

THE NATIONAL ARCHIVES  
LITTERA SCRIPTA MANET

# FEDERAL REGISTER

OF THE UNITED STATES  
1934

VOLUME 5
NUMBER 92

Washington, Friday, May 10, 1940

### The President

ITALY—SUSPENSION OF TONNAGE DUTIES  
BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA

#### A PROCLAMATION

WHEREAS section 4228 of the Revised Statutes of the United States, as amended by the act of July 24, 1897, c. 13, 30 Stat. 214 (U.S.C., title 46, sec. 141), provides, in part, as follows:

"Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer \* \* \*";

AND WHEREAS satisfactory proof has been received by me from the Government of Italy that no discriminating duties of tonnage or imposts are imposed or levied in the ports of Italy upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in such vessels, from the United States, or from any foreign country:

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, by virtue of the authority

vested in me by the above-quoted statutory provisions, do hereby declare and proclaim that the foreign discriminating duties of tonnage and imposts within the United States are suspended and discontinued so far as respects the vessels of Italy and the produce, manufactures, or merchandise imported in said vessels into the United States from Italy or from any other foreign country; the suspension to take effect from the date of this proclamation, and to continue so long as the reciprocal exemption of vessels belonging to citizens of the United States and their cargoes shall be continued, and no longer.

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 7th day of May in the year of our Lord nineteen hundred and forty, [SEAL] 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. 2403]

[P. R. Doc. 40-1865; Filed, May 9, 1940;  
11:49 a. m.]

### Rules, Regulations, Orders

TITLE 19—CUSTOMS DUTIES  
CHAPTER I—BUREAU OF CUSTOMS  
[T.D. 50149]

LIST OF CUSTOMS DISTRICTS, HEADQUARTERS, AND PORTS OF ENTRY

To Collectors of Customs and Others Concerned:

The appended list of customs districts, headquarters, and ports of entry,<sup>1</sup> previously published in T.D. 49980,<sup>2</sup> October 11, 1939, corrected to date, is published

<sup>1</sup>This document affects the list of districts and ports in 19 CFR 1.2.

<sup>2</sup>4 P.R. 4249.

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

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

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

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for the information and guidance of all concerned.

[SEAL]

BASIL HARRIS,  
Commissioner of Customs.

#### List of Customs Districts, Headquarters, and Ports of Entry

[The port first named, and appearing in capital letters, is the headquarters port for the district.]

**District No. 1—Maine and New Hampshire.** Boundary: The State of Maine and the State of New Hampshire except the County of Coos. Ports of entry: PORTLAND, MAINE, Bangor, Bar Harbor (including Mt. Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor), Bath (including Boothbay and Wiscasset), Belfast (including Searsport), Bridgewater, Calais (including townships of Calais, Robinson and Barring), Eastport (including Lubec and Cutler), Fort Fairfield, Fort Kent, Holeb-Jackman, Houlton, Jonesport, Limestone, Madawaska, Portsmouth, N. H. (including Kittery, Me.), Rockland, Van Buren, Vanceboro.

**District No. 2—Vermont.** Boundary: The State of Vermont and the county of Coos in the State of New Hampshire. Ports of entry: ST. ALBANS (including townships of St. Albans and Swanton), Alburg, Beecher Falls, Burlington, Derby

Line, Highgate Springs (including township of Highgate), Island Pond, Newport, North Troy, Richford.

**District No. 4—Massachusetts.** Boundary: The State of Massachusetts. Ports of entry: BOSTON (including Cambridge, Chelsea, Medford, Everett, Quincy, Somerville, Braintree, Weymouth, and Hingham, and waters adjacent thereto), Fall River, Gloucester, Lawrence, New Bedford, Plymouth, Provincetown, Salem (including Beverly, Marblehead, and Lynn), Springfield, Worcester.

**District No. 5—Rhode Island.** Boundary: The State of Rhode Island. Ports of entry: PROVIDENCE, Newport.

**District No. 6—Connecticut.** Boundary: The State of Connecticut. Ports of entry: BRIDGEPORT, Hartford, New Haven, New London.

**District No. 7—St. Lawrence.** Boundary: The counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis in the State of New York. Ports of entry: OGDENSBURG, N. Y., Alexandria Bay, Cape Vincent, Champlain, Chateaugay, Clayton, Fort Covington, Malone, Mooers, Morristown, Rooseveltown, Rouses Point, Waddington.

**District No. 8—Rochester.** Boundary: The counties of Oswego, Oneida, Onondaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genesee, Wyoming, Allegany, and Tioga in the State of New York. Ports of entry: ROCHESTER, Oswego, Sodus Point, Syracuse, Utica.

**District No. 9—Buffalo.** Boundary: The counties of Niagara, Erie, Cattaraugus, and Chautauqua in the State of New York. Ports of entry: BUFFALO (including Lackawana, Tonawanda, North Tonawanda, and east bank of Niagara River between Buffalo and Tonawanda), Dunkirk, Niagara Falls (including Lewiston).

