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Rules, Regulations, Orders

TITLE 7—AGRICULTURE CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 29—THE TOBACCO INSPECTION ACT

By virtue of the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act, approved August 23, 1935 (49 Stat. 731), I. H. A. Wallace, Secretary of Agriculture, do prescribe and promulgate the following grades for Virginia-cured Tobacco, Type 21, Southern Fire-cured Tobacco, Type 22, Western Fire-cured Tobacco, Type 23, and Northern Fire-cured Tobacco, Type 24, to be known as the Official Standard Grades for Fire-cured Tobacco (U. S. Types 21, 22, 23, and 24), to be in force and effect immediately. These official standard grades shall supersede the present standard grades for fire-cured tobacco promulgated on May 14, 1936.

OFFICIAL STANDARD GRADES FOR FIRE-CURED TOBACCO

(U. S. Types 21, 22, 23, and 24)

§ 29.101 *Wrapper grades (A-group).* General specifications: All grades of the A group must be clean, sound, ripe, firm, and strong; must have an open tissue, bright finish, small to medium size and blending fibers, and over 16" long. General tolerance, 5% injury of a nature affecting wrapper yield.

Grade Description and Specifications

U. S. Grade
A1F Choice Quality Wrapper in Brown Color.
Very silky, very fine texture, very elastic, very oily, thin to medium body, broad, over 20" long, uniform in quality and color. Tolerance, 10% leaves of a quality not lower than B2 or C2.
A1D Choice Quality Wrapper in Dark Color.
Rich in oil, heavy body, otherwise same as A1F.

U. S. Grade

A2F Fine Quality Wrapper in Brown Color. Silky, fine texture, elastic, very oily, thin to medium body, spready, harmonizing in quality and color. Tolerance, 20% leaves of a quality not lower than B3 or C3.
A2D Fine Quality Wrapper in Dark Color. Rich in oil, heavy body, otherwise same as A2F.
A3F Good Quality Wrapper in Brown Color. Very smooth, good texture, elastic, oily, thin to medium body, normal width, unmingled in quality and color. Tolerance, 40% leaves of a quality not lower than B3 or C3.
A3D Good Quality Wrapper in Dark Color. Heavy body, otherwise same as A3F.

§ 29.102 *Heavy leaf grades (B-group).* General specifications: All grades of the B group must be clean, sound, medium to heavy body, and over 16" long. B1 and B2 qualities must be smooth and very oily, and must have an open tissue, good texture, medium size and blending fibers, and over 18" long.

Grade Description and Specifications

U. S. Grade

B1F Choice Quality Stouts in Brown Color. Fairly elastic, ripe, firm, strong, spready, very clear finish, uniform in quality and color. Tolerance, 5% injury and 10% leaves of the quality of B3, C3, or better.
B1D Choice Quality Stouts in Dark Color. Rich in oil, heavy body, otherwise same as B1F.
B2F Fine Quality Stouts in Brown Color. Stretchy, ripe, firm, strong, normal width, clear finish, harmonizing in quality and color. Tolerance, 10% injury and 20% leaves the quality of B3, C3, or better.
B2D Fine Quality Stouts in Dark Color. Rich in oil, heavy body, otherwise same as B2F.
B3F Good Quality Stouts in Brown Color. Fairly smooth, fair texture, stretchy, oily, ripe, firm, strong, not stringy, normal finish, unmingled in quality and color. Tolerance, 15% injury and 5% Lugs the quality of X2 or better.
B3D Good Quality Stouts in Dark Color. Very oily, heavy body, otherwise same as B3F.
B3M Good Quality Stouts Mixed in Color. Average quality of B3 or better.

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U. S. Grade	
B3G	Good Quality Stouts in Green Color. Quality of B3 or better, except maturity.
B4F	Fair Quality Stouts in Brown Color. Not rough, fairly oily, fairly ripe, fairly firm, normal strength, unmixed in color. Tolerance, 20% injury and 10% Lugs the quality of X3 or better.
B4D	Fair Quality Stouts in Dark Color. Heavy body, otherwise same as B4F.
B4M	Fair Quality Stouts Mixed in Color. Average quality of B4.
B4G	Fair Quality Stouts in Green Color. Quality of B4, except maturity.
B5F	Low Quality Stouts in Brown Color. Unmixed in color. Tolerance, 40% injury and 25% Lugs the quality of X3 or better.
B5D	Low Quality Stouts in Dark Color. Specifications same as B5F.
B5M	Low Quality Stouts Mixed in Color. Average Quality of B5.
B5G	Low Quality Stouts in Green Color. Quality of B5.

§ 29.103. *Thin leaf grades (C-group).* General specifications: All grades of the C group must be clean, sound, of thin to medium body, and over 16" long. C1 and C2 qualities must be very smooth and oily, must have good texture, small to medium size and blending fibres, and over 18" long.

Grade Description and Specifications

U. S. Grade	
C1L	Choice Quality Thins in Light Color. Fairly elastic, ripe, firm, strong, spready, very clear finish, uniform in quality and color. Tolerance, 5% injury and 10% leaves the quality of C3, B3, or better.
C1F	Choice Quality Thins in Brown Color. Specifications same as C1L.
C2L	Fine Quality Thins in Light Color. Fairly stretchy, ripe, firm, strong, normal width, clear finish, harmonizing in quality and color. Tolerance, 10% injury and 20% leaves the quality of C3, B3, or better.
C2F	Fine Quality Thins in Brown Color. Specifications same as C2L.
C2D	Fine Quality Thins in Dark Color. Specifications same as C2L.
C3L	Good Quality Thins in Light Color. Smooth, fairly oily, fairly ripe, firm, strong, not stringy, normal finish, unmingled in quality and color. Tolerance, 15% injury and 5% Lugs the quality of X2 or better.
C3F	Good Quality Thins in Brown Color. Specifications same as C3L.
C3D	Good Quality Thins in Dark Color. Specifications same as C3L.
C3M	Good Quality Thins Mixed in Color. Average quality of C3 or better.
C3G	Good Quality Thins in Pale Green Color. Quality of C3 or better, except maturity.
C4L	Fair Quality Thins in Light Color. Not coarse, lean, fairly ripe, normal strength, unmixed in color. Tolerance, 20% injury and 10% Lugs the quality of X3 or better.
C4F	Fair Quality Thins in Brown Color. Specifications same as C4L.
C4D	Fair Quality Thins in Dark Color. Specifications same as C4L.
C4M	Fair Quality Thins Mixed in Color. Average quality of C4.
C4G	Fair Quality Thins in Pale Green Color. Quality of C4, except maturity.
C5L	Low Quality Thins in Light Color. Unmixed in color. Tolerance, 40% injury and 25% Lugs the quality of X3 or better.

U. S. Grade	
C5F	Low Quality Thins in Brown Color. Specifications same as C5L.
C5D	Low Quality Thins in Dark Color. Specifications same as C5L.
C5M	Low Quality Thins Mixed in Color. Average quality of C5.
C5G	Low Quality Thins in Pale Green Color. Quality of C5.

§ 29.104. *Short leaf or tips (T-group).* General specifications: All grades of the T group must be clean, sound, and shall consist of leaf tobacco which is too short to meet the specifications for U. S. Size 44.

Grade Description and Specifications

U. S. Grade	
T3F	Good Quality Tips in Brown Color. Fairly smooth, fair texture, stretchy, oily, ripe, firm, medium to heavy body, strong, normal finish, unmingled in quality and color. Tolerance, 15% injury and 5% Lugs the quality of X2 or better.
T3D	Good Quality Tips in Dark Color. Very oily, heavy body, otherwise same as T3F.
T3M	Good Quality Tips Mixed in Color. Average quality of T3.
T3G	Good Quality Tips in Green Color. Quality of T3, except maturity.
T4F	Fair Quality Tips in Brown Color. Unrough, fairly oily, fairly ripe, medium body, normal strength, unmingled in color. Tolerance, 20% injury and 10% Lugs the quality of X3 or better.
T4D	Fair Quality Tips in Dark Color. Medium to heavy body, otherwise same as T4F.
T4M	Fair Quality Tips Mixed in Color. Average quality of T4.
T4G	Fair Quality Tips in Green Color. Quality of T4, except maturity.
T5F	Low Quality Tips in Brown Color. Unmixed in color. Tolerance, 40% injury and 25% Lugs of the quality of X4 or better.
T5D	Low quality Tips in Dark Color. Specifications same as T5F.
T5M	Low Quality Tips Mixed in Color. Average quality of T5.
T5G	Low Quality Tips in Green Color. Quality of T5.

§ 29.105. *Lug grades (X-group).* General specifications: All grades of the X group must be sound and normally free of dirt and other foreign matter.

Grade Description and Specifications

U. S. Grade	
X1L	Choice Quality Lugs in Light Color. Fairly smooth, oily, very ripe, thin to medium body, strong, harmonizing in quality and color.
X1F	Choice Quality Lugs in Brown Color. Medium to heavy body, otherwise same as X1L.
X1D	Choice Quality Lugs in Dark Color. Heavy body, otherwise same as X1L.
X2L	Fine Quality Lugs in Light Color. Not coarse, fairly oily, ripe, thin to medium body, fairly strong, unmingled in quality and color.
X2F	Fine Quality Lugs in Brown Color. Medium to heavy body, otherwise same as X2L.
X2D	Fine Quality Lugs in Dark Color. Heavy body, otherwise same as X2L.
X3L	Good Quality Lugs in Light Color. Not coarse, fairly ripe, thin to medium body, normal strength, unmingled in quality and color. Tolerance, 10% dead and trashy leaves.
X3F	Good Quality Lugs in Brown Color. Medium to heavy body, otherwise same as X3L.

U. S.
Grade

- X3D Good Quality Lugs in Dark Color. Fairly heavy body, otherwise same as X3L.
- X3M Good Quality Lugs Mixed in Color. Heavy body, quality of X3 or better.
- X3C Good Quality Lugs in Dark Green Color. Heavy body, quality of X3 or better, except maturity.
- X4L Fair Quality Lugs in Light Color. Not tender, unmixed in color. Tolerance, 20% dead and trashy leaves.
- X4F Fair Quality Lugs in Brown Color. Specifications same as X4L.
- X4D Fair Quality Lugs in Dark Color. Specifications same as X4L.
- X4M Fair Quality Lugs Mixed in Color. Medium body, average quality of X4.
- X4G Fair Quality Green Lugs. Medium body, quality of X4.
- X5L Low Quality Lugs in Light Color. Unmixed in color. Tolerance, 40% dead and trashy leaves.
- X5F Low Quality Lugs in Brown Color. Specifications same as X5L.
- X5D Low Quality Lugs in Dark Color. Specifications same as X5L.
- X5M Low Quality Lugs Mixed in Color. Average Quality of X5.
- X5G Low Quality Green Lugs. Quality of X5.

