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The President

INVENTORS' AND PATENT DAY

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS the preamble to Public Resolution 58, Seventy-sixth Congress, approved March 15, 1940, recites:

"Whereas there will occur on April 10, 1940, the one hundred and fiftieth anniversary of President George Washington's approval of the first of Act of Congress authorizing and regulating the grant of patents as contemplated in article I, section 8, of the Constitution; and

"Whereas the encouragement and the protection thus afforded to discoverers and inventors have both inspired and rewarded their genius to the benefit of this Nation and the whole world; and

"Whereas the American patent system inaugurated by this Act of Congress has promoted countless applications of the arts and sciences to the needs and well-being of our people and thereby contributed notably to a higher standard of living in our country; and

"Whereas it is fitting that the anniversary of the institution of a system so beneficial to the people of the United States should be worthily observed";

AND WHEREAS the said Public Resolution 58 creates a commission consisting of the Chairman of the Senate Committee on Patents, the Chairman of the House of Representatives Committee on Patents, the Secretary of Commerce, the Commissioner of Patents, and five other members to be selected by them to make arrangements for an appropriate observance of the sesquicentennial of the first United States patent law, and provides that the Senate and House of Representatives shall conduct suitable exercises whereby Congress may mark the anniversary; and

WHEREAS the said public resolution requests the President of the United States "to set aside April 10, 1940, as Inventors' and Patent Day to invite a

general public commemoration of an event which has proved so important and salutary to this Nation";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, pursuant to the request contained in the aforesaid public resolution, do hereby designate April 10 of the present year as Inventors' and Patent Day and do hereby invite the people of the United States to commemorate on that day the sesquicentennial anniversary of the first of the United States patent laws, which, by affording protection and encouragement to inventors as envisaged and authorized by the Constitution, contributed so greatly to the encouragement of inventive genius in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of March, in the year of our Lord nineteen hundred and [SEAL] forty, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL
Secretary of State.

[No. 2390]

[F. R. Doc. 40-1198; Filed, March 22, 1940;
11:25 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—DIVISION OF MARKETING AND MARKETING AGREEMENTS

ORDER OF THE SECRETARY OF AGRICULTURE SUSPENDING THE PROVISIONS OF ARTICLE III OF THE ORDER REGULATING THE HANDLING OF WATERMELONS GROWN IN FLORIDA, GEORGIA, NORTH CAROLINA, AND SOUTH CAROLINA

Pursuant to the provisions of Public Act No. 10, 73d Congress (May 12, 1933),

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as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the provisions of the order regulating the handling of watermelons grown in Florida, Georgia, North Carolina, and South Carolina, issued by the Secretary



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of Agriculture on May 8, 1936¹ under the authority vested in him by the act, and upon the basis of the recommendation and report of the control committee established under the said order, the provisions of article III [§ 908.4, T. 7, Ch. IX, CFR] of the order regulating the handling of watermelons in Florida, Georgia, North Carolina, and South Carolina, are hereby suspended for a period beginning April 1, 1940, and ending March 31, 1941.

In witness whereof the undersigned has executed this order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 21st day of March 1940.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1194; Filed, March 22, 1940; 9:19 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT²

MARCH 21, 1940.

To HOWARD RASER,
Doing business as Bozeman Livestock Commission Company, Bozeman, Mont.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Bozeman Livestock Commission

Company, at Bozeman, State of Montana, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Under Secretary of Agriculture.

