THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 5 NUMBER 17

Washington, Thursday, January 25, 1940

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

[Form PS 1-e (Revised)]

NOTICE UNDER PACKERS AND STOCKYARDS ACT [1]

JANUARY 23, 1940.

To NEWARK STOCK YARDS, *Newark, N. J.*

Whereas, the Newark Stockyards at Kearny, New Jersey, was posted on Nov. 1, 1921, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Newark Stock Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Newark Stock Yards at Kearny, New Jersey, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 40-374; Filed, January 23, 1940; 2:10 p. m.]

[Form PS 1-e (Revised)]

NOTICE UNDER PACKERS AND STOCKYARDS ACT [1]

JANUARY 23, 1940.

To LA JUNTA LIVESTOCK SALES COMPANY, INC., *La Junta, Colo.*

Whereas, the La Junta Livestock Sales Yards, at La Junta, Colorado, was posted on Feb. 5, 1937, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the La Junta Livestock Sales Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the La Junta Livestock Sales Yards, at La Junta, Colorado, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 40-375; Filed, January 23, 1940; 2:10 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3674]

IN THE MATTER OF MENTHO-MULSION INCORPORATED ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce of respondents' Mentho-Mulsion and Malco Cold Tablets, or other similar medicinal preparations, which advertisements represent, directly or through implication, (1) that said Mentho-Mulsion is a cure or remedy for coughs, or will stop cough spasms, or will have any thereapeutic value in the treatment of coughs due to physical disorders of a systemic character, or that it has any therapeutic value in the treatment of coughs in excess of providing temporary relief in cases of coughs due to common colds; or (2) that said Malco Cold Tablets will drive common colds out of the system, or that said preparation constitutes a cure or remedy for colds or has any therapeutic value in the treatment thereof in excess of providing a palliative relief from some of the symptoms commonly encountered in colds; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Mentho-Mulsion Incorpo-

[1] Modifies list posted stockyards 9 CFR 204.1.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

rated et al., Docket 3674, January 16, 1940]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 16th day of January, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

IN THE MATTER OF MENTHO-MULSION INCORPORATED (FORMERLY M. L. CLEIN AND COMPANY), A CORPORATION, AND MAX L. CLEIN, SADIE B. CLEIN, INDIVIDUALS

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before John W. Addison, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, and in opposition thereto, brief filed herein by John M. Russell, counsel for the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Mentho-Mulsion Incorporated (formerly M. L. Clein and Company), a corporation, and its officers, and Max L. Clein and Sadie B. Clein, individuals, and their respective agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails, or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of the medicinal preparations known as Mentho-Mulsion and Malco Cold Tablets, or any other medicinal preparation possessing substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said medicinal preparations in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisements represent, directly or through implication:

(1) That respondents' preparation Mentho-Mulsion is a cure or remedy for coughs, or that it will stop cough spasms or that it will have any therapeutic value in the treatment of coughs due to physical disorders of a systemic character, or that it has any therapeutic value in the treatment of coughs in excess of providing temporary relief in cases of coughs due to common colds;

(2) That respondents' preparation Malco Cold Tablets will drive common colds out of the system or that said preparation constitutes a cure or remedy for colds or has any therapeutic value in the treatment thereof in excess of providing a palliative relief from some of the symptoms commonly encountered in colds.

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

By the Commission.

[SEAL] A. N. ROSS, *Acting Secretary*.

[F. R. Doc. 40-380; Filed, January 24, 1940; 10:33 a. m.]

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[1] 3 F.R. 1711 DI.

[Docket No. 3858]

IN THE MATTER OF PITTSBURGH PLATE GLASS COMPANY ET AL.

§ 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* Entering into, effectuating, approving or recognizing, in connection with sale or distribution in interstate commerce of plate, window, safety or structural glass, or in connection with installation of such glass in structures or buildings, and on the part of respondent glass manufacturer and distributor, respondent glass distributors, respondent labor organizations, and respondent individuals, officers thereof, any agreement, contract or understanding which, as prerequisite to right or privilege of any glass distributor or glazing contractor to employ glaziers for installation of such glass products in structures or buildings, contain requirements or provisions that any such glass distributor or glazing contractor must have or maintain, in connection with the operation of his business, (1) a stock of any specified quantity of flat glass products, or (2) any trucking or warehousing equipment to service the building or replacement trade, or (3) the continuous employment of any specific number of men, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Pittsburgh Plate Glass Company et al., Docket 3858, January 16, 1940]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of January, A. D. 1940.

Commissioners: Ewin L. Davis, Chairman; Garland S. Ferguson, Charles H. March, William A. Ayres, Robert E. Freer.