§ 29.106 Nondescript and scrap (N & S groups).

Grade Description and Specifications

U. S.
Grade

- N Nondescript, as defined.
- S Scrap, as defined.

§ 29.107 Terms defined. For the purposes of these official standard grades, the following terms shall be construed, respectively, to mean:

Airdried. The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions by rehangings in well-ventilated houses after it is cured and stripped.

Body. The thickness of a leaf or weight per unit of surface.

Class. A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, and the methods of cultivation, harvesting, or curing.

Clean. Normally free of dirt and other foreign matter.

Condition. The state of tobacco in storage, or in relation to its preparation for storage, with reference to its manner of preparation or its degree of fermentation, such as Undried, Airdried, Steamdried, Sweating, Sweated, and Resweated.

Crude. Very immature or the lowest degree of maturity. Any tobacco of which 50% or more of its surface has a positive green color is crude.

Cured. Tobacco dried of its sap by either natural or artificial processes.

Damage. The effect of mold, must, rot, black-rot, or other fungus or bacterial diseases which attack tobacco in its cured state, including tobacco having the odor of mold, must, or rot.

Decayed. Damaged to the extent of 20% or more.

Fire-cured. Tobacco cured under artificial atmospheric conditions by the use

of open fires from which the smoke and fumes of burning wood are partly absorbed by the tobacco.

Foreign matter. Any substance or material extraneous to tobacco, including dirt, sand, stalks, suckers, straw, strings, et cetera.

Form. The stage of preparation of tobacco, such as Unstemmed and Stemmed.

Grade. A subdivision of a type according to group and quality, and according to color when it is of sufficient importance to be treated as a separate factor.

Green. Tobacco of which 20% or more of its leaf surface is predominantly green in color.

Greenish-tinge. Tobacco of which 20% of more of its leaf surface has a decided greenish-cast or tobacco which is not 20% green but which has 20% of green and greenish-cast combined.

Group. A division of a type covering several closely related grades based on the general quality of the tobacco, including body, the percentage of injury, and other characteristics.

Injury. Hurt or impairment from any cause except damage. Injured tobacco shall include dead, burnt, bail-cut, or ragged tobacco; or tobacco that has been torn or broken, frozen or frosted, sunburned or scalded, scorched or fire-killed, bulk-burnt or steam-burnt, pole-burnt or house-burnt, bleached or bruised; or tobacco containing discolored or deformed leaves; or tobacco hurt by insects; or tobacco having an odor foreign to the type; or tobacco affected by wild-fire, rust, frog-eye, mosaic, frecking, sand-drown, or other similar diseases.

Leaf-scrap. Unstemmed scrap, which is a by-product from handling unstemmed tobacco consisting of loose and tangled whole or broken leaves.

Lugs. Any lot of tobacco, except nondescript and scrap, composed chiefly of comparatively thin and lean leaves, and showing a material amount of injury of the kind characteristic of leaves grown near the ground; or any tobacco, except nondescript and scrap, injured or containing lug leaves, in excess of the tolerance allowed in the grades of the B, C, and T groups.

Mixed (in color). A lot of tobacco which contains 30% or more leaves of distinctly different color from the run of the lot, including variegated leaves unless such leaves are indicated by a special factor, and which contains less than 20% of green.

Mixed (in quality). A lot of tobacco which contains 30% or more leaves of distinctly different group or quality from the run of the lot.

Nested. Any lot of tobacco which has been so loaded, packed, or arranged as to conceal foreign matter or tobacco of inferior grade, quality, or condition, including lots of tobacco which contain damaged, injured, tangled, or other inferior tobacco which cannot be readily detected upon inspection on account of the way the lot was packed or arranged.

Nondescript. Any nested or decayed tobacco; or muddy or extremely dirty tobacco; or tobacco containing an unusual amount of foreign matter; or tobacco containing over 30% of crude leaves; or tobacco infested with live tobacco beetles or other injurious insects; or wet tobacco; or uncured tobacco including fat-stems and wet-butts; or very inferior lots of tobacco of a quality that is not ordinarily marketed; or tobacco having characteristics distinctly foreign to the type.

Quality. A division of group, forming the second factor of a grade, based upon the relative degree of one or more of the elements of quality in tobacco.

Resweated. The condition of tobacco which has passed through a second fermentation under abnormally high temperatures, or re fermented with a relatively high percentage of moisture, including tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

Scrap. A by-product from handling tobacco in both the unstemmed and stemmed forms, consisting chiefly of portions of tobacco leaves, except stems, which accumulate in warehouses, packing and conditioning plants, and stemmeries.

Side. Any distinct characteristic of tobacco; or a certain phase of quality, color, or length as compared with some other phase of quality, color, or length.

Size. The length of tobacco leaves.

Sound. Free of damage.

Special factor. Any side of a grade, or characteristic of importance, varying from or not covered by the specifications of the grade.

Steamdried. The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

Stem. The midrib of a tobacco leaf.

Stemmed. A form of tobacco from which the stems or midribs have been removed, including both strips and strip-scrap.

Stems. A tobacco by-product composed of the midribs of tobacco leaves.

Stouts. A term used to designate tobacco of the heavy leaf or B group.

Strips. The sides of tobacco leaves from which the stems have been removed.

Strip-scrap. Stemmed scrap or stemless scrap, which is a by-product from stemming tobacco or handling strips, consisting chiefly of portions of strips.

Subgrade. Any grade modified by a special factor or subgroup symbol.

Subgroup. A group formed by the substitution of a different group symbol to denote a modification of the specifications or to indicate a certain side or characteristic of the tobacco.

Sweated. The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture.

Sweating. The condition of tobacco in the process of fermentation.

Thins. A term used to designate tobacco of the thin leaf or C group.

Tips. Short leaf or leaf and tips under U. S. Size 44.

Type. A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

Type 21. That type of fire-cured tobacco known as Eastern Fire-cured, Virginia Fire-cured, or Virginia Smoked; produced principally in the Piedmont and mountain sections of Virginia. The terms "Eastern", "Dark" and "Dark-fired" are frequently ambiguously used in referring to this and other types of fire-cured tobacco.

Type 22. That type of fire-cured tobacco known as Southern Fire-cured, Southern Smoked, or Kentucky Broad-leaf, including fire-cured One-sucker of the Southern District; produced principally in a section east of the Tennessee River in southern Kentucky and northern Tennessee. The term "Eastern" is frequently used locally in referring to this type.

Type 23. That type of fire-cured tobacco known as Western Fire-cured, or Western Smoked, including the fire-cured One-sucker of the Western District; produced principally in a section west of the Tennessee River in Kentucky, and extending into Tennessee.

Type 24. That type of fire-cured tobacco known as Northern Fire-cured, Northern Smoked, or Stemming, including the fire-cured tobacco of the Green River District; produced principally in the Madisonville area of Kentucky.

Undried. The condition of unfermented tobacco which has not been air-dried, or steamdried.

Uniformity. One of the elements of quality in tobacco having reference to the consistency of a lot with respect to other elements of quality or color. The following are the specifications for the several degrees of uniformity showing for each degree the percentage of a lot that may be of a *distinctly different* group, quality, or color from the run of the lot; (a) Uniform, less than 5%; (b) Harmonizing, less than 10%; (c) Unmingled, less than 20%; (d) Mingled or Unmixed, less than 30% and (e) Mixed, over 30%. When uniformity with respect to quality is specified it also includes uniformity with respect to group, but when uniformity with respect to color only is specified it does not include uniformity with respect to group or quality.

Unsound. Damaged under 20%.

Unstemmed. A form of tobacco from which the stems or midribs have not been removed, including both whole-leaf and leaf-scrap.

Variegated. Having a diversity of contrasting colors or tints within a leaf; including leaves which are grey, mottled, bleached, or stained; or leaves which do not blend with the normal colors of the type.

§ 29.108 **Rules.** The application of these official standard grades shall be in accordance with the following rules:

Rule 1. Each grade shall be treated as a subdivision of a particular type and when the grade is stated in an inspection certificate, the type shall also be stated.

Rule 2. The determination of grade shall be based upon a thorough examination of a lot of tobacco or an official sample of the lot.

Rule 3. In determining the grade of a lot of tobacco, the lot as a whole shall be considered, and minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

Rule 4. Unsound tobacco shall be treated as a subgrade by placing the special factor letter "U" after or above the grade mark. For example: if a lot of tobacco is unsound but otherwise meets the specifications of B4F, it shall be graded B4F-U.

Rule 5. When a lot of tobacco, unmixed in color, is on the marginal line between two colors so that there is a question as to which is the predominant color, it shall be placed in the color with which the tobacco best corresponds with respect to body and maturity.

Rule 6. Any lot of tobacco shall be regarded as meeting the specifications of a certain grade when the tobacco is not lower in any degree of quality than that stated in the specifications of such grade. The degree of uniformity specified for a particular grade governs the percentage of a lot which must meet the specifications with respect to other degrees of quality.

Rule 7. Any lot of tobacco which clearly and fully meets the specifications of two or more grades shall be placed in the highest one of such grades; but any lot of tobacco which is on the marginal line between two or more grades so that the grade cannot be determined by applying other rules, shall be placed in the lowest grade in question.

Rule 8. The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification thereof.

Rule 9. If, at any time, it is found that a lot of tobacco does not comply with the description and specifications of the grade previously assigned, it shall not thereafter be represented as being of such grade.

Rule 10. Any special factor symbol, approved for the purpose by the Agricultural Marketing Service, may be used after or above a grade mark to show a peculiar side or characteristic of the tobacco.

Rule 11. Length shall be stated in connection with each grade of the A, B, and C groups, and may be stated in connection

with the grades of other groups. For this purpose, U. S. Tobacco Sizes shall be used.