[F. R. Doc. 40-1199; Filed, March 22, 1940; 11:54 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-13]

IN THE MATTER OF PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED AMENDING "REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF, AND PAYMENT OF FEES FOR SUCH SERVICE", (A) BY CHANGING: (1) CERTAIN SPECIFICATIONS OF CERTAIN LISTED COLORS AND CERTAIN MIXTURES OF SUCH COLORS; (2) CERTAIN REQUIREMENTS AS TO THE SIZES OF SAMPLES; (3) THE LABELING FOR CERTAIN MIXTURES; (4) THE FEES TO BE PAID FOR THE SERVICE OF CERTIFICATION; AND (B) BY THE LISTING OF ADDITIONAL COAL-TAR COLORS

Order of the Secretary Promulgating Regulations

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act [52 Stat. 1040-1055; 21 U.S.C. (Supp. IV) 301-392], Section 406 (b) [52 Stat. 1049; 21 U.S.C. 346 (b)]; Section 504 [52 Stat. 1052; 21 U.S.C. 354]; Section 604 [52 Stat. 1055; 21 U.S.C. 364]; Section 701 (a), (e) [52 Stat. 1055; 21 U.S.C. (Supp. IV) 371 (a), (e)]; Section 706 [52 Stat. 1058; 21 U.S.C. 376], and based upon substantial evidence of record at the hearing in the above-entitled matter, detailed findings of fact are made, as follows:

Findings of Fact

A. PROPOSED COLOR D&C RED NO. 38—CHEMICAL ASPECTS

1. *Raw materials used in manufacture—Intermediates.* Organic raw materials used in the manufacture of coal-tar colors are known as intermediates.

2. *Intermediates chemically combined in color.* The coal-tar color is formed by interaction of the intermediates, which, when present in proper proportion and chemically combined constitute a part of the color.

3. *Intermediates not chemically combined—Impurities.* When the conditions set forth in paragraph 2 do not obtain, one of the intermediates may be present

in the finished product in free or chemically uncombined form; and in such form the intermediates are organic impurities in the color.

4. *D&C Red No. 38 a coal-tar color.* The color proposed as D&C Red No. 38 is a coal-tar color.

5. *Technical description of chemical identity.* The technical description of the chemical identity of the pure dye in the color D&C Red No. 38 is 3-hydroxy-N-(m-nitrophenyl)-4-(o-nitro-p-tolylazo)-2-naphthamide.

6. *Intermediates used—Either may be uncombined.* The intermediates used in the manufacture of such color are 2-nitro-p-toluidine and 3-hydroxy-N-(m-nitrophenyl)-2-naphthamide; and either of such intermediates may occur in the color in uncombined form.

7. *Practicable limit for uncombined intermediates.* It is practicable in good manufacturing practice to restrict either of such uncombined intermediates to $\frac{1}{10}$ of 1 percent.

8. *Impurities necessarily occurring.* Matter foreign to the pure dye, termed "impurities", necessarily occurs to some extent in the manufacture of this color under good manufacturing practice; and when so occurring such impurities are a part of the color.

9. *Determination of pure dye content.* The pure dye content of this color may be determined with the most accurate results in the shortest possible time by calculation from the organically combined nitrogen.

10. *Practicable pure dye content.* It is practicable in good manufacturing practice to so manufacture this color that the pure dye content is not less than 90 percent, as calculated from organically combined nitrogen.

11. *Volatile matter—Determination.* Volatile matter, which is usually moisture, is the remainder in the color of the volatile solvent from which the color is precipitated. Volatile matter is determined by heating a weighed portion of the color at a suitable temperature, that is, a temperature at which the material does not disintegrate, until such weighed portion no longer loses in weight.

12. *Suitable temperature for determining volatile matter.* A suitable temperature for determining volatile matter in the color D&C Red No. 38 is 135 degrees centigrade.

13. *Practicable limit for volatile matter.* It is practicable in good manufacturing practice to so manufacture the color that volatile matter does not exceed 5 percent.

14. *Sulfated ash indicative of inorganic impurities.* The presence of sulfated ash in the color is indicative of certain inorganic impurities.

15. *Practicable limit for sulfated ash.* It is practicable in good manufacturing practice to so manufacture the color that sulfated ash does not exceed $1\frac{1}{2}$ percent.

16. *Nitrobenzene determinative of impurity.* The color is soluble in nitroben-

¹ 1 F.R. 389.

² Modifies list posted stockyards 9 CFR 204.1.