IN THE MATTER OF PITTSBURGH PLATE GLASS COMPANY, A CORPORATION; PHILIP G. KING, INDIVIDUALLY AND AS MANAGER OF THE INDIANAPOLIS, INDIANA, BRANCH OF THE PITTSBURGH PLATE GLASS COMPANY; H. B. HIGGINS, INDIVIDUALLY AND AS VICE PRESIDENT OF THE PITTSBURGH PLATE GLASS COMPANY; STEWART-CAREY GLASS COMPANY, A CORPORATION; J. MORRIS HAINES, INDIVIDUALLY AND AS SECRETARY AND GENERAL MANAGER OF STEWART-CAREY GLASS COMPANY; CAPITOL GLASS COMPANY, A CORPORATION; W. J. BYRNE, INDIVIDUALLY AND AS PRESIDENT OF THE CAPITOL GLASS COMPANY; ROBERT W. BYRNE, INDIVIDUALLY AND AS VICE PRESIDENT OF THE CAPITOL GLASS COMPANY; BROTHERHOOD OF PAINTERS, DECORATORS AND PAPER HANGERS OF AMERICA, A CORPORATION; L. P. LINDELOF, INDIVIDUALLY AND AS GENERAL PRESIDENT OF THE BROTHERHOOD OF PAINTERS, DECORATORS AND PAPER HANGERS OF AMERICA; CLARENCE E. SWICK, INDIVIDUALLY AND AS GENERAL SECRETARY OF THE BROTHERHOOD OF PAINTERS, DECORATORS AND PAPER HANGERS OF AMERICA; DISTRICT COUNCIL NO. 27 OF THE BROTHERHOOD OF PAINTERS, DECORATORS AND PAPER HANGERS OF AMERICA, OF INDIANAPOLIS, INDIANA, AN UNINCORPORATED ASSOCIATION; COURTNEY E. HAMMOND, INDIVIDUALLY AND AS SECRETARY OF DISTRICT COUNCIL NO. 27 OF THE BROTHERHOOD OF PAINTERS, DECORATORS AND PAPER HANGERS OF AMERICA; GLAZIERS' LOCAL UNION NO. 1165, OF THE BROTHERHOOD OF PAINTERS, DECORATORS AND PAPER HANGERS OF AMERICA, OF INDIANAPOLIS, INDIANA, AN UNINCORPORATED ASSOCIATION; JOSEPH SCHUBERT, INDIVIDUALLY AND AS BUSINESS AGENT OF GLAZIERS' LOCAL UNION NO. 1165 OF THE BROTHERHOOD OF PAINTERS, DECORATORS AND PAPER HANGERS OF AMERICA, INDIANAPOLIS, INDIANA

ORDER TO CEASE AND DESIST

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

It is ordered, That respondents, Pittsburgh Plate Glass Company, a corporation, Stewart-Carey Glass Company, a corporation, Capitol Glass Company, a corporation, Brotherhood of Painters, Decorators and Paper Hangers of America, a corporation, District Council No. 27 of the Brotherhood of Painters, Decorators and Paper Hangers of America, of Indianapolis, Indiana, an unincorporated association, Glaziers' Local Union No. 1165, of the Brotherhood of Painters, Decorators and Paper Hangers of America, of Indianapolis, Indiana, an unincorporated association, and the representatives, successors, assigns, officers, agents and employees of each of said respondents; Philip G. King, individually, and as Manager of the Indianapolis, Indiana, branch of the Pittsburgh Plate Glass Company, H. B. Higgins, individually, and as Vice President of the Pittsburgh Plate Glass Company, J. Morris Haines, individually, and as Secretary and General Manager of the Stewart-Carey Glass Company, W. J. Byrne, individually, and as President of the Capitol Glass Company, Robert W. Byrne, individually, and as Vice President of the Capitol Glass Company, L. P. Lindelof, individually, and as General President of the Brotherhood of Painters, Decorators and Paper Hangers of America, Clarence E. Swick, individually, and as General Secretary of the Brotherhood of Painters, Decorators and Paper Hangers of America, Courtney E. Hammond, individually, and as Secretary of District Council No. 27 of the Brotherhood of Painters, Decorators and Paper Hangers of America, Joseph Schubert, individually, and as Business Agent of Glaziers' Local Union No. 1165 of the Brotherhood of Painters, Decorators and Paper Hangers of America; directly or indirectly, by any means, shall, in connection with the sale or distribution in interstate commerce of plate, window, safety or structural glass, or in connection with the installation of such glass in structures or buildings, forthwith cease and desist from entering into, effectuating, approving or recognizing any agreement, contract, or understanding which contain any of the following requirements or provisions as a prerequisite to the right or privilege of any glass distributor or glazing contractor to employ glaziers for the installation of such glass products in structures or buildings:

(1) A requirement or provision that any such glass distributor or glazing contractor must have or maintain a stock of any specified quantity of flat glass products, in connection with the operation of his business;

(2) A requirement or provision that any such glass distributor or glazing contractor must have or maintain any trucking or warehousing equipment to service the building or replacement trade, in connection with the operation of his business;

(3) A requirement or provision that any such glass distributor or glazing contractor must have or maintain the continuous employment of any specific number of men, in connection with the operation of his business.

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

By the Commission.

[SEAL] A. N. ROSS,
Acting Secretary.

[F. R. Doc. 40-381; Filed, January 24, 1940; 10:33 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

GENERAL RULES AND REGULATIONS UNDER THE TRUST INDENTURE ACT OF 1939

TERMS USED IN THE RULES AND REGULATIONS

§ 260.T-0-1 (Rule T-0-1) *Application of definitions contained in the Act.* Unless the context otherwise requires, the terms defined in the Act shall, when used in the rules and regulations, have the respective meanings given in the Act.* [Gen. Rules & Regs., Rule T-0-1, effective January 23, 1940]

§ 260.T-0-2 (Rule T-0-2) *Definitions of terms used in the rules and regulations.* Unless the context otherwise requires, the following terms, when used in the rules and regulations, shall have the respective meanings indicated in this rule:

Act. The term "Act" means the Trust Indenture Act of 1939. [C. 411, 53 Stat. 1149; 15 U.S.C. 77aaa]

Affiliate. The term "affiliate" means a person controlling, controlled by, or under common control with, another person. The terms "affiliated" and "affiliation" have meanings correlative to the foregoing.

*(C. 411, sec. 305, 53 Stat. 1154; 15 U.S.C. 77eee; C. 411, sec. 307, 53 Stat. 1156; 15 U.S.C. 77ggg; C. 411, sec. 314, 53 Stat. 1167; 15 U.S.C. 77nnn; C. 411, sec. 319, 53 Stat. 1173; 15 U.S.C. 77sss)

Agent for service. The term "agent for service" means the person authorized to receive notices and communications from the Commission.