Done at Washington, D. C. this 29th day of November 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-4422; Filed, November 30, 1939; 11:36 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[B.A.I. Order 372¹]

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE*

Rule 1, Revision 38—To Prevent the Spread of Splenetic or Tick Fever in Cattle

NOVEMBER 29, 1939.

Sec.

72.2 Splenetic or tick fever in cattle in described territory in Florida, Puerto Rico, and Texas; prohibiting interstate movement of cattle.

72.3 Area quarantined in Florida.

72.4 Area quarantined in Puerto Rico.

72.5 Area quarantined in Texas.

§ 72.2 *Splenetic or tick fever in cattle in described territory in Florida, Puerto Rico, and Texas; prohibiting interstate movement of cattle.* Notice is hereby given that the contagious and infectious disease known as splenetic or tick fever exists in cattle in portions of the States of Texas and Florida and the Territory of Puerto Rico. Therefore, those portions of these States and Territory described in sections 72.3 to 72.5, inclusive, are hereby quarantined, and the interstate movement of cattle therefrom shall be made only in accordance with the regulations of the Secretary of Agriculture for the prevention of the spread of splenetic or tick fever in cattle.² This rule shall be construed in connection with the said regulations and is subject to amendment or revision on statutory notice.

§ 72.3 *Area quarantined in Florida.* The following counties and portions of counties are quarantined: Collier and Hendry; that portion of Osceola County lying east and north of State Roads 29 and 24; and that portion of Orange County lying east of U. S. Highways Nos. 17 and 92.

*Secs. 72.2 to 72.5, inclusive, issued under the authority contained in sec. 6, 23 Stat. 32, secs. 1, 3, 33 Stat. 1264, 1265, sec. 1, 44 Stat. 774; 21 U.S.C. 115, 123, 125.

¹Supersedes B.A.I. Order 369 (3 F.R. 2729 DI). The numbering of the parts and sections of B.A.I. Orders conforms to the numbering in title 9, chapter 1, of The Code of Federal Regulations.

²9 CFR parts 71, 72.

§ 72.4. *Area quarantined in Puerto Rico.* All that portion of the Territory of Puerto Rico lying east of the following-described line is quarantined: Beginning at Wilson Bridge, Catano, extending in a southerly direction along the south border of the Catano swamp to the cane field track of the Juanita Central, thence northerly along this track to the Catano-Bayanon Road (No. 24), thence westerly along the south right-of-way of said road to the Solado Bridge over the Bayamon River, thence southerly along said river to the Bayamon Bridge on the Bayamon-San Juan Road (No. 2), thence westerly to a road running southwesterly through Torreche dairy farms property to the Aguas Buenas Road, thence westerly along the south right-of-way of said road to a road running southwesterly through the properties of Islete, Monclova, and consolidated farms to the Bayamon-Comerio Road (No. 9), thence southerly along the east right-of-way of said road to its intersection with the Comerio-Cidra Road (No. 22), thence along the east right-of-way of said road and following the city limits of the town of Cidra to the Cidra-Cayey Road, thence along the east right-of-way of said road to the San Juan-Cayey Road (No. 1), thence easterly along the north right-of-way of said road and continuing in a southerly direction along the east right-of-way of the P. R. R. A. Reforestation Seed Bed Road to the south property line of the Military Wireless Station, thence westerly along this line to the Ilera Creek Bridge and following said creek in a southwesterly direction to the Cayey-Guayama Road (No. 4), thence southerly along said road to the north property line of Jose Revira, thence southerly along this line to the east right-of-way of the Palmas Bajas Road, thence southeasterly along said road to the Guamani River, thence northeasterly along this river to the Carite-Guayama Road to a point where it intersects the north property line of Luce & Co., thence easterly along this line to the northeast corner of said property, thence southerly to the Federal Experiment Station, thence southerly along the east right-of-way of a road from this station to the Guayama-Arroyo Road (No. 3), thence along said road in a westerly direction to its intersection with the Monserrate Road, continuing southerly along the east right-of-way of said road to the old McCormick Docks on Arroyo Bay in the Caribbean Sea.

§ 72.5 *Area quarantined in Texas.*^a The following portions of counties are quarantined: That part of Cameron County lying south of the following-described line—beginning at the point where the Brownsville ship channel enters the Gulf of Mexico following said ship channel in a southwesterly direction to Port Brownsville, thence in the same

direction along the Port Brownsville-Brownsville Road to where it crosses the Ranchito Visjo Resaca, thence in a northwesterly direction following the Ranchito Visjo Resaca to the Sam Houston Boulevard Road, thence in a southwesterly direction to the Rangerville-San Benito Road, thence in a northwesterly direction along said road to the intersection of the Rangerville-Harlingen Road, thence in a northeasterly direction to the intersection of the county road known as the Rangerville-Arroyo Colorado Low Bridge Road, following said road to the Arroyo Colorado, a distance of approximately 2.7 miles, thence following the Arroyo Colorado in a westerly direction to the Cameron-Hidalgo County line. That part of Hidalgo County lying south and west of, and including all incorporated and unincorporated town sites intersected by, a line beginning at a point where the main line of the Missouri Pacific Railroad which runs between Harlingen and Rio Grande City, Tex., intersects the Cameron-Hidalgo County line, running thence in a westerly direction along the north line of said railroad right-of-way to a point where it intersects the east survey line of Porcion 80, thence northerly along said survey line to a point where it intersects the West Edinburg Road, thence westerly along the north right-of-way of said road to its intersection with the west survey line of Porcion 73, thence northerly on said survey line to a point where it intersects the Monte Christo Road, thence westerly along said road to its intersection with the Starr-Hidalgo County line. That part of Kinney County lying west of the following-described line—beginning at a point where the Kinney-Val Verde County line is intersected by Highway No. 85, running thence southeasterly along said highway to the intersection of the Kinney-Maverick County line. That part of Maverick County lying west of the following-described line—beginning at a point where the Kinney-Maverick County line is intersected by Highway No. 85, running thence in a southeasterly direction along said highway to the north city limits of Eagle Pass, thence easterly along the city limits to a point where it intersects the Southern Pacific Railroad, thence southerly along the said railroad to the Kifuri Overall Factory premises, thence in an easterly direction along the north survey line of said premises to the Eagle Pass-Laredo River Road, thence in a southeasterly direction along this road to the Maverick-Webb County line. That part of Starr County lying south and west of, and including all incorporated and unincorporated town sites intersected by, a line beginning at a point where the Roma-Hebbronville Road intersects the Jim Hogg-Starr County line, running thence in a southerly direction along said road to a point where it intersects the southwest survey line of the Buena Vista ranch, running thence southeasterly along the south line of this ranch to a point where it intersects the

southwest line of the Las Escobas ranch, following the southwest line of this ranch to the south corner, running thence in a northeasterly direction along the ranch survey line to where it intersects the Las Escobas-Monterrey Road, running thence in a southeasterly direction to a point where this road intersects the east survey line of the Francisco-Antonio Villerreal Survey 108, thence southerly on this survey line to a point where it intersects the east El Saus Road, thence running southeasterly along this road to a point where it intersects the Rio Grande-Corpus Christi Road, thence running southerly on the west survey line of section 519 and easterly on the south survey line of sections 519 and 520 to the east line of section 520, thence running southerly on the east line of section 134 to the southeast corner of the survey, thence westerly on the south line of section 134 to a point where it intersects the east line of section 503, thence southerly on the west survey line of the Rincon ranch to its southwest corner, thence easterly on the south line of the Rincon ranch to where it intersects the Hidalgo-Starr County line. That part of Val Verde County lying south and west of the following-described line—beginning at the mouth of Devils River where it empties into the Rio Grande River, thence up Devils River in a northerly direction to the bridge on Highway No. 90 over said river, thence in a southerly direction along Highway No. 90 to a point where it intersects Highway No. 85, thence in a southeasterly direction along Highway No. 85 to the Val Verde-Kinney County line. That part of Webb County lying south and west of the following-described line—beginning at a point on the Dimmit-Webb County line where the Military Road intersects said line and following the Military Road in a southeasterly direction to where this road intersects the south survey line of the C. C. Tribble ranch, approximately 32 miles; following said line in a northeasterly direction to the intersection of the south survey line of the Y. Benavides Arroyo pasture, approximately 6½ miles; thence in a southeasterly direction on said line to the intersection of the north survey line of the Louis Puig ranch, approximately 4¾ miles; thence in a northeasterly direction to a point where this line intersects the Las Tiendas Road, approximately four-fifths of a mile; thence in a southeasterly direction along said road to where the Las Tiendas Road intersects the Rio Grande and Eagle Pass Railroad, approximately 6½ miles; following this railroad in a southeasterly direction to where it intersects the south survey line of the L. R. Ortiz ranch, approximately 4 miles; running thence in a northeasterly direction along said survey line to the northwest corner of the H. W. Nixon Farias pasture, approximately 4½ miles; thence in a southeasterly direction along this survey line to the southwest corner of the pasture, approximately 1½ miles; running thence in a

^a Properly equipped and noninfectious pens are maintained by the International & Great Northern Railroad Co. within the quarantined area at Laredo, Webb County, Tex.

