district court, or other proper court specified in section 404 of the Act, within the jurisdiction of which the article or livestock is found.

§ 329.8 Authority for condemnation or seizure under other provisions of law.

The provisions of this part relating to seizure, condemnation and disposition of articles or livestock do not derogate from authority for condemnation or seizure conferred by other provisions of the Act, or other laws.

§ 329.9 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act.

PART 330—REGULATIONS GOVERNING CERTAIN RETAIL STORES AND RESTAURANTS IN THE DISTRICT OF COLUMBIA

- Sec.
- 330.1 Applicability of regulations.
- 330.2 Inspection requirement.
- 330.3 Sanitation, facilities, and equipment.
- 330.4 General requirements.
- 330.5 Adulteration and misbranding.
- 330.6 Inspection reviews.
- 330.7 Records.
- 330.8 Access to establishment.
- 330.9 Enforcement and penalties.

§ 330.1 Applicability of regulations.

The regulations in this Part 330 apply to each retail store and restaurant in the District of Columbia, at which no slaughtering of cattle, sheep, swine, or equines is conducted, but products of such livestock are boned, cut-up, cooked, or otherwise prepared, or frozen, stored, or held for sale, and no products prepared at the establishment are sold, or offered for sale or transportation, or transported, to any place outside of the District of Columbia, by the operator of the establishment. Such retail stores and restaurants shall hereinafter in this part be referred to as regulated establishments. The regulations in §§ 305.5, 305.6, and Parts 301, 302, 306, 312, 314, 318, 319, and 329 of this subchapter shall apply to regulated establishments.

§ 330.2 Inspection requirement.

The operator of each retail store and restaurant at which meat and meat food products are prepared shall apply to the Director, Processed Food Inspection Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, for a numbered certificate of inspection. Such certificate will be granted to the establishment if upon survey it is found to comply with the provisions of this Part and if the operator agrees to comply with all applicable requirements of the regulations in this subchapter.

§ 330.3 Sanitation, facilities, and equipment.

The following provisions apply to each regulated establishment:

(a) *Premises.* The premises shall be clean, well drained, and so located that the surroundings are free from sources of possible contamination of the products handled at the establishment.

(b) *Construction of buildings.* The building shall be large enough to accommodate the operation without hampering sanitary practices. Floors, walls, and ceilings shall be constructed of materials that can easily be kept clean, sanitary, and in good repair. Where practicable, the building shall be equipped with screens or other effective means to prevent the entrance of insects, rodents, and other animals. Where the screening of openings is impracticable, such as in receiving areas, insect and rodent control shall be effected by preventing entrance of vermin by mechanical or other means. Screen doors shall be self-closing. Rooms used for processing shall not open directly into living quarters or toilet rooms.

(c) *Lighting.* Each room shall have sufficient natural or artificial lighting for the purpose for which it is to be used. Sufficient lighting shall be present in all areas to permit adequate visibility for cleaning and sanitary inspection operations. Lights in the processing areas shall be equipped with protective shields.

(d) *Ventilation.* Ventilation shall be sufficient to control visible mold, objectionable odors, and accumulation of condensates.

(e) *Water supply.* The water supply shall be readily accessible, of a sufficient quantity to permit compliance with the requirements of this subchapter, and potable. There shall be no cross-connection between the potable water supply and any nonpotable water supply nor with the sewage disposal system. Hot water in sufficient quantity for sanitation purposes shall be available. The establishment shall currently have on file in its records evidence that the water supply has been approved by the local health authority within the past calendar year.

(f) *Ice.* Ice (if used) shall be made from a supply of potable water which meets the requirements of paragraph (e) of this section. It shall be manufactured, handled, stored, and used in a sanitary manner.

(g) *Disposal of wastes.* Liquid wastes shall be conveyed to a public sewer

through enclosed piping by methods or systems which will not create insanitary conditions. Floor drains shall be functional and properly trapped. Trash and rubbish shall be placed in suitable receptacles conveniently located throughout the plant. Product wastes, such as trimmings, shall be collected in suitable containers which shall be kept covered when not continuously receiving wastes. All wastes shall be collected and disposed of at frequent intervals in a sanitary manner.