Amount. The term "amount", when used in regard to securities, shall have the meaning given in paragraph (c) or rule T-10B-1. [Sec. 260.T-10B-1]

Class. The term "class", when used in regard to securities, shall have the meaning given in paragraph (e) of rule T-10B-1. [Sec. 260.T-10B-1]

Control. The term "control" means the power to direct the management and policies of a person, directly or through one or more intermediaries, whether through the ownership of voting securities, by contract, or otherwise. The terms "controlling" and "controlled" have meanings correlative to the foregoing. See rule T-7A-26. [Sec. 260. T-7A-26]

Outstanding. The term "outstanding", when used in regard to securities, shall have the meaning given in paragraph (d) of rule T-10B-1. [Sec. 260. T-10B-1]

Parent. The term "parent" means a person controlling one or more other persons.

Rules and regulations. The term "rules and regulations" means all rules and regulations adopted by the Commission pursuant to the Act, including the forms and instructions thereto.

Section. The term "section" means a section of the Act.

Subsidiary. The term "subsidiary" means a person controlled by another person.* [Gen. Rules & Regs., Rule T-0-2, effective January 23, 1940]

Office of the Commission

§ 260.T-0-5 (Rule T-0-5) *Business hours of the Commission.* The principal office of the Commission at Washington, D. C., is open on each business day, excepting Saturdays, from 9:00 a. m. to 4:30 p. m., and on Saturdays from 9:00 a. m. to 1:00 p. m.* [Gen. Rules & Regs., Rule T-0-5, effective January 23, 1940]

§ 260.T-0-6 (Rule T-0-6) *Nondisclosure of information obtained in the course of examinations and investigations.* Information or documents obtained by officers or employees of the Commission in the course of any examination or investigation under section 8 (e) of the Securities Act of 1933, [C. 38, sec. 8, 48 Stat. 79; 15 U.S.C. 77h], pursuant to section 307 (c) of the Trust Indenture Act of 1939, [C. 411, sec. 307, 53 Stat. 1156, 15 U.S.C. 77ggg], or any examination or investigation under section 20 (a) of the Securities Act of 1933, [C. 38, sec. 20, 48 Stat. 86; 15 U.S.C. 77t], pursuant to section 321 (a) of the Trust Indenture Act of 1939, [C. 411, sec. 321, 53 Stat. 1174; 15 U.S.C. 77uuu], shall, unless made a matter of public record, be deemed confidential. Officers and employees are hereby prohibited from making such confidential information or documents available to any one other than a member, officer or employee of the Commission unless the

Commission authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest. Any officer or employee who is served with a subpoena requiring the disclosure of such information or the production of such documents shall appear in court and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this rule. Any officer or employee who is served with such a subpoena shall promptly advise the Commission of the service of such subpoena, the nature of the information or documents sought, and any circumstances which may bear upon the desirability of making available such information or documents.* [Gen. Rules & Regs., Rule T-0-6, effective January 23, 1940]

Rules Under Section 303 [1]

§ 260.T-3 (4)-1 (Rule T-3 (4)-1) *Definition of "Commission from an underwriter or dealer not in excess of the usual and customary distributors' or sellers' commissions" in section 303 (4), for certain transactions.* (a) The term "commission" in section 303 (4) shall include such remuneration, commonly known as a spread, as may be received by a distributor or dealer as a consequence of reselling securities bought from an underwriter or dealer at a price below the offering price of such securities, where such resales afford the distributor or dealer a margin of profit not in excess of what is usual and customary in such transactions.

(b) The term "commission from an underwriter or dealer" in section 303 (4) shall include commissions paid by an underwriter or dealer affiliated with the issuer.

(c) The term "usual and customary distributors' or sellers' commission" in Section 303 (4) shall mean a commission or remuneration, commonly known as a spread, paid to or received by any person selling securities either for his own account or for the account of others, which is not in excess of the amount usual and customary in the distribution and sale of issues of similar type and size, and not in excess of the amount allowed to other persons, if any, for comparable service in the distribution of the particular issue; but such term shall not include amounts paid to any person whose function is the management of the distribution of all or a substantial part of the particular issue, or who performs the functions normally performed by an underwriter or underwriting syndicate.* [Gen. Rules & Regs., Rule T-3 (4)-1, effective January 23, 1940]

§ 260.T-3 (4)-2 (Rule T-3 (4)-2) *Definition of "distribution" in section 303 (4) for certain transactions.* A person, the chief part of the business of which consists in the purchase of the securities of any one issuer and/or its affiliate and in the sale of its own securities to furnish the proceeds with which to acquire the securities of such issuer and/or affiliate, is to be regarded as engaged in the distribution of the securities of such issuer and/or affiliate within the meaning of Section 303 (4).* [Gen. Rules & Regs., Rule T-3 (4)-2, effective January 23, 1940]

§ 260.T-3 (4)-3 (Rule T-3 (4)-3) *Definition of "participates" and "participation" as used in section 303 (4), in relation to certain transactions.* (a) The terms "participates" and "participation" in Section 303 (4) shall not include the interest of a person (1) who is neither in privity of contract with the issue nor affiliated with the issuer, and (2) who has no association with any principal underwriter of the securities being distributed, and (3) whose function in the distribution is confined to an undertaking to purchase all or some specified proportion of the securities remaining unsold after the lapse of some specified period of time, and (4) who purchases such securities for investment and not with a view to distribution.