northeasterly direction along the survey line to where it intersects the old San Antonio Road, approximately two-fifths of a mile; following said road in a southwesterly direction to where it intersects the south L. R. Ortiz survey line, approximately 4 miles; thence in a southeasterly direction along said survey line to the intersection of the north survey line of the A. M. Bruni ranch, Tanquecitos pasture, approximately 4 miles; following this survey line in a southeasterly direction to where it intersects the Laredo-Hebbronville Highway (U. S. 96), approximately 3½ miles; thence in a westerly direction along this highway to the northwest corner of the S. V. Edwards survey, approximately one-eighth of a mile; thence south along the west survey line of the Edwards and M. A. Hirsch ranches to the southwest corner of the Hirsch ranch, approximately 2½ miles; thence in an easterly direction along the south survey line of the Hirsch ranch to where it intersects the A. M. Bruni Tulle ranch, approximately 8½ miles; following the west survey line of this ranch in a southerly direction to the northwest corner of the A. M. Bruni Burritas ranch pasture, approximately 7½ miles; following the west survey line of this pasture south to where it intersects the A. M. Bruni Jaral pasture, approximately 2½ miles; thence following the north survey line to the northeast corner of the pasture; thence along the east survey line to the southeast corner of this Jaral pasture; thence along the south survey line of this pasture to the Webb-Zapata County line, approximately 2½ miles. That part of Zapata County lying west of the following-described line—beginning at a point on the Starr-Zapata County line where the Perdenal ranch's east survey line intersects said county line; thence in a northwesterly direction along said survey line to the Las Abritas ranch, approximately 3½ miles; thence following the northeast survey line of said ranch to its intersection with the Lampasas ranch survey line, approximately 1 mile; thence along the northeast survey line of said ranch to its northeast corner, approximately 3 miles; thence along the northeast survey line of the Buenos Aires ranch to its northeast corner, approximately 3½ miles; thence along the east survey line of the Porvenir ranch approximately two-fifths of a mile to a right corner; thence east on said survey line to the intersection of the La Sabana ranch southwest survey line, approximately 1 mile; thence in a northwesterly direction to the northwest corner of said ranch, approximately 1½ miles; thence in a northeasterly direction along the northwest survey line of this ranch to its northeast corner, approximately 1½ miles; thence along the northeast survey line of the Humaran ranch to the Bandera pasture, approximately 4½ miles; thence along the northeast survey line of this pasture to the San Antonio ranch, approximately two-fifths of

a mile; following the survey line of this ranch east, approximately one-fourth of a mile; thence northwest approximately 1½ miles to the intersection of the Salomoneno ranch; thence southwest along the south line of said ranch, approximately 1½ miles; thence northwest along the west survey line to the intersection of the Venados ranch, approximately 2½ miles; thence following the southwesterly direction to the intersection of the Union ranch, approximately 5½ miles; thence following the northeast survey line of this ranch to the intersection of the Santa Nina pasture, approximately 3 miles; thence following the northeast survey line of the Santa Nina ranch in a northwesterly direction to its northeast corner, approximately 1½ miles; thence along the north survey line of the E. Gutierrez pasture in a northeasterly direction to the Jaral pasture, approximately four-fifths of a mile; thence northwest along the west line of said pasture to the northwest corner, approximately 1½ miles; thence in a northeasterly direction along the northwest survey line of this pasture to the Webb-Zapata County line, approximately 7½ miles.

Rule 1, revision 37 (B.A.I. Order 369), dated November 15, 1938, effective December 1, 1938, shall cease to be effective on and after December 15, 1939, on and after which date this rule 1, revision 38, which for purposes of identification is designated as B.A.I. Order 372, shall become and be effective until otherwise ordered.

Done in the city of Washington this 29th day of November 1939.

Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

INTERPRETATION

The effect of this order is as follows:
In Florida: The remainder of Glades and Highlands Counties is released from quarantine.

In Texas: Angelina, Hardin, Polk, and Shelby Counties and parts of Cameron, Webb, and Zapata Counties are released from quarantine; and parts of Val Verde, Kinney, and Maverick Counties are quarantined.

In Puerto Rico: A part of the Territory of Puerto Rico is released from quarantine.

[F. R. Doc. 39-4423; Filed, November 30, 1939; 11:36 a. m.]

TITLE 16—COMMERCIAL PRACTICES FEDERAL TRADE COMMISSION

[Docket No. 3269]

IN THE MATTER OF WALDES KOH-I-NOOR, INC., ET AL.

§ 3.6 (m10) Advertising falsely or misleadingly—Manufacture: § 3.6 (n) (2)

Advertising falsely or misleadingly—Nature—Product: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (u) Advertising falsely or misleadingly—Quality: § 3.6 (y10) Advertising falsely or misleadingly—Scientific or other relevant facts: § 3.6 (gg) Advertising falsely or misleadingly—Value: § 3.7 Aiding, assisting or abetting unfair or unlawful act or practice: § 3.55 Furnishing means and instrumentalities of misrepresentation and deception. Representing, or causing or inducing others to represent, in connection with offer, etc., in interstate commerce or in the District of Columbia, of ladies' handbags or any other article of merchandise fitted or equipped with any fastening device sold by respondent Waldes Koh-I-Noor, Inc., that any imported French-made ladies' handbag has been or is regularly offered for sale and sold through retail channels, when such is not the fact, or that such handbag has been or is offered for sale and sold at a retail price for which the same has not been or is not regularly offered for sale and sold, or that any such handbag has a value which in fact such handbag does not have, or that any domestic-made ladies' handbags are "Copies", "Reproductions", or "Facsimiles", of any imported ladies' handbags, French-made or otherwise, unless such domestic-made handbags are true copies, reproductions or facsimiles of, and in all particulars, inclusive of design, style, materials, ornament, and workmanship, comparable and equal in quality to, the imported handbags of which the domestic-made handbags are, or purport to be, copies, reproductions or facsimiles; or distributing any advertising matter in said commerce which contains any of the aforesaid representations for use in connection with promotion of the sale of any such article; 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, Waldes Koh-I-Noor, Inc., et al., Docket 3269, November 16, 1939]

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 November, A. D. 1939.

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

IN THE MATTER OF WALDES KOH-I-NOOR, INC., A CORPORATION, AND THE GREY ADVERTISING AGENCY, INC., A CORPORATION

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 a stipulation as to the facts entered into between respondents herein and W. T. Kelley, Chief Counsel of the Commission, which pro-

vides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon respondents herein, findings as to the facts and conclusion based thereon, and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondents Waldes Koh-I-Noor, Inc., and The Grey Advertising Agency, Inc., corporations, their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of ladies' handbags or any other article of merchandise fitted or equipped with any fastening device sold by respondent Waldes Koh-I-Noor, Inc., in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Representing, or causing or inducing others to represent, that any imported French-made ladies' handbag has been or is regularly offered for sale and sold through retail channels, when such is not the fact, or that such handbag has been or is offered for sale and sold at a retail price for which the same has not been or is not regularly offered for sale and sold;

(2) Representing or causing or inducing others to represent, that any imported French-made ladies' handbag has a value which in fact such handbag does not have;

(3) Representing, or causing or inducing others to represent, that any domestic-made ladies' handbags are "Copies", "Reproductions", or "Facsimiles", of any imported ladies' handbags, French-made or otherwise, unless such domestic-made handbags are true copies, reproductions or facsimiles of, and in all particulars, inclusive of design, style, materials, ornament, and workmanship, comparable and equal in quality to, the imported handbags of which the domestic-made handbags are, or purport to be, copies, reproductions or facsimiles.

It is further ordered, That said respondents do forthwith cease and desist from distributing any advertising matter in said commerce which contains any of the aforesaid representations for use in connection with the promotion of the sale of any such article.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4410; Filed, November 29, 1939; 2:07 p. m.]

[Docket No. 3415]

IN THE MATTER OF AMERICAN CLINICAL LABORATORIES, INC., ET AL.

§ 3.6 (c) Advertising falsely or misleadingly—Composition of goods: § 3.6 (j10) Advertising falsely or misleadingly—History of product: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (y) Advertising falsely or misleadingly—Safety. Representing, in connection with offer, etc., in commerce, of "Retardo" obesity, or other similar medicinal, preparation, that the use of said "Retardo" is a safe, competent, effective, or reliable method of treatment for losing weight, or will reduce weight without dieting or exercise, or that it is the newest discovery for the reduction of excess weight, or representing, through failure to reveal that said preparation is not wholly safe for use in self-medication or through any other means or device, or in any other manner, that said "Retardo" contains no harmful or dangerous drugs, and that the use of said preparation will have no ill effects upon the human body, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Clinical Laboratories, Inc., et al., Docket 3415, November 16, 1939]

§ 3.6 (j) (3) Advertising falsely or misleadingly—Government approval or connection—Government indorsement: § 3.6 (1) Advertising falsely or misleadingly—Indorsements and testimonials: § 3.18 Claiming indorsements or testimonials falsely: § 3.96 (a) (2) Using misleading name—Goods—Government indorsement. Representing, in connection with offer, etc., in commerce, of "Retardo" obesity, or other similar medicinal, preparation, through the use of the terms "Approved by the Official Research Bureau of New York" or "Seal of Approval, Official Research Bureau of New York" or through the use of the corporate name "Official Research Bureau of New York, Inc.," to designate, describe or refer, in any way, to said preparation "Retardo", or through any other means or device or in any other manner, that said preparation has been approved by any research bureau having an official connection with the City or State of New York, or has been approved by any municipal, state or governmental agency or bureau whatsoever, until and unless said preparation has in fact received such approval, 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, American Clinical Laboratories, Inc., et al., Docket 3415, November 16, 1939]

§ 3.6 (a) (22) Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Laboratory:

§ 3.96 (b) (5) Using misleading name—Vendor—Producer or laboratory status of dealer. Representing, in connection with offer, etc., in commerce, of "Retardo" obesity, or other similar medicinal, preparation, through the use of the term "Laboratories" in the corporate name of respondent, American Clinical Laboratories, Inc., or in any other manner, or through the use of any other term of similar meaning, or through any other means or device, that the respondent, American Clinical Laboratories, Inc., conducts, operates or maintains a laboratory, or is the manufacturer or compounding of the preparation "Retardo", unless and until said corporate respondent actually owns and operates, or directly or absolutely controls, a laboratory for the purpose of manufacturing, testing and experimenting with such preparation, 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, American Clinical Laboratories, Inc., et al., Docket 3415, November 16, 1939]

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 November, A. D. 1939.