(h) *Toilet, dressing room, and hand-washing facilities.* A sufficient number of sanitary toilets to accommodate all personnel working at the establishment shall be provided. Toilet rooms shall be conveniently located, constructed of materials which can be easily and satisfactorily cleaned, adequately lighted, and separately vented to the outside. They shall be maintained in a sanitary condition and shall be so constructed that they do not open directly into rooms or areas where components of products or products are prepared, stored, or otherwise handled. The doors shall be tight-fitting and self-closing. A sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms. Hand-washing facilities, including hot and cold running water, soap, and an effective, sanitary means of drying the hands, shall be conveniently located in the toilet rooms and throughout the area where products are prepared.

(i) *Construction and repair of equipment and utensils.* Equipment and utensils which are used in the preparation of or which otherwise contact, any product shall be of such design that they can be readily cleaned and effectively sanitized and shall be maintained in a state of good repair so as to provide protection from contamination or other adulteration. The surfaces of all equipment and utensils which contact products shall be constructed from suitable, nontoxic materials. Equipment shall be so located as to provide adequate space for cleaning, maintenance, and inspection.

(j) *Cleaning of equipment.* All multiple-service containers, equipment, and utensils used in handling, preparing, storing, or transporting any product in such a way as to contact the product directly shall be thoroughly cleaned after use. They shall be subjected to an effective sanitizing process prior to each usage. The methods used shall be such that the product shall not be contaminated or otherwise adulterated. Chemicals used in cleaning and sanitizing treatments shall be those approved by the Technical Services Division and shall be properly labeled and stored. Steam, hot water, chlorine, or equally efficient agents are permitted for sanitizing purposes.

(k) *Sanitation of room and compartments.* All rooms and areas used to receive, process, or store components or the finished products, shall be maintained in a clean, sanitary manner so as to preclude the possibility of bacterial, chemical, or physical contamination or other adulteration.

(l) *Sanitary controls.* Means shall be provided to assure adequate sanitary control of the raw materials and finished product.

(m) *Single-service articles and packaging materials.* Single-service articles, including cans, bottles, lids, pouches, and paper containers shall be free of contamination and maintained in sanitary boxes, cartons, or tubes or otherwise protected and handled in a sanitary manner.

(n) *Control of insects, birds, and animals.* Effective measures for the control of insects and rodents shall be maintained at all times. Insecticides and rodenticides, if used, shall be only those which are approved by the Technical Services Division of the Department. They shall be employed by approved methods and shall be handled and stored in a safe manner. Insects, animals, and unrestrained birds shall be excluded from the building.

(o) *Cooling and refrigeration facilities.* When necessary, means shall be provided to maintain the raw materials or finished product in a refrigerated or frozen state. The equipment shall be of such design that the product shall not be subjected to contamination or other adulteration. Refrigerated rooms shall contain an accurate thermometer located in the warmest area.

(p) *Storage facilities.* Storage facilities shall be provided for storing raw materials, packing and packaging materials, and finished products. They shall be clean, sanitary, and in good repair. Storing methods which minimize deterioration and prevent contamination or other adulteration shall be used. Shelves, cabinets, and dunnage shall be used where necessary to protect materials from contamination and other adulteration.

(q) *Vehicles and transportation facilities.* Vehicles and transportation facilities used by the operator of a regulated establishment to transport any products in commerce shall be kept clean and shall be constructed, operated, and maintained in such a manner as to protect products from contamination and other adulteration.

(r) *Sanitary compliance rating.* Establishments which comply with the facility and sanitary regulations as determined by survey completed by an authorized inspector are eligible for certification and listing as establishments approved for operation under the regulations in this part.

§ 330.4 General requirements.

(a) No products may be brought into any regulated establishment unless they have been inspected and passed by the Program and are so marked.

(b) Potentially hazardous products must be stored at regulated establishments at safe holding temperatures. Such temperatures will be any food temperature below 40° F. or above 140° F. Potentially hazardous meat or meat food product, not in storage, shall not be permitted to remain at temperatures between the safe holding limits for such a time as may be reasonably expected to

allow it to become unfit for human consumption. Potentially hazardous product is any carcass or part of a carcass or meat food product capable of supporting a rapid and/or progressive growth of microorganisms which may cause food infection or food intoxication.