(b) As used in this rule—

(1) The term "association" shall include a relationship between two persons under which one (A) is affiliated with the other, or (B) has, in common with the other, one or more, partners, directors, officers, trustees, branch managers, or other persons occupying a similar status or performing similar functions or (C) has a participation, direct or indirect, in the profits of the other, or has a financial stake, by debtor-creditor relationship, stock ownership, contract or otherwise, in the income or business of the other.

(2) The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is underwriter.* [Gen. Rules & Regs., Rule T-3 (4)-3, effective January 23, 1940]

Rules Under Section 305 [2]

§ 260.T-5A-1 (Rule T-5A-1) *Forms for statements of eligibility and qualification.* (a) Form T-1 [Sec. 269.T-1] shall be used for statements of eligibility and qualification of corporations designated to act as trustees under trust indentures to be qualified pursuant to Section 305 or 307 of the Act.[3]

(b) Form T-2 [Sec. 269.T-2] shall be used for statements of eligibility and qualification of individuals designated to act as trustees under trust indentures to be qualified pursuant to Section 305 or 307 of the Act.[3]* [Gen. Rules & Regs., Rule T-5A-1, effective January 23, 1940]

§ 260.T-5A-2 (Rule T-5A-2) *General requirements as to form and content of statements of eligibility and qualification.* Article 2 of the rules under section 307[4] shall be applicable to statements filed on Forms T-1 [Sec. 269.T-1] and T-2 [Sec. 269.T-2].* [Gen. Rules & Regs., Rule T-5A-2, effective January 23, 1940]

§ 260.T-5A-3 (Rule T-5A-3) *Number of copies — Filing—Signatures—Binding.* (a) Three copies of each statement of eligibility and qualification, at least one of which shall be signed in the manner prescribed by the particular form, shall be filed with the registration statement or application for qualification.

(b) Each statement of eligibility and qualification and the exhibits thereto shall be bound on the left-hand side in one or more parts, without stiff covers. The binding shall be made in such manner as to leave the reading matter legible.

(c) The statement or statements shall be filed by the obligor upon the indenture securities as a separate part of the registration statement or application for qualification, as the case may be.* [Gen. Rules & Regs., Rule T-5A-3, effective January 23, 1940]

Rules Under Section 304 [4]

Article I. Applications for Qualification of Indentures

§ 260.T-7A-1 (Rule T-7A-1) *Form for application.* Form T-3 [Sec. 269.T-3] shall be used for applications for qualification of indentures pursuant to Section 307 (a).* [Gen. Rules & Regs., Rule T-7A-1, effective January 23, 1940]

§ 260.T-7A-2 (Rule T-7A-2) *Powers of agent for service named in application.* Every applicant shall be deemed, in the absence of a statement to the contrary, to confer upon the agent for service the following powers:

(a) A power to amend the application for qualification by altering the date of the proposed offering of the indenture securities.

(b) A power to make application pursuant to Rule T-7A-7 [Sec. 260.T-7A-7] for the Commission's consent to the filing of an amendment.

(c) A power to withdraw the application for qualification or any amendment thereto.

(d) A power to consent to the entry of an order under Section 8 (b) of the Securities Act of 1933,[5] waiving notice and hearing, such order being entered without prejudice to the right of the applicant thereafter to have the order vacated upon a showing to the Commission that the application for qualification, as amended, is no longer incomplete or inaccurate on its face in any material respect.* [Gen. Rules & Regs., Rule T-7A-2, effective January 23, 1940]

§ 260.T-7A-3 (Rule T-7A-3) *Number of copies—Filing—Signatures—Binding.* (a) Three copies of the complete applica-

[1] C. 411, sec. 303, 53 Stat. 1151; 15 U.S.C. 77ccc.

[2] C. 411, sec. 305, 53 Stat. 1154; 15 U.S.C. 77eee.

[3] C. 411, sec. 305, 53 Stat. 1154; 15 U.S.C. 77eee; C. 411, sec. 307, 53 Stat. 1156; 15 U.S.C. 77ggg.

[4] C. 411, sec. 307, 53 Stat. 1156; 15 U.S.C. 77ggg.

[5] C. 38, sec. 8, 48 Stat. 79; 15 U.S.C. 77L.

tion shall be filed with the Commission at its office in Washington, D. C.

(b) At least one copy of the application proper shall be signed in the manner prescribed by form T-3 [Sec. 269.T-3].

(c) The application proper and the exhibits thereto shall be bound on the left-hand side in one or more parts, without stiff covers. The binding shall be made in such manner as to leave the reading matter legible.* [Gen. Rules & Regs., Rule T-7A-3, effective January 23, 1940]

§ 260.T-7A-4 (Rule T-7A-4) *Calculation of time.* The following rules shall govern the calculation of the effective date of an application for qualification filed under Section 307 (a):

(a) Sundays and holidays shall be counted in computing the effective date.

(b) The twentieth day shall be deemed to begin at the expiration of nineteen periods of twenty-four hours each from 4:30 p. m., Eastern Standard Time on the date of filing.* [Gen. Rules & Regs., Rule T-7A-4, effective January 23, 1940]

§ 260.T-7A-5 (Rule T-7A-5) *Filing of Amendments—Number of Copies.* Three copies of any amendment to an application, except a telegraphic amendment pursuant to Rule T-7A-6 [Sec. 260.T-7A-6], shall be filed with the Commission at its office in Washington, D. C.* [Gen. Rules & Regs., Rule T-7A-5, effective January 23, 1940]

§ 260.T-7A-6 (Rule T-7A-6) *Telegraphic delaying amendments.* An amendment altering the proposed date of the public offering may be made by the agent for service by telegram. In each case, such telegraphic amendment shall be confirmed within a reasonable time by the filing of three copies, one of which shall be signed by the agent for service. Such confirmation shall not be deemed an amendment.* [Gen. Rules & Regs., Rule T-7A-6, effective January 23, 1940]