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

IN THE MATTER OF AMERICAN CLINICAL LABORATORIES, INC., OFFICIAL RESEARCH BUREAU OF NEW YORK, INC., FEDERAL RESEARCH CORPORATION, CORPORATIONS, AND SHELLEY BRAVERMAN

ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence, and the respondents' answer read into the record herein on June 16, 1939, in which answer respondents admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, American Clinical Laboratories, Inc. and Federal Research Corporation and their officers, and respondent Shelley Braverman, an individual, and their respective agents, servants, representatives and employees, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a me-

¹ 3 F.R. 2522 DI.

dicinal preparation for the treatment of obesity, now known as "Retardo", whether sold under that name or under any other name, or of any other medicinal preparation containing substantially similar ingredients or possessing substantially similar therapeutic effect, do forthwith cease and desist from:

1. Representing that the use of said preparation "Retardo" is a safe, competent, effective or reliable method of treatment for losing weight;

2. Representing that the use of said preparation "Retardo" will reduce weight without dieting or exercise;

3. Representing that said preparation "Retardo" is the newest discovery for the reduction of excess weight;

4. Representing, through failure to reveal that said preparation is not wholly safe for use in self-medication or through any other means or device, or in any other manner, that said preparation "Retardo" contains no harmful or dangerous drugs, and that the use of said preparation will have no ill effects upon the human body;

It is further ordered. That respondents, American Clinical Laboratories, Inc. and Official Research Bureau of New York, Inc., corporations, and Shelley Braverman, an individual, and their respective agents, servants, representatives and employees, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a medicinal preparation for the treatment of obesity, now known as "Retardo", whether sold under that name or under any other name, or of any other medicinal preparation containing substantially similar ingredients or possessing substantially similar therapeutic effect, do forthwith cease and desist from:

1. Representing, through the use of the terms "Approved by the Official Research Bureau of New York" or "Seal of Approval, Official Research Bureau of New York" or through the use of the corporate name "Official Research Bureau of New York, Inc." to designate, describe or refer, in any way, to said preparation "Retardo", or through any other means or device or in any other manner, that said preparation has been approved by any research bureau having an official connection with the City or State of New York, or has been approved by any municipal, state or governmental agency or bureau whatsoever, until and unless said preparation has in fact received such approval;

It is further ordered. That respondents, American Clinical Laboratories, Inc., a corporation, and Shelley Braverman, an individual, and their respective agents, servants, representatives and employees, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a medicinal preparation for the treatment of obesity, now known as "Retardo", whether sold

under that name or under any other name, or of any other medicinal preparation containing substantially similar ingredients or possessing substantially similar therapeutic effect, do forthwith cease and desist from:

1. Representing, through the use of the term "Laboratories" in the corporate name of respondent, American Clinical Laboratories, Inc., or in any other manner, or through the use of any other term of similar meaning, or through any other means or device, that the respondent, American Clinical Laboratories, Inc. conducts, operates or maintains a laboratory, or is the manufacturer or compounder of the preparation "Retardo", unless and until said corporate respondent actually owns and operates, or directly or absolutely controls, a laboratory for the purpose of manufacturing, testing and experimenting with such preparation.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4409; Filed, November 29, 1939;
2:07 p. m.]

[Docket No. 3795]

IN THE MATTER OF BENSON SPECIALTY
COMPANY

§ 3.6 (r) (2.5) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (r) (7) *Advertising falsely or misleadingly—Prices—Usual as reduced:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, as the customary or regular price or value of respondents' products prices and values which are in fact fictitious and greatly in excess of the prices at which such products are customarily offered for sale and sold in the normal course of business, or representing that the price at which respondents offer for sale and sell their various products constitutes a discount to the purchaser or is a special or introductory price when in fact such price is the usual and customary price at which the respondents sell such products in the normal and usual course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Benson Specialty Company, Docket 3795, November 15, 1939]

§ 3.6 (r) (1.5) *Advertising falsely or misleadingly—Prices—Coupon or certificate values:* § 3.72 (b) *Offering deceptive inducements to purchase—Coupon or cer-*

tificate deductions in price. Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that any articles of merchandise customarily and regularly sold in connection with the use of any purported certificate or other similar device have any value in excess of the actual money price required to be paid, or that any coupon or similar device has any monetary value in the purchase of an article which is customarily or regularly sold by the respondents with or without such coupon or similar device at the price required to be paid, 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, Benson Specialty Company, Docket 3795, November 15, 1939]

§ 3.6 (h) *Advertising falsely or misleadingly—Fictitious guarantees:* § 3.6

(t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6

(x) *Advertising falsely or misleadingly—Results:* § 3.72 (k10) *Offering deceptive inducements to purchase—Results guar-*

antee. Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that the fountain pens sold and distributed by respondents will last a lifetime, will never need repair, are unbreakable, or that such pens are "guaranteed", 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, Benson Specialty Company, Docket 3795, November 15, 1939]

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t)

Advertising falsely or misleadingly—Qualities or properties of product: § 3.6

(x) *Advertising falsely or misleadingly—Results.* Representing, in connection

with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that respondents' necklaces can be worn a life-time or any appreciable period of time and remain free from tarnish, loss of brilliancy or loss of stones; or representing that such necklaces are set with "facsimile" diamonds or representing, by the use of any other language, that the settings in such necklaces are other than imitation stones; 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, Benson Specialty Company, Docket 3795, November 15, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that the rings and necklaces sold and distributed by the respondents are 14K gold or silver or that they contain any substantial amount of gold or silver when such is not the fact, 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, Benson Specialty Company, Docket 3795, November 15, 1939]

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests:* § 3.18 *Claiming indorsements or testimonials falsely.* Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that respondents' electric hot water heaters or other products have been tested in any specific respect unless and until such products have actually been tested and approved by a duly qualified testing laboratory having the facilities necessary to make such tests, 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, Benson Specialty Company, Docket 3795, November 15, 1939]

*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 15th day of November, A. D. 1939.

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

IN THE MATTER OF ROBERT H. BENSON AND EMMA BENSON, INDIVIDUALLY AND AS CO-PARTNERS TRADING AS BENSON SPECIALTY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Robert H. Benson and Emma Benson, individually and as copartners trading as Benson Specialty Company, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pens, jewelry, electric water heaters or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing as the customary or regular price or value of respondents' products prices and values which are in fact fictitious and greatly in excess of the prices at which such products are customarily offered for sale and sold in the normal course of business;

2. Representing that the price at which respondents offer for sale and sell their various products constitutes a discount

to the purchaser or is a special or introductory price when in fact such price is the usual and customary price at which the respondents sell such products in the normal and usual course of business;

3. Representing that any articles of merchandise customarily and regularly sold in connection with the use of any purported certificate or other similar device have any value in excess of the actual money price required to be paid;

4. Representing that any coupon or similar device has any monetary value in the purchase of an article which is customarily or regularly sold by the respondents with or without such coupon or similar device at the price required to be paid;

5. Representing that the fountain pens sold and distributed by respondents will last a life-time, will never need repair, are unbreakable, or that such pens are "guaranteed";

6. Representing that respondents' necklaces can be worn a life-time or any appreciable period of time and remain free from tarnish, loss of brilliancy or loss of stones; or representing that such necklaces are set with "facsimile" diamonds or representing, by the use of any other language, that the settings in such necklaces are other than imitation stones;

7. Representing that the rings and necklaces sold and distributed by the respondents are 14K gold or silver or that they contain any substantial amount of gold or silver when such is not the fact;

8. Representing that respondents' electric hot water heaters or other products have been tested in any specific respect unless and until such products have actually been tested and approved by a duly qualified testing laboratory having the facilities necessary to make such tests.

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

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4411; Filed, November 29, 1939; 2:07 p. m.]

[Docket No. 3268]

IN THE MATTER OF THE PERMA-MAID COMPANY, INC.

§ 3.48 (b) (6) *Disparaging competitors and their products—Goods—Qualities or properties:* § 3.48 (b) (9) *Disparaging competitors and their products—Goods—Safety:* § 3.69 (b) (15.7) *Misrepresenting oneself and goods—Goods—Scientific or other relevant facts.* Representing, in connection with offer, etc.,

in commerce, of cooking utensils, that food prepared or kept in aluminum utensils is detrimental to the user thereof, or that preparation of food in such utensils causes the formation of poisons, or that the consumption of food prepared or kept in such utensils will cause ulcers, cancers, cancerous growths and various other ailments, afflictions and diseases, 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, The Perma-Maid Company, Inc., Docket 3268, November 18, 1939]

*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 18th day of November, A. D. 1939.

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

ORDER TO CEASE AND DESIST

This proceeding having been heard¹ by the Federal Trade Commission upon complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Edward E. Rear-don, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by S. Brog-dyne Teu, II, counsel for the Commission, and T. R. Iserman, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Perma-Maid Company, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cooking utensils in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that food prepared or kept in aluminum utensils is detrimental to the user thereof;

2. Representing that the preparation of food in aluminum utensils causes the formation of poisons;

3. Representing that the consumption of food prepared or kept in aluminum utensils will cause ulcers, cancers, cancerous growths and various other ailments, afflictions and diseases.

It is further ordered, That the respondent shall within sixty (60) days from and after the date of service upon it of this order file with the Commission a

¹ 3 F.R. 2316 DI.

report in writing setting forth in detail the manner and form in which it has complied and is complying with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-4416; Filed, November 30, 1939;
9:37 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER V—FEDERAL HOUSING ADMINISTRATION

AMENDMENT TO ADMINISTRATIVE RULES OF THE FEDERAL HOUSING ADMINISTRATOR FOR FARM MORTGAGE INSURANCE

The Administrative Rules of the Federal Housing Administrator for farm mortgage insurance under Section 203 (d) of the National Housing Act, issued May 10, 1938, effective May 16, 1938, as amended September 20, 1939, are hereby amended as follows:

Subsection 5 of Section IV of said Administrative Rules is amended to read as follows:

5. The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such interest rate be in excess of four and one-half percent (4½%) per annum. Interest shall be payable in annual, semi-annual, or monthly instalments on the principal then outstanding and, in the event interest is payable in annual or semi-annual instalments, such interest payments may be required in advance for each such period.

Subsection 10 of Section IV of said Administrative Rules is amended to read as follows:

10. The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay premiums on fire and other insurance required by the mortgagee pursuant to the terms of the mortgage, and ground rents, if any, and estimated taxes, special assessments, drainage and irrigation charges applicable to the period beginning on the date to which such ground rents, taxes, assessments, and charges were last paid and ending on the date of the first periodic payment under the mortgage. The mortgagor, at such time, may also be required to pay a sum equal to the first annual insurance premium plus an amount equal to one-twelfth (1/12th) of the annual mortgage insurance premium multiplied by the number of months to elapse from the date of the closing of the loan to the date of the first periodic payment, and if the mortgage provides for payment of interest in advance, interest to the due date of the first periodic payment thereunder.

Issued at Washington, D. C. this 16th day of November 1939, and effective on the 1st day of December 1939.

[SEAL] ABNER H. FERGUSON,
Acting Federal
Housing Administrator.

[F. R. Doc. 39-4413; Filed, November 29, 1939;
4:05 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

VETERANS' RELIEF

INSTITUTIONAL AWARDS

§ 2.2142 There is no legal authority to make an institutional award of pension under Public No. 269, 74th Congress in behalf of an incompetent or insane disabled person unless such person is being maintained in a Veterans' Administration facility or in some other institution at the expense of the Veterans' Administration. See also Sec. 2.1276. (December 1, 1939) (49 Stat. 614; 38 U.S.C. 368, 369)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 39-4420; Filed, November 30, 1939;
11:29 a. m.]