**District No. 10—New York.** Boundary: That part of the State of New York not expressly included in the districts of Buffalo, Rochester, and St. Lawrence, and also the counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth, in the State of New Jersey. Ports of entry: NEW YORK, N. Y. (including territory described in Exec. Order of April 15, 1925; T. D. 40809), Albany, N. Y., Newark, N. J., Perth Amboy, N. J.

**District No. 11—Philadelphia.** Boundary: That part of the State of Pennsylvania lying east of 79° west longitude, the State of Delaware, and that part of the State of New Jersey not included in district 10 (New York). Ports of entry: PHILADELPHIA, PA. (including Camden and Gloucester City, N. J., and territory described in Exec. Order of March 15, 1938; T. D. 49472), Chester, Pa., Lewes, Del., Wilmington, Del.

**District No. 12—Pittsburgh.** Boundary: The State of West Virginia and that part of the State of Pennsylvania lying west of 79° west longitude, except the county of Erie. Port of entry: PITTSBURGH, PA.

**District No. 13—Maryland.** Boundary: The State of Maryland and the District of Columbia. Ports of entry: BALTIMORE, MD. (including Sparrows Point), Annapolis, Cambridge, Crisfield, Washington, D. C.

**District No. 14—Virginia.** Boundary: The State of Virginia. Ports of entry: NORFOLK and Newport News (including the waters and shores of Hampton Roads), Alexandria, Cape Charles City, Petersburg, Reedville, Richmond.

**District No. 15—North Carolina.** Boundary: The State of North Carolina. Ports of entry: WILMINGTON (including Townships of Northwest, Wilmington, and Cape Fear), Beaufort, Durham, Elizabeth City, Gastonia, Morehead City, Reidsville, Winston-Salem.

**District No. 16—South Carolina.** Boundary: The State of South Carolina. Ports of entry: CHARLESTON (including territory described in Exec. Order of January 31, 1940; T. D. 50085), Georgetown.

**District No. 17—Georgia.** Boundary: The State of Georgia except the north shore of the St. Marys River and the city of St. Marys, Ga. Ports of entry: SAVANNAH (including territory described in Exec. Order of March 5, 1940; T. D. 50111), Atlanta, Brunswick.

**District No. 18—Florida.** Boundary: The State of Florida and the north bank of the St. Marys River and the city of St. Marys, Ga. Ports of entry: TAMPA (including Port Tampa), Apalachicola, Boca Grande, Carrabelle, Fernandina (including St. Marys, Ga.), Jacksonville, Key West, Miami, Panama City, Pensacola, Port Everglades, Port St. Joe, St. Augustine, St. Petersburg, West Palm Beach.

**District No. 19—Mobile.** Boundary: The State of Alabama and that part of the State of Mississippi lying south of 31° north latitude. Ports of entry: MOBILE, ALA., Birmingham, Ala., Gulfport, Miss., Pascagoula, Miss.

**District No. 20—New Orleans.** Boundary: The State of Louisiana except the counties of Cameron and Calcasieu, and that part of the State of Mississippi lying north of 31° north latitude. Ports of entry: NEW ORLEANS, LA. (including territory described in Exec. Order of May 29, 1929; T. D. 43443), Baton Rouge, La.

**District No. 21—Sabine.** Boundary: That part of the State of Texas from Sabine Pass north along State line to north boundary line of Shelby County; west to Neches River; down western shore of said river to north boundary of Jefferson County; westerly along said boundary to east boundary of Liberty County; south to Gulf. Also, the counties of Cameron and Calcasieu in the State of Louisiana. Ports of entry: PORT ARTHUR, TEX.

Beaumont, Tex., Lake Charles, La., Orange, Tex., Sabine, Tex.

**District No. 22—Galveston.** Boundary: That part of the State of Texas lying east of 97° west longitude, except the territory embraced in district 21 (Sabine). Also, those portions of the counties of Dallas, Aransas, and Refugio, lying west of 97° west longitude, and the counties of Tarrant, San Patricio, and Nueces, State of Texas. Ports of entry: GALVESTON (including Port Bolivar and Texas City), Corpus Christi, Dallas, Freeport, Houston.

**District No. 23—Laredo.** Boundary: That part of the State of Texas lying west of 97° west longitude and east of the Pecos River except the territory included in district 22 (Galveston). Ports of entry: LAREDO, Brownsville, Del Rio, Eagle Pass, Hidalgo, Rio Grande City, Roma, San Antonio.

**District No. 24—El Paso.** Boundary: The State of New Mexico and that part of the State of Texas lying west of the Pecos River. Ports of entry: EL PASO, TEX., Columbus, N. Mex., Fabens, Tex., Presidio, Tex., Ysleta, Tex.

**District No. 25—San Diego.** Boundary: The counties of San Diego and Imperial in the State of California. Ports of entry: SAN DIEGO, Andrade, Calexico, San Ysidro, Tecate.