§ 260.T-7A-7 (Rule T-7A-7) *Effective date of amendment filed under section 8 (a) of the Securities Act*[5] *with the consent of the Commission.* An applicant desiring the Commission's consent to the filing of an amendment with the effect provided in Section 8 (a) of the Securities Act of 1933 may apply for such consent at or before the time of filing the amendment. The application shall be signed by the applicant or the agent for service and shall state fully the grounds upon which made. The Commission's consent shall be deemed to be given and the amendment shall be treated as a part of the application for qualification upon the sending of written or telegraphic notice to that effect.* [Gen. Rules & Regs., Rule T-7A-7, effective January 23, 1940]

§ 260.T-7A-8 (Rule T-7A-8) *Effective date of amendment filed under section 8 (a) of the Securities Act*[5] *pursuant to order of Commission.* An amendment made prior to the effective date of the application of qualification shall be deemed to be made pursuant to an order of the Commission within the meaning of Section 8 (a) of the Securities Act of 1933 so as to be treated as part of the application for qualification only when the Commission shall, after the filing of such amendment, find that it has been filed pursuant to its order.* [Gen. Rules & Regs., Rule T-7A-8, effective January 23, 1940]

Article 2. General Requirements as to Form and Content of Applications, Statements and Reports

A. General

§ 260.T-7A-15 (Rule T-7A-15) *Application of article 2.* The rules contained in Article 2 shall be applicable to applications for qualification of indentures filed pursuant to Section 307,[4] statements of eligibility and qualification of trustees filed pursuant to Sections 305 and 307[3] and periodic reports filed pursuant to section 314 (a).[6]* [Gen. Rules & Regs., Rule T-7A-15, effective January 23, 1940]

B. Formal Requirements

§ 260.T-7A-16 (Rule T-7A-16) *Inclusion of items—Differentiation between items and answers—Omission of instructions.* The application, statement or report shall contain all of the items of the form, as well as the answers thereto. The items shall be made to stand out from the answers by variation in margin or type, or by other means. All instructions shall be omitted.* [Gen. Rules & Regs., Rule T-7A-16, effective January 23, 1940]

§ 260.T-7A-17 (Rule T-7A-17) *Quality, Color and Size of Paper.* The application, statement or report, including all amendments and, where practicable, all papers and documents filed as a part thereof, shall be on good quality unglazed white paper, 8½ by 13 inches in size, except that tables may be on larger paper if folded to such size.* [Gen. Rules & Regs., Rule T-7A-17, effective January 23, 1940]

§ 260.T-7A-18 (Rule T-7A-18) *Legibility.* (a) The application, statement or report, including all amendments and, where practicable, all papers and documents filed as a part thereof, shall be typewritten, mimeographed or printed. All such material shall be clear, easily readable and suitable for repeated photocopying.

(b) If printed, the application, statement or report shall be in type not smaller than 10-point, roman type, at least two points leaded.

(c) All printing, mimeographing, typing or other markings shall be in black ink, except that debits in credit categories and credits in debit categories may be set forth in red or black ink, but shall in all cases be designated in such manner as to be clearly distinguishable as such on photocopies.* [Gen. Rules & Regs., Rule T-7A-18, effective January 23, 1940]

[6] C. 411, sec. 314, 53 Stat. 1167; 15 U.S.C. 77nnn.

§ 260.T-7A-19 (Rule T-7A-19) *Margin for binding.* The application, statement or report, including all amendments and, where practicable, all papers and documents filed as a part thereof, shall have a back or stitching margin of at least 1½ inches for binding.* [Gen. Rules & Regs., Rule T-7A-19, effective January 23, 1940]

§ 260.T-7A-20 (Rule T-7A-20) *Riders—Inserts.* Riders shall not be used. If the application, statement or report is typed on a printed form, and the space provided for the answer to any given item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and item shall be restated and a complete answer given.* [Gen. Rules & Regs., Rule T-7A-20, effective January 23, 1940]

C. General Requirements as to Contents

§ 260.T-7A-21 (Rule T-7A-21) *Clarity.* The answer to each item of the particular form shall be so worded as to be intelligible without the necessity of referring to the instructions or to the General Rules and Regulations.* [Gen. Rules & Regs., Rule T-7A-21, effective January 23, 1940]

§ 260.T-7A-22 (Rule T-7A-22) *Information unknown or not reasonably available.* Information required shall be given insofar as it is known or can be obtained by reasonable investigation. Responsibility for the accuracy or completeness of information obtained from persons other than affiliates may be disclaimed. As to information which is unknown and is unavailable after reasonable investigation, there shall be included a statement as to the nature of the investigation.* [Gen. Rules & Regs., Rule T-7A-22, effective January 23, 1940]

§ 260.T-7A-23 (Rule T-7A-23) *Statements required where item is inapplicable or where answer is "None".* If any item is inapplicable or the answer is "none", a statement to such effect shall be made.* [Gen. Rules & Regs., Rule T-7A-23, effective January 23, 1940]

§ 260.T-7A-24 (Rule T-7A-24) *Words relating to periods of time in the past.* Unless the context clearly shows otherwise, whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing with the Commission.* [Gen. Rules & Regs., Rule T-7A-24, effective January 23, 1940]

§ 260.T-7A-25 (Rule T-7A-25) *Words relating to the future.* Unless the context clearly shows otherwise, whenever words relate to the future, they have reference solely to present intention.* [Gen. Rules & Regs., Rule T-7A-25, effective January 23, 1940]

§ 260.T-7A-26 (Rule T-7A-26) *Disclaimer of control.* If the existence of control is open to reasonable doubt in any instance, the applicant or the trustee, as the case may be, may disclaim the existence of control and any admission thereof; in such case, however, a statement shall be made of the material facts pertinent to the possible existence of control.* [Gen. Rules & Regs., Rule T-7A-26, effective January 23, 1940]

§ 260.T-7A-27 (Rule T-7A-27) *Title of securities.* Where the title of securities is required to be furnished in an application, statement or report, the following requirements shall be met:

(a) In the case of shares, there shall be given the full designation of the class of shares and, if not included therein, the par or stated value, if any, and the rate of dividends, if fixed, and whether cumulative or non-cumulative.