TRANSPORTATION FOR OUT-PATIENT MEDICAL AND DENTAL TREATMENT AND PHYSICAL EXAMINATIONS

§ 6.6103 (B)¹ *Out-patient physical examinations:*

(4) See Sec. 3.3090, 3.3092 for authorization for examination and furnishing of transportation. (a) Necessary transportation expenses incident to physical examination at regional offices or facilities may be furnished subject to the governing provisions of Sec. 6.6103 (B) (3) in the following instances: (1) When upon filing of an application for payment of insurance benefits, an applicant is ordered to report for examination by the Veterans' Administration to determine the existence of total or total and permanent disability:

(2) When an individual receiving payments of insurance benefits is ordered to report for the examination by the Veterans' Administration to determine if he has recovered the ability to follow a gainful occupation:

(3) When an individual is ordered to report for examination by the Veterans' Administration to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date.

(b) Necessary transportation expenses may be furnished subject to the governing provisions of Sec. 6.6103 (B) (3) in-

¹ 4 F.R. 1393 DI.

cident to a physical examination at a regional office or facility of the Veterans Administration of an applicant for reinstatement of insurance, provided that the applicant was ordered to report for the examination at the specific request of the insurance claims council in central office.

(c) Transportation expenses will not be furnished for examinations on applications for reinstatement of insurance or on applications for payment of insurance benefits on account of total or total and permanent disability where the applicants were not ordered to report for the examination by the Veterans Administration, or on applications for new insurance. (December 1, 1939) (48 Stat. 9; 38 U.S.C. 706)

[SEAL] WILLIAM C. BUELL,
Chief, Regulations Division.

[F. R. Doc. 39-4421; Filed, November 30, 1939;
11:29 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF FREIGHT COMMODITY STATISTICS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of November, A. D. 1939.

The subject of freight commodity statistics being under consideration:

It is ordered, That—

For the year beginning with January 1, 1940, and thereafter unless otherwise ordered, carriers by steam railway, other than switching and terminal companies, subject to the jurisdiction of the Interstate Commerce Commission, that are or may be assigned to the classes designated as Class I and Class II, shall report the number of tons of revenue freight originated by them and the number of tons of revenue freight terminated by them in each of the geographic areas specified in the list of areas shown in the Appendix hereto, which is hereby made a part of this order.

The number of tons reported by geographic areas shall be shown separately for the various classes of commodities specified in our order of November 22, 1927, as amended by order of December 14, 1938. In the Matter of Freight Commodity Statistics, except Class 710, All L.C.L. freight.

Class I carriers shall report the information quarterly, and Class II carriers annually, in accordance with the attached report form which is hereby also made part of this order.

Carriers located entirely within a single geographic area may omit their tonnage from the report, but shall indicate by endorsement thereon the single area in which located.

The reports shall be forwarded in duplicate to the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before the last day of the second month succeeding the close of the period for which they are compiled.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

APPENDIX

List of Geographic Areas

Alabama, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New England, New Jersey, New Mexico, New York State, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington (state), West Virginia, Wisconsin, and Wyoming.

[Form SCS]

REPORT OF FREIGHT COMMODITY STATISTICS BY GEOGRAPHIC AREAS TO THE INTERSTATE COMMERCE COMMISSION

For the _____ Quarter (_____ to _____) of 194__ or Calendar year 194__ (Strike out one)

Full name of respondent _____
(If a system report,

check here (), and name operating roads included)

Endorsement _____
(For use by carriers located

entirely within a single geographic area. See instructions)

No.	Commodity group or class	(Name of geographic area)	
		Number of tons of revenue freight ¹	
		Originated	Terminated
GROUP I. PRODUCTS OF AGRICULTURE (C. L.)			
10	Wheat		
20	Corn		
30	Oats		
40	Barley and rye		
41	Rice		
42	Grain, N. O. S.		
50	Flour, wheat		
51	Meal, corn		
52	Flour and meal, edible, N. O. S.		
60	Cereal food preparations, edible, N. O. S.		
61	Mill products, N. O. S.		
70	Hay and alfalfa		
71	Straw		
80	Tobacco, leaf		
90	Cotton in bales		
91	Cotton linters, noils, and regins		
92	Cottonseed		
110	Cottonseed meal and cake		
111	Oranges and grapefruit		
112	Lemons, limes, and citrus fruits, N. O. S.		
120	Apples, fresh		
121	Bananas		
122	Berries, fresh		
123	Cantaloupes and melons, N. O. S.		

¹ Space for reporting tonnage in additional geographic areas will be provided on printed forms.

No.	Commodity group or class	(Name of geographic area)	
		Number of tons of revenue freight	
		Originated	Terminated
124	Grapes, fresh		
125	Peaches, fresh		
126	Watermelons		
127	Fruits, fresh, domestic, N. O. S.		
128	Fruits, fresh, tropical, N. O. S.		
130	Potatoes, other than sweet		
140	Cabbage		
141	Onions		
142	Tomatoes		
143	Vegetables, fresh, N. O. S.		
150	Beans and peas, dried		
151	Fruits, dried or evaporated		
152	Vegetables, dry, N. O. S.		
160	Vegetable-oil cake and meal, except cottonseed		
161	Peanuts		
162	Flaxseed		
163	Sugar beets		
164	Products of agriculture, N. O. S.		
(800)	Total products of agriculture		
GROUP II. ANIMALS AND PRODUCTS (C. L.)			
170	Horses, mules, ponies, and asses		
180	Cattle and calves, single-deck		
181	Calves, double-deck		
190	Sheep and goats, single-deck		
191	Sheep and goats, double-deck		
200	Hogs, single-deck		
201	Hogs, double-deck		
210	Fresh meats, N. O. S.		
220	Meats, cured, dried, or smoked		
221	Butterine and margarine		
222	Packing-house products, edible, N. O. S., not including canned meats		
230	Poultry, live		
231	Poultry, dressed		
240	Eggs		
250	Butter		
251	Cheese		
260	Wool		
270	Hides, green		
271	Leather		
280	Fish or sea-animal oil		
281	Animals, live, N. O. S.		
282	Animal products, N. O. S. (other than fertilizers and fertilizer materials)		
(810)	Total animals and products		
GROUP III. PRODUCTS OF MINES (C. L.)			
290	Anthracite coal		
300	Bituminous coal		
310	Coke		
320	Iron ore		
330	Copper ore and concentrates		
331	Lead ore and concentrates		
332	Zinc ore and concentrates		
333	Ores and concentrates, N. O. S.		
350	Gravel and sand (other than glass or molding)		
351	Stone, broken, ground, or crushed		
352	Stone, rough, N. O. S.		
353	Stone, finished, N. O. S.		
360	Petroleum, crude		
370	Asphalt (natural, by-product, or petroleum)		
380	Salt		
390	Phosphate rock, crude (ground or not ground)		
391	Sulphur (brimstone)		
392	Products of mines, N. O. S.		
(820)	Total products of mines		
GROUP IV. PRODUCTS OF FORESTS (C. L.)			
400	Logs		
401	Posts, poles, and piling		
402	Wood (fuel)		
410	Ties, railroad		
420	Pulpwood		
430	Lumber, shingles, and lath		
431	Box, crate, and cooperage materials		
432	Veneer and built-up wood		
440	Rosin		
441	Turpentine		
442	Crude rubber (not reclaimed)		
443	Products of forests, N. O. S.		
(830)	Total products of forests		
GROUP V. MANUFACTURES AND MISCELLANEOUS (C. L.)			
450	Petroleum oils, refined, and all other gasolines		
451	Fuel, road, and petroleum residual oils, N. O. S.		
452	Lubricating oils and greases		
453	Petroleum products, N. O. S.		
460	Cottonseed oil		
461	Linseed oil		
462	Vegetable oils, N. O. S.		
470	Sugar (beet or cane)		
471	Table syrups and edible molasses		
472	Molasses, blackstrap and beet residual		
490	Iron, pig		
491	Iron and steel, rated 6th class in official classification, N. O. S.		
500	Rails, fastenings, frogs, and switches		
510	Cast-iron pipe and fittings		
511	Iron and steel pipe and fittings, N. O. S.		
512	Iron and steel: Nails and wire, not woven		
513	Iron and steel, rated 5th class in official classification, N. O. S. (also tin andterne plate)		
520	Copper: Ingot, matte, and pig		
521	Copper, brass, and bronze: Bar, sheet, and pipe		
522	Lead and zinc: Ingot, pig, or bar		
523	Aluminum: Ingot, pig, or slab		
530	Machinery and boilers		
540	Cement, natural or Portland (building)		
550	Brick, common		
551	Brick, N. O. S., and building tile		
552	Artificial stone, N. O. S.		
560	Lime, common (quick or slaked)		
561	Plaster (stucco or wall) and dry kalsomine		
570	Sewer pipe and drain tile (not metal)		
580	Agricultural implements and parts, N. O. S.		
581	Vehicles, horse-drawn, and parts, N. O. S.		
582	Tractors and parts		
583	Railway car wheels, axles, and trucks		
590	Automobiles (passenger)		
591	Autotrucks		
592	Automobiles and autotrucks, K. D. and parts, N. O. S.		
593	Automobile and autotruck tires		
610	Furniture, metal		
611	Furniture, other than metal		
620	Beverages		
630	Ice		
640	Fertilizers, N. O. S.		
650	Newsprint paper		
651	Printing paper, N. O. S.		
660	Alcohol, denatured or wood		
661	Sulphuric acid		
662	Explosives, N. O. S.		
670	Cotton cloth and cotton fabrics, N. O. S.		
671	Bagging and bags, burlap, gunny, or jute		
680	Canned food products, N. O. S.		
690	Tobacco, manufactured products		
691	Paints in oil and varnishes		
692	Furnace slag		
693	Scrap iron and scrap steel		
694	Paper bags and wrapping paper		
695	Paperboard, pulpboard, and wallboard (paper)		
696	Building paper and prepared roofing materials		
697	Building woodwork (millwork)		
698	Soap and washing compounds		
699	Glass, flat, other than plate		
700	Glass: Bottles, jars, and jelly glasses		
701	Manufactures and miscellaneous, N. O. S.		
(840)	Total manufactures and miscellaneous		
(850)	Grand total, carload traffic		
701 A	Forwarder traffic included in Class 701		

Instructions

This form is provided for the purpose of making returns under the terms of the Interstate Commerce Commission's order of November 16, 1939, which requires steam railway companies of Class I and Class II, other than switching and terminal companies, to report the number of tons of revenue freight originated by them and the number of tons of revenue freight terminated by them in each of the geographic areas specified in the list of areas shown immediately following these Instructions. The order also requires that the tonnage reported by geographic areas shall be shown separately for the various classes of commodities specified in the Commission's order of November 22, 1927, as amended by order of December 14, 1938,¹ except Class 710, and that Class I railways shall report the information quarterly and Class II railways annually.