**District No. 26—Arizona.** Boundary: The State of Arizona. Ports of entry: NOGALES, Ajo, Douglas, Naco, San Luis, Sasabe.

**District No. 27—Los Angeles.** Boundary: That part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of San Diego and Imperial. Ports of entry: LOS ANGELES (including San Pedro, Wilmington, and Long Beach), Port San Luis.

**District No. 28—San Francisco.** Boundary: That part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, and the States of Utah and Nevada. Ports of entry: San Francisco-Oakland (including all points on San Francisco Bay), Eureka. NOTE: Collector of customs located at San Francisco.

**District No. 29—Oregon.** Boundary: The State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude. Ports of entry: PORTLAND, OREG. (including territory described in Exec. Order of Jan. 24, 1921; T.D. 38604), Astoria, Oreg., Longview, Wash., Marshfield, Oreg., Newport, Oreg.

**District No. 30—Washington.** Boundary: The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude. Ports of entry: SEATTLE, Aberdeen, Anacortes, Bellingham, Blaine, Danville, Everett, Ferry, Friday Harbor,

Laurier, Lynden, Metaline Falls, Molson, Nighthawk, Northport, Olympia, Oroville, Port Angeles, Port Townsend, South Bend, Spokane, Sumas, Tacoma.

**District No. 31—Alaska.** Boundary: The Territory of Alaska. Ports of entry: JUNEAU, Cordova, Craig Eagle, Fairbanks, Hyder, Ketchikan, Petersburg, Sitka, Skagway, Unalaska, Wrangell.

**District No. 32—Hawaii.** Boundary: the Territory of Hawaii. Ports of entry: HONOLULU, Hilo, Kahului, Mahukone, Port Allen.

**District No. 33—Montana and Idaho.** Boundary: The States of Montana and Idaho. Ports of entry: GREAT FALLS, MONT., Del Bonita, Mont., Eastport, Idaho, Morgan, Mont., Opheim, Mont., Peskan, Mont., Plegan, Mont., Porthill, Idaho, Raymond, Mont., Roosville, Mont., Scobey, Mont., Sweetgrass, Mont., Turner, Mont., Westby, Mont., Whitetail, Mont., Whitlash, Mont.

**District No. 34—Dakota.** Boundary: The States of North and South Dakota and the county of Kittson in the State of Minnesota. Ports of entry: PEMBINA, N. DAK., Ambrose, N. Dak., Antler, N. Dak., Carbury, N. Dak., Crosby, N. Dak., Dunseith, N. Dak., Fortuna, N. Dak., Hannah, N. Dak., Hansboro, N. Dak., Lancaster, Minn., Maida, N. Dak., Neche, N. Dak., Noonan, N. Dak., Northgate, N. Dak., Noyes, Minn., Portal, N. Dak., Sarles, N. Dak., Sherwood, N. Dak., St. John, N. Dak., Walhalla, N. Dak., Westhope, N. Dak.

**District No. 35—Minnesota.** Boundary: The State of Minnesota lying south of 46° north latitude. Ports of entry: MINNEAPOLIS, St. Paul.

**District No. 36—Duluth and Superior.** Boundary: The State of Minnesota, except the county of Kittson, lying north of 46° north latitude, and the State of Wisconsin lying north of said latitude, and the island of Isle Royale in the State of Michigan. Ports of entry: DULUTH, MINN., and Superior, Wis. (including West Superior), Ashland, Wis., Beaudette, Minn., International Falls, Minn., Pigeon River Bridge, Minn., Pine Creek, Minn., Ranier, Minn., Roseau, Minn., Warroad, Minn.

**District No. 37—Wisconsin.** Boundary: The State of Wisconsin lying south of 46° north latitude, and the city of Menominee, Michigan. Ports of entry: MILWAUKEE, WIS., Green Bay, Wis., Manitowoc, Wis., Marinette, Wis. (including Menominee, Mich.), Racine, Wis., Sheboygan, Wis.

**District No. 38—Michigan.** Boundary: The State of Michigan except the island of Isle Royale and the city of Menominee, Mich. Ports of entry: DETROIT, Bay City, Cheboygan, Grand Rapids, Muskegon, Port Huron, Saginaw, Sault Ste. Marie, South Haven.

**District No. 39—Chicago.** Boundary: The State of Illinois lying north of 39° north latitude; that part of the State of Indiana north of 41° north latitude and the State of Iowa. Ports of entry: CHICAGO, ILL., Peoria, Ill.

**District No. 40—Indiana.** Boundary: The State of Indiana lying south of 41° north latitude. Ports of entry: INDIANAPOLIS, Evansville, Lawrenceburg (including Greendale).

**District No. 41—Ohio.** Boundary: The State of Ohio and the county of Erie in the State of Pennsylvania. Ports of entry: CLEVELAND, OHIO, Akron, Ohio, Ashtabula, Ohio, Cincinnati, Ohio, Columbus, Ohio, Conneaut, Ohio, Dayton, Ohio, Erie