(b) In the case of funded debt, there shall be given the full designation of the issue and, if not included therein, the rate of interest and the date of maturity. If the issue matures serially, a brief indication shall be given of the serial maturities: For example, "maturing serially from 1950 to 1960". If the payment of interest or principal is contingent, such contingency shall be appropriately indicated.

(c) In the case of other securities, a similar designation shall be given.* [Gen. Rules & Regs., Rule T-7A-27, effective January 23, 1940]

D. INCORPORATION BY REFERENCE

§ 260.T-7A-28 (Rule T-7A-28) *Incorporation of matter in application, statement or report, other than exhibits, as answer to item.* Matter contained in any part of the application, statement or report, other than exhibits, may be incorporated by reference as answer, or partial answer, to any item in the same application, statement or report.* [Gen. Rules & Regs., Rule T-7A-28, effective January 23, 1940]

§ 260.T-7A-29 (Rule T-7A-29) *Incorporation of exhibit previously or concurrently filed as exhibit to new application, statement or report.* (a) Any exhibit or part thereof previously or concurrently filed with the Commission pursuant to any Act administered by the Commission may be incorporated by reference as an exhibit to any application, statement or report filed with the Commission by the same or any other person. Any exhibit or part thereof so filed with a trustee may be incorporated by reference as an exhibit to any report filed with such trustee pursuant to Section 314 (a)[6] by the same or any other person.

(b) If any modification has occurred in the text of any exhibit incorporated by reference since the filing thereof, the person filing shall file with the reference a statement containing the text of any such modification and the date thereof.

(c) If the number of copies of any exhibit previously or concurrently filed with the Commission or with a trustee is less than the number required to be filed with the application, statement or report which incorporates such exhibit, there shall be filed with the application, statement or report as many additional copies of the exhibit as may be necessary to meet the requirements of such application, statement or report.* [Gen. Rules & Regs., Rule T-7A-29, effective January 23, 1940]

§ 260.T-7A-30 (Rule T-7A-30) *Identification of material incorporated—Form of incorporation.* In each case of incorporation by reference, the matter incorporated shall be clearly identified in the reference. An express statement shall be made to the effect that the specified matter is incorporated in the application, statement or report at the particular place where the information is required.* [Gen. Rules & Regs., Rule T-7A-30, effective January 23, 1940]

§ 260.T-7A-31 (Rule T-7A-31) *Incorporation by reference of contested material.* Notwithstanding any particular provision permitting incorporation by reference, no application, statement or report shall incorporate by reference any matter which is subject, at the time of filing the application, statement or report, to pending proceedings under Section 8 (b) or 8 (d) of the Securities Act of 1933[5] (whether pursuant to the provisions of the Trust Indenture Act of 1939, or otherwise) or to an order entered under either of those sections.* [Gen. Rules & Regs., Rule T-7A-31, effective January 23, 1940]

§ 260.T-7A-32 (Rule T-7A-32) *Incorporation by reference rendering document incomplete, unclear or confusing.* Notwithstanding any particular provision permitting incorporation by reference, the Commission may refuse to permit such incorporation in any case in which in its judgment such incorporation would render the application, statement or report incomplete, unclear or confusing.* [Gen. Rules & Regs., Rule T-7A-32, effective January 23, 1940]

E. EXHIBITS

§ 260.T-7A-33 (Rule T-7A-33) *Additional Exhibits.* Any application, statement or report may include exhibits in addition to those required by the particular form. Such additional exhibits shall be so marked as to indicate clearly the items to which they refer.* [Gen. Rules & Regs., Rule T-7A-33, effective January 23, 1940]

§ 260.T-7A-34 (Rule T-7A-34) *Omission of substantially identical documents.* In any case where two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, dates of execution or other details, a copy of only one of such documents need be filed, with a schedule identifying the documents omitted and setting forth the material details in which such documents differ from the document, a copy of which is filed: *Provided, however,* That the Commission may at any time in its discretion require the filing of copies of any documents so omitted.* [Gen. Rules & Regs., Rule T-7A-34, effective January 23, 1940]

F. AMENDMENTS

§ 260.T-7A-35 (Rule T-7A-35) *Formal requirements as to amendments.* (a) Amendments to an application, statement or report shall comply with Rules T-7A-17 [Sec. 260.T-7A-17], T-7A-18 [Sec. 260.T-7A-18] and T-7A-19 [Sec. 260.T-7A-19]

All amendments relating to a particular application, statement or report shall be numbered consecutively in the order in which they are filed with the Commission. Amendments shall be numbered separately for each separate application, statement or report.

(c) Every amendment to an item of an application, statement or report shall contain the item number, the caption and the text of the item being amended and the complete amended answer thereto.