All tonnage should be stated in tons of 2,000 pounds and the number of tons shown for all geographic areas for which report is made should, when totalled for the various classes of commodities as to all tonnage originated and all tonnage terminated, agree with respective aggregates of originated and terminated tonnage distributed in the Quarterly Report of Freight Commodity Statistics, Form QCS, by Class I railways and in schedule 541 of Annual Report, Form A, by Class II railways for the same period.

Railways located entirely within a single geographic area may omit figures from the reports but should indicate on the line provided at the head of the form, opposite the caption "Endorsement," that such omission is made, stating the name of the single geographic area in which located.

Other railways should list the names of all geographic areas in which located and in which carload freight traffic is ordinarily originated or terminated by the respondent under a caption entitled "Geographic Areas Covered by Report."

Railways conducting operations during only a part of any reporting period within a calendar year, on their lines as a whole or in any geographic area, should name the area or areas and specify the partial period covered by the returns in each report affected, stating the attending circumstances.

The reports shall be forwarded in duplicate to the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before the last day of the second month succeeding the close of the period for which they are compiled.

If space is required for reporting tonnage in more areas than this form will accommodate, additional blanks should be used. They will be supplied by the Bureau of Statistics upon request, stating the number needed for this purpose.

(List of geographic areas will be shown in this space on printed forms)

[F. R. Doc. 39-4417; Filed, November 30, 1939; 10:04 a. m.]

[No. 3666]

IN THE MATTER OF REGULATIONS FOR
TRANSPORTATION OF EXPLOSIVES AND
OTHER DANGEROUS ARTICLES

Decided November 20, 1939

Application for authority to construct for experimental service in the transportation of petroleum products 50 tank-car tanks fabricated by fusion welding granted.

R. W. Thompson for General American Transportation Corporation.

SUPPLEMENTAL REPORT OF THE COMMISSION¹

Aldredge, Commissioner: In our several prior reports we granted upon applications therein considered authority to build and use for experimental service in the transportation of dangerous articles other than explosives a total of 872 tank cars to be equipped with tanks fabricated by fusion welding but otherwise conforming to I.C.C. shipping container specifications.

By application of the General American Transportation Corporation dated October 11, 1939, recommended November 6, 1939, by the Bureau of Explosives and the mechanical division, Association of American Railroads, for our approval, we are asked to authorize the construction and use of 50 additional cars of I.C.C. shipping container specification 105A300 type, for meeting current requirements, except that tanks will be fabricated by fusion welding instead of forge welding. Tank anchors to underframes will be of riveted construction.

In support of previous application for authority for test cars for petroleum products, granted November 3, 1939, the following appears:

Applicant states that * * * of a total of seven hundred sixty-seven fusion-welded cars previously authorized, three hundred twenty-one are in service. Applicant further states that service trials and periodical inspections show all cars in use to be in good condition after 7,673 trips over a total of 5,953,698 miles, an increase of over a thousand trips and a million miles of safe transportation since our next previous authorization dated March 13, 1939.

Application and accompanying drawings for the additional 50 cars show that they will be constructed and used in accordance with these exhibits, be the same as those authorized April 21, 1937, and comply with effective safety appliance and other current regulations, except as authorized herein.

Upon further consideration of the record and in the light of added facts dis-

¹ Under the authority of section 17 (6) of the Interstate Commerce Act, the above entitled matter was referred by the Commission to Commissioner Aldredge for consideration and disposition.

closed in the instant application, the construction and use of 50 additional tanks of tank cars in accordance with current ICC specification 105A300 is forthwith authorized, provided that tanks may be fusion welded instead of forge welded, and must be constructed and marked in compliance with proposed revised ICC specification 105A300W, filed as an exhibit at the hearing herein and referred to in our prior reports; cars to be used in further service tests in the transportation of petroleum products.

In all other respects the regulations for the transportation of dangerous articles herein referred to are and shall remain in full force and effect.

Owners or operators of cars, where construction is authorized herein, shall make semi-annual inspection of the tanks and report their condition to the same parties as receive reports required by ICC specification 105A300.

By the Commission, Commissioner Aldredge.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 39-4418; Filed, November 30, 1939; 10:04 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 487-FD]

IN THE MATTER OF THE APPLICATION OF
WESTMORELAND BRICK COMPANY FOR
RENEWAL OF ORDER GRANTING EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Westmoreland Brick Company, Applicant herein having on June 17, 1938, filed with the National Bituminous Coal Commission, a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it, in the manufacture of fire brick in its plant at Hunker, Pennsylvania; and

The Commission having, on October 17, 1938,¹ entered an order pursuant to such application, in Docket No. 487-FD, ordering that the provisions of Section 4, II (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by the Applicant at its mine located at Hunker, Pennsylvania, which is consumed by Applicant in the general manufacture of fire brick at Hunker, Pennsylvania, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and

at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having, on October 30, 1939, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal, at its mine located at Hunker, Pennsylvania, and the portion thereof which is consumed by Applicant in the manufacture of fire brick at Hunker, Pennsylvania, and which application also contains a statement that all of the facts set forth in the application of June 17, 1938, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of October 17, 1938, continue to exist:

It is ordered, That the application filed by the Applicant for renewal of the said order of October 17, 1938, be and the same is hereby granted;

Provided however, That the said order of October 17, 1938, and the exemption granted thereby shall automatically terminate and expire:

1. Unless the Applicant on or before October 29, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before June 29, 1940, files with the Director a verified report for the six months' period ending May 29, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application.

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine.

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon

(a) any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facility at which the coal is consumed, and

(b) any change in the agency or instrumentality through which the coal is being produced at the date of this order

It is further ordered, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the

order of October 17, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, November 29, 1939.

[SEAL]

H. A. GRAY,
Director.

[F. R. Doc. 39-4419; Filed, November 30, 1939; 11:06 a. m.]

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A-122, O-122]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE SIOUX CITY, IOWA, MARKETING AREA

Whereas, the Sioux City Milk Producers' Cooperative Association, Inc., has requested the Secretary of Agriculture to hold a public hearing on a proposed marketing agreement and order prepared and proposed by said organization and designed to regulate such handling of milk in the Sioux City, Iowa, marketing area as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Sioux City marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement and the issuance of an order, and the General Regulations, Series A, No. 1, as amended,¹ of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice:

Now, therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held in the Federal Court Room, Post Office Building, Sioux City, Iowa, beginning at 10:00 a. m., c. s. t., December 19, 1939, on the aforementioned marketing agreement and order prepared and proposed by the aforementioned organization and designed to regulate such handling of milk in the Sioux City, Iowa, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce.

¹ 1 F. R. 155.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Sioux City, Iowa, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of a market-wide pool, and (f) expenses of administration.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, or may be there inspected.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Dated, November 29, 1939.

[F. R. Doc. 39-4424; Filed, November 30, 1939; 11:36 a. m.]

Rural Electrification Administration.

[Administrative Order No. 413]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 22, 1939.

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
Alabama 0022C1 Butler.....	\$123,000
Alabama 0026B1 Barbour.....	111,000
Alabama 0032A1 Geneva.....	289,554
Alabama R9032A2 Geneva.....	2,446
Mississippi 0017B1 Pontotoc.....	124,330
Mississippi 9017B2 Pontotoc.....	113,670
Mississippi 9029E1 Oktibbeha.....	404,500
Mississippi 7045C1 Clarke-Lauderdale.....	47,500
Tennessee 0028A1 Paris Public.....	140,000
Tennessee 0029A1 Weakley Public.....	55,000
Tennessee 0030B1 Knoxville Public.....	94,000

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 39-4412; Filed, November 29, 1939; 4:00 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly

wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 1, 1939, until March 26, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Name and address of firm	Product	Number of learners
Banner Maid Company, 808 Washington Street, St. Louis, Missouri.	Slips and pajamas.	10

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4431; Filed, November 30, 1939; 12:46 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 1, 1939 until October 24, 1940, subject to the following terms:

OCCUPATION, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Alperin Strauss Company, Columbia, Mississippi, shorts and pajamas.
Amco Manufacturing Co., 837 Mission Street, San Francisco, California (5 learners), lingerie.

Banner Maid Company, 808 Washington Street, St. Louis, Missouri (5 learners), slips and pajamas.

D & D Shirt Co., Northampton, Pennsylvania, shirts.

Emmaus Shirt Company, Inc., 2nd and Railroad Streets, Emmaus, Pennsylvania, shirts and pajamas.

Emmaus Shirt Company, Inc., Moyer and Elm Streets, Emmaus, Pennsylvania, shirts.

Kane Manufacturing Co., Louisville, Kentucky (3 learners), shirts.

Kleeson Company, Moundsville, West Virginia (5 learners), work pants.

Palmer Shirt Mfg. Co., Palmerton, Pennsylvania, shirts.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4432; Filed, November 30, 1939; 12:46 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 1, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Republic Hosiery Mills, Detroit, Michigan (5 learners).

Yorkshire Hosiery Company, Reading, Pennsylvania (3 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special

Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4433; Filed, November 30, 1939;
12:46 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 1, 1939, to August 1, 1940, unless otherwise indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[Here follows, in the original document, a table identical with that appearing on page 3827 of the "Federal Register" for Thursday, September 7, 1939.]

Name and address of firm:	Number of learners
Long Finishing Mills, Inc., Burlington, North Carolina, until March 22, 1940	5
Marlee F. F. Hosiery Company, Gibsons ville, North Carolina	16

This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to this Special Certificate and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificate may be canceled as of the date of its issuance and if so canceled, reimbursement of all persons employed under such certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4434; Filed, November 30, 1939;
12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 1, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of the terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated herein below opposite the employer's name:

NAME AND ADDRESS OF FIRM

Freeman Mfg. Co. (2 learners), Sturgis, Michigan.