(c) Frozen product shall be held at a safe temperature when stored, transported, or displayed by any regulated establishment. A safe temperature for such product shall be a maximum internal temperature of 10° F.

(d) Product must be appropriately protected from contamination or other adulteration when prepared, frozen, packaged, stored, dispensed, displayed, or otherwise handled at a regulated establishment or transported in commerce for such an establishment. Containers, utensils, and other surfaces which contact products directly at regulated establishments shall be protected from contamination. Any methods, operating practice, or sequence of operations at any regulated establishment that may provide an opportunity for product to become contaminated or otherwise adulterated is prohibited.

(e) Surfaces or utensils which have been used in the preparation of seafood at regulated establishments shall be cleaned and sanitized before use for preparation of meat product.

(f) Grinders, choppers, and mixers used for the preparation of uncooked pork at regulated establishments must be thoroughly cleaned to remove any pork muscle tissue residue before use for any other product not intended to be thoroughly cooked on the establishment premises.

(g) Persons who work at any regulated establishment in any capacity which involves contact with unpackaged product or with surfaces contacted by such product, or which involves the preparation of product or meals made therefrom shall:

- (1) Be in apparently good health; and
- (2) Use hygienic work practices.

§ 330.5 Adulteration and misbranding.

(a) Products sold or served by regulated establishments shall not be "adulterated" as defined in the Act.

(b) Products prepared by any regulated establishment shall not have any false or misleading labeling and their containers shall not be so made, formed, or filled as to be misleading when they leave such establishment.

(c) Except as is necessary in normal handling, no official inspection mark, or other required labeling on product prepared in an official establishment shall be defaced, obliterated, modified, or removed, when the product is sliced, otherwise prepared, repackaged, or otherwise handled in a regulated establishment.

§ 330.6 Inspection reviews.

(a) Inspections of the premises and reviews of the procedures of each regulated establishment required to have inspection under § 330.2 shall be made as often as deemed necessary to effectuate the purpose of this part. Products that are adulterated or have false or misleading labeling or misleading containers will be handled as provided in Part 329 of this subchapter.

(b) A copy of the results of these inspections and reviews will be furnished the operator of the establishment with such recommendations and requirements as may be administratively determined appropriate; and an identical copy shall be filed with the appropriate officer in charge to become a part of the establishment's history.

§ 330.7 Records.

Records shall be maintained by the operator of each regulated establishment showing the source, quantity, and description of all livestock and products acquired or prepared by the establishment and the date of receipt and the disposition thereof.

§ 330.8 Access to establishment.

Under section 6 of the Act, Program employees or other persons designated by the Administrator shall be allowed access to every part of any regulated establishment at all times by day or night for the purpose of making inspections authorized under the Act. Further, under section 202 of the Act, in enforcement of the Act, Program employees, or other persons designated by the Administrator, are au-

thorized to enter any regulated establishment in accordance with said section for the purpose of examining and copying any records required by § 330.7 to be kept for such establishment and examining the facilities and inventories thereof and taking reasonable samples from the inventories.

§ 330.9 Enforcement and penalties.

Continuation of the certificate of inspection will be contingent upon the compliance by the operator of the establishment with the requirements of this part. If the Department has reason to believe that the operator has failed to comply with such requirements in any respect, due notice thereof and reasonable opportunity to correct the alleged deficiencies will be afforded to the operator to the extent consistent with protection of the public and the requirements of the Act. Failure to comply with the sanitation provisions of this part or to destroy condemned products as required under the Act may result in the withdrawal of the certificate of inspection in accordance with § 305.5 of this subchapter.

PART 331—(RESERVED FOR PROVISIONS FOR DESIGNATED STATES AND TERRITORIES)

PART 335—(RESERVED FOR RULES OF PRACTICE)

Any interested persons who desire to present any views, arguments, or data concerning the proposed revision of the regulations set forth above may do so by filing their comments in writing, in duplicate, with the Office of the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after publication hereof in the FEDERAL REGISTER. All such written submissions will be made available for public inspection at said office during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., on July 30, 1969.

ROY W. LENNARTSON,
Administrator.

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