(d) If at any time the application, statement or report becomes unclear or confusing because of the number of amendments filed or the length or complexity thereof, there may be filed, and at the written request of the Commission there shall be filed, a complete new application, statement or report, as amended, but no additional copies of exhibits need be filed.* [Gen. Rules & Regs., Rule T-7A-35, effective January 23, 1940]

§ 260.T-7A-36 (Rule T-7A-36) *Signatures to amendments.* Every amendment to an application, statement or report shall be signed in accordance with the requirements of the particular form to which the amendment relates. The signature shall be executed in the manner prescribed by the particular form. However, any amendment filed by the agent for service pursuant to Rule T-7A-2 [Sec. 260.T-7A-2] need be signed only by the agent for service.* [Gen. Rules & Regs., Rule T-7A-36, effective January 23, 1940]

G. INSPECTION AND PUBLICATION OF APPLICATIONS, STATEMENTS AND REPORTS

§ 260.T-7A-37 (Rule T-7A-37) *Inspection of applications, statements and reports.* Applications, statements and reports will be available for inspection in the office of the Commission at Washington, D. C., during business hours.* [Gen. Rules & Regs., Rule T-7A-37, effective January 23, 1940]

§ 260.T-7A-38 (Rule T-7A-38) *Sale of copies of information.* (a) Photocopies of any material filed with the Commission and available for public inspection will be sold to the public at the following rates per photocopy, whether several copies of a single original page or one or more copies of several original pages are ordered: Ten cents per photocopy of each page, for all copies up to and including one hundred in a single order; seven cents per photocopy of each page, for all copies over one hundred in a single order.

(b) Estimates as to prices for copies and the time required for their preparation will be furnished upon request. Payment shall accompany the order, if practicable. If any order is received and insufficient or no payment accompanies it, the material will be photocopied and the party making the order will be billed.

(c) Payment shall be made in cash, or by United States Postal Money Order or Certified Bank Check, payable to the Securities and Exchange Commission, omitting the name or title of any official of the Commission. Postage stamps will not be accepted.* [Gen. Rules & Regs., Rule T-7A-38, effective January 23, 1940]

Rules Under Section 310[7]

§ 260.T-10B-1 (Rule T-10B-1) *Calculation of percentages.* The percentages of voting securities and other securities specified in Section 310 (b) of the Act shall be calculated in accordance with the following provisions: (a) A specified percentage of the voting securities of a person means such amount of the outstanding voting securities of such person as entitles the holder or holders thereof to cast such specified percentage of the aggregate votes which the holders of all the outstanding voting securities of such person are entitled to case in the direction or management of the affairs of such person.

(b) A specified percentage of a class of securities of a person means such percentage of the aggregate amount of securities of the class outstanding.

(c) The term "amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to capital shares, and the number of units if relating to any other kind of security.

(d) The term "outstanding" means issued and not held by or for the account of the issuer. The following securities shall not be deemed outstanding within the meaning of this definition:

(1) Securities of an issuer held in a sinking fund relating to securities of the issuer of the same class;

(2) Securities of an issuer held in a sinking fund relating to another class of securities of the issuer, if the obligation evidenced by such other class of securities is not in default as to principal or interest or otherwise;

(3) Securities pledged by the issuer thereof as security for an obligation of the issuer not in default as to principal or interest or otherwise;

(4) Securities held in escrow if placed in escrow by the issuer thereof:

Provided, however, That any voting securities of an issuer shall be deemed outstanding if any person other than the issuer is entitled to exercise the voting rights thereof.

(e) A security shall be deemed to be of the same class as another security if both securities confer upon the holder or holders thereof substantially the same rights and privileges: *Provided, however,* That, in the case of secured evidences of indebtedness, all of which are issued under a single indenture, differences in the interest rates or maturity dates of various series thereof shall not be deemed sufficient to constitute such series different classes: *And provided, further,* That, in the case of unsecured evidences of indebtedness, differences in the interest rates or maturity dates thereof shall not be deemed sufficient to constitute them securities of different classes, whether or not they are issued under a single indenture.* [Gen. Rules & Regs., Rule T-10B-1, effective January 23, 1940]

Rules Under Section 311[8]

§ 260.T-11B4 (Rule T-11B4) *Definition of "cash transaction" in section 311 (b) (4).* The term "cash transaction", as used in section 311 (b) (4), means any transaction in which full payment for goods or securities sold is made within seven days after delivery of the goods or securities in currency or in checks or other orders drawn upon banks or bankers and payable upon demand.* [Gen. Rules & Regs., Rule T-11B4, effective January 23, 1940]

§ 260.T-11B6 (Rule T-11B6) *Definition of "self-liquidating paper" in section 311 (b) (6).* The term "self-liquidating paper", as used in section 311 (b) (6) of the Act, means any draft, bill of exchange, acceptance or obligation which is made, drawn, negotiated or incurred by the obligor for the purpose of financing the purchase, processing, manufacture, shipment, storage or sale of goods, wares or merchandise and which is secured by documents evidencing title to, possession of or a lien upon the goods, wares or merchandise or the receivables or proceeds arising from the sale of the goods, wares or merchandise previously constituting the security, provided the security is received by the trustee simultaneously with the creation of the creditor relationship with the obligor arising from the making, drawing, negotiating or incurring of the draft, bill of exchange, acceptance or obligation.* [Gen. Rules & Regs., Rule T-11B6, effective January 23, 1940]

Rules Under Section 314[9] †

Article 1. Periodic Reports

§ 260.T-14A-1 (Rule T-14A-1) *Application of Article 2.* Article 2 of the rules under section 307[4] shall be applicable to annual reports under section 314 (a).* [Gen. Rules & Regs. Rule T-14A-1, effective January 23, 1940]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 40-376; Filed, January 23, 1940; 2:21 p. m.]

[7] C. 411, sec. 310, 53 Stat. 1157; 15 U.S.C. 77jjj.