PRODUCT

Elastic Fabrics.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4435; Filed, November 30, 1939;
12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective December 1, 1939, until February 23, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers

that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

Name and address of firm	Product	Number of learners
R & G Silk Throwing Co., Bloomersburg, Pennsylvania.	Silk and rayon throwing.	7
Dupont Textile Mills, Inc., Dupont, Pennsylvania.	Silk throwing.	8

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4436; Filed, November 30, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 1, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time-keepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Allegheny Silk Corp., 3701 Beale Avenue, Altoona, Pennsylvania (3 learners), rayon.

Elizabeth City Cotton Mills, Elizabeth City, North Carolina, cotton yarns.

Fiber Mfg. Co., Newton, North Carolina (3 learners), insulating tapes.

Grabur Silk Mills, Inc., Graham, North Carolina, silk and rayon.

Maryland Ribbon Company, Hagerstown, Maryland, ribbons.

Rocky Mount Cord Company, Rocky Mount, North Carolina (3 learners), cotton flax.

John Sidebotham, Inc., Philadelphia, Pennsylvania, narrow fabrics.

The Ufford Textile Co., Norwich, Connecticut (1 learner), dish cloths.

Ware Shoals Mfg. Co., Ware Shoals, South Carolina, cotton textiles.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4437; Filed, November 30, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 1, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour. No learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancella-

tion sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of the terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Chenille Products, Inc., Winder, Georgia (5 learners), bedspreads.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
Director, Hearings Branch.

[F. R. Doc. 39-4438; Filed, November 30, 1939;
12:48 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 1, 1939, until June 1, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator or less than eight (8) weeks experience as a chenille operator plus eight (8) weeks re-training as a punch work operator.

No. 232—3

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learner may be paid at a rate less than 25¢ an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour. No learner shall be employed at less than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week re-training period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Special Certificates are issued on representations by the employers that (a) experienced operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found upon objection duly filed within fifteen (15) days following the publication of this notice that the issuance of these Certificates was not necessary to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

Name and address of firm	Product	Number of learners
Chenille Products, Inc., Winder, Georgia.	Bedspreads...	25

Signed at Washington, D. C., this 30th day of November 1939.

[F. R. Doc. 39-4439; Filed, November 30, 1939;
12:48 p. m.]

FEDERAL POWER COMMISSION.

[Project No. 935]

IN THE MATTER OF INLAND POWER & LIGHT COMPANY, LICENSEE

ORDER FIXING DATE OF HEARING

NOVEMBER 28, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds. John W. Scott, not participating.

It appearing to the Commission that the matters involved in the determination of the actual legitimate original cost of the initial Ariel Project No. 935, Inland Power & Light Company, Licensee, are now in issue;

The Commission orders that:

A public hearing on said matters be held on April 8, 1940, at 10 a. m., in the Hearing Room of the Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4414; Filed, November 30, 1939;
9:37 a. m.]

[Docket Nos. G-100, G-101, G-113, G-127]

CITY OF CLEVELAND, CITY OF AKRON, PENNSYLVANIA PUBLIC UTILITY COMMISSION, COMPLAINANTS, v. HOPE NATURAL GAS COMPANY, DEFENDANT; AND IN THE MATTER OF HOPE NATURAL GAS COMPANY

ORDER DENYING PETITION FOR RECONSIDERATION AND REHEARING AND AMENDING ORDER SETTING DATE FOR HEARING

NOVEMBER 28, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds. John W. Scott, not participating.

Upon petition filed with the Commission on November 2, 1939, by Hope Natural Gas Company, praying that the Commission reconsider and grant a rehearing of its order of October 3, 1939,¹ setting a date for hearing in the above entitled matters;

The Commission orders that:

(A) The petition of the Hope Natural Gas Company for a reconsideration and rehearing of the Commission's order dated October 3, 1939, entered in the above entitled proceedings, be and the same is hereby denied;

(B) The date for the commencement of public hearing in the above entitled proceedings be and it is hereby postponed to April 1, 1940, said public hearing to be held at the same time and place and in the same manner as was set forth in the Commission's order of October 3, 1939;

¹ 4 F.R. 4177 DI.

(C) The Commission's order of October 3, 1939, entered in these matters be and it is hereby amended to the extent, and only to the extent, that this order changes or postpones the date set for the commencement of public hearing in the above entitled proceedings.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-4415; Filed, November 30, 1939;
9:37 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

[File Nos. 43-223, 43-224]

IN THE MATTER OF PEOPLES NATURAL GAS COMPANY, ARGUS NATURAL GAS COMPANY, INC., NORTHERN NATURAL GAS COMPANY

ORDER OF THE COMMISSION

Argus Natural Gas Company, Inc., having filed a declaration under Section 7 of the Public Utility Holding Company Act of 1935 in regard to the proposed issue and delivery by said declarant to Northern Natural Gas Company, a registered holding company, of which said declarant is a subsidiary, of fifteen 4½% promissory notes in the aggregate principal amount of \$960,000 in consideration of the surrender to said declarant of a certain 6% income note of said declarant in the principal amount of \$920,000 and of the payment to said declarant of \$40,000 in cash;

Peoples Natural Gas Company, also a subsidiary of said Northern Natural Gas Company, having filed a declaration under Section 7 of said Act regarding the proposed issue and delivery by said declarant to said Northern Natural Gas Company of 10,000 shares of said declarant's common stock, of the aggregate par value of \$1,000,000, and the issue and delivery by said declarant to said Northern Natural Gas Company of nine unsecured 4½% promissory notes of said declarant in the aggregate principal amount of \$550,000, in consideration of the surrender to said declarant of its certain 6% income note in the principal amount of \$1,010,000 and the payment to said declarant of \$540,000 in cash;

Northern Natural Gas Company having filed an application under Section 10 of said Act for approval of the acquisition by it of the security so to be issued and delivered by said two de-

clarants, and an application under Section 12 (d) of said Act for the approval of the pledge by said applicant of the securities so to be acquired with Harris Trust and Savings Bank (of Chicago) and Harold Eckhart, as Trustees under a certain mortgage and deed of trust, dated July 1, 1939, securing The First Mortgage and First Lien Bonds of said applicant;

A public hearing having been held upon said declarations and applications, as amended, and the Commission having examined the record and made its findings herein;

It is ordered, That said declarations be, and they are hereby permitted to become effective forthwith, and said applications be, and they are hereby approved, all subject, however, to the following conditions:

(1) That said issues, sales, acquisitions and dispositions, and each of them be carried out in accordance with the conditions, terms and representations contained in said declarations and in said applications;

(2) That within 10 days from the date of the completion of said issues, sales, acquisitions and dispositions, said declarants and said applicants shall file a certificate, or certificates, of notification with this Commission showing that said several transactions have been carried out in accordance with said conditions, terms, and representations.

It is further ordered, That, insofar as this order relates to said proposed issue and sale of securities by Argus Natural Gas Company, Inc., the permission hereby granted that said declaration shall become effective is subject to the further condition that such permission shall forthwith cease to be effective should the order heretofore entered by the State Corporation Commission of the State of Kansas approving such issue and sale be revoked, suspended or otherwise terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4425; Filed, November 30, 1939;
12:07 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November A. D. 1939.

[File No. 50-1]

IN THE MATTER OF THE APPLICATION OF INTERNATIONAL PAPER AND POWER COMPANY, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ORDER DISMISSING APPLICATION

This proceeding having been remanded to this Commission by the Circuit Court

of Appeals for the First Circuit in its opinion dated April 11, 1939, for further proceedings not inconsistent with such opinion, and the Commission having considered the matter,

It is ordered, That the application of International Paper and Power Company for Order in Connection with Plan for Change in Capitalization be and the same is hereby dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4426; Filed, November 30, 1939;
12:07 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November 1939.

[File No. 1-1823]

IN THE MATTER OF WESTMORELAND COAL COMPANY, COMMON STOCK, NO PAR VALUE

ORDER DISMISSING APPLICATION

Westmoreland Coal Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; and

After appropriate notice,¹ a hearing having been held in this matter before a trial examiner of the Commission on November 16, 1939; and

The applicant having requested that its application be withdrawn;

It is ordered, That the request of the applicant be granted and that this proceeding be and it hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4428; Filed, November 30, 1939;
12:07 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November 1939.

[File No. 1-1827]

IN THE MATTER OF WESTMORELAND, INCORPORATED, COMMON STOCK, NO PAR VALUE

ORDER DISMISSING APPLICATION

Westmoreland, Incorporated, pursuant to Section 12 (d) of the Securities Ex-

¹ 4 F.R. 4274 DI.

change Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; and

After appropriate notice,¹ a hearing having been held in this matter before a trial examiner of the Commission on November 16, 1939; and

The applicant having requested that its application be withdrawn;

It is ordered, That the request of the applicant be granted and that this proceeding be and it hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F.R. Doc. 39-4429; Filed, November 30, 1939;
12:07 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November 1939.

¹ 4 F.R. 4274 DI.

[File No. 7-425]

IN THE MATTER OF WESTMORELAND COAL
COMPANY, COMMON STOCK, NO PAR
VALUE

ORDER DISMISSING APPLICATION

Westmoreland Coal Company, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges in its Common Stock, No Par Value, on the New York Curb Exchange; and

After appropriate notice,¹ a hearing having been held in this matter before a trial examiner of the Commission on November 16, 1939; and

The applicant having requested that its application be withdrawn;

It is ordered, That the request of the applicant be granted and that this proceeding be and it hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4427; Filed, November 30, 1939;
12:07 p. m.]

¹ 4 F.R. 4275 DI.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November 1939.

[File No. 7-426]

IN THE MATTER OF WESTMORELAND, IN-
CORPORATED, COMMON STOCK, NO PAR
VALUE

ORDER DISMISSING APPLICATION

Westmoreland, Incorporated, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges in its Common Stock, No Par Value, on the New York Curb Exchange; and

After appropriate notice, a hearing having been held in this matter before a trial examiner of the Commission on November 16, 1939; and

The applicant having requested that its application be withdrawn;

It is ordered, That the request of the applicant be granted and that this proceeding be and it hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-4430; Filed, November 30, 1939;
12:07 p. m.]