[8] C. 411, sec. 311, 53 Stat. 1161; 15 U.S.C. 77kkk.

†Additional rules under this section to be inserted later.

[9] C. 411, sec. 314, 53 Stat. 1167; 15 U.S.C. 77nnn.

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

AMENDMENT TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in Section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j) the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477 DI) are amended as follows:

VERIFICATION OF SERVICE CLAIMED

Board Order 40-29, dated January 16, 1940, amends the proviso of Section 220.04 (e), effective June 1, 1938, as follows:

"(e) When service is verified as to overall dates, but is not supported in detail by employer records, and when there are no employer records showing in detail absences from service, a deduction shall be made to cover an average amount of such absences. The deduction shall be the absences shown by the applicant or 5 per centum of the total period in question, whichever is greater, Provided, however, that should an individual submit detailed records of service, properly identified and established as having been made contemporaneously with the rendition of the service for which detailed records of the employer are not available, full credit may be allowed for such service as may be verified from such detailed records of service, and Provided, further, that the individual may be permitted to establish in any other manner satisfactory to the Board the actual amount of his absences." (Sec. 2, 3, 10, 50 Stat. 309, 310, 314; 45 U.S.C. Sup. III, 228b, 228c, 228j)

REPRESENTATIVES OF CLAIMANTS

Board Order 40-28, dated January 16, 1940, amends Part 262, effective as of June 1, 1938, by adding as Section 262.12 the following:

"(a) *Power of attorney.* A claimant shall not be required to hire, retain or utilize the services of an attorney, agent or other representative in any claim filed with the Railroad Retirement Board. In the event a claimant desires to be represented by another person, he shall file with the Board prior to the time of such representation a power of attorney signed and sworn to by him and naming such other person as the person authorized to represent the claimant with respect to matters in connection with his claim: *Provided, however,* That without requiring such power of attorney the Board may recognize as the duly authorized representative of the claimant the person designated by the claimant's railway labor organization to act in behalf of members of that organization on such matters whenever such representative acts or appears for such claimant.

"(b) *Payment of claim.* The Board will not certify payment of any awarded claim to or through any person other than the claimant even though a power of attorney to represent such claimant has been filed: *Provided, however,* That this subsection of the regulations shall not apply to persons appointed by a court of competent jurisdiction to act because of the mental, physical or legal incapacity or death of such claimant, nor in the event of a total payment of $500 or less, to the legal representative determined by the Board to be the person beneficially entitled to receive such payment." (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary.

JANUARY 23, 1940.

[F. R. Doc. 40-377; Filed, January 24, 1940; 9:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

AIR NAVIGATION SITE WITHDRAWAL No. 132, ALASKA

JANUARY 15, 1940.

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, that the following described public land in Alaska be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Alaska Road Commission in the maintenance of air navigation facilities:

Seward Meridian

T. 19 N., R. 4 W.,
sec. 8, SE¼SW¼,
sec. 17, NW¼, or lots 1, 2, E½NW¼,
aggregating 186.70 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 40-379; Filed, January 24, 1940; 10:08 a. m.]

CHAPTER II—BUREAU OF RECLAMATION

COLORADO RIVER STORAGE PROJECT

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 20, 1939.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat. 388):

COLORADO RIVER STORAGE PROJECT

Gila and Salt River Meridian, Arizona

T. 11 N., R. 18 W., Sec. 14, SE¼NE¼ and NE¼SW¼

Respectfully,

JOHN C. PAGE,
Commissioner.

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

W. C. MENDENHALL,
Acting Under Secretary.

JANUARY 3, 1940.

[F. R. Doc. 40-378; Filed, January 24, 1940; 10:08 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 429]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 13, 1940.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
California 0018A2 San Diego	$35,000
Indiana 7052B1 Ripley	25,000
Minnesota 8018D2 Douglas	20,000
Minnesota 8079B2 Big Stone	30,000
New Mexico 0012A1 Otero	80,000
Oregon 8016A1 Malheur	73,000
Oregon 7016A2 Malheur	35,000
South Carolina 8022A2 Fairfield	24,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 40-383; Filed, January 24, 1940; 12:48 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF DATE FOR SUBMISSION OF WRITTEN BRIEFS AND REQUESTS FOR ORAL ARGUMENT IN THE MATTER OF MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE No. 7 FOR THE KNITTED OUTERWEAR INDUSTRY

Whereas, a hearing was held on January 22, 1940,[1] before Thomas Holland, presiding officer duly appointed by the Administrator, at which all persons interested in the report and recommendation of Industry Committee No. 7, concerning minimum wage rates for the Knitted Outerwear Industry, were given opportunity to appear and to offer evidence, and

Whereas, no person appeared at said hearing in opposition to the aforesaid recommendation, and the Administrator's approval or disapproval will be based upon the record and written briefs submitted pursuant hereto unless a written request for oral argument shall be received, as provided herein, and allowed by the Administrator, in which case notice and opportunity for argument will be given pursuant to the rules of procedure set forth in the notice, dated December 26, 1939, of said hearing;

Now, therefore, notice is hereby given that the Administrator will receive at his office in the Department of Labor Building, Washington, D. C., from persons who appeared at said hearing, written briefs bearing on the issues which are before him in this matter, or written requests for permission to make oral argument, or both: *Provided,* That at least twelve copies of each such brief and two copies of each such request shall be submitted to him before 4:30 p. m., Tuesday, February 20, 1940.

Signed at Washington, D. C., this 23rd day of January, 1940.

HAROLD D. JACOBS,
Administrator.

[F. R. Doc. 40-382; Filed, January 24, 1940; 12:06 p. m.]

[1] 4 F.R. 4948 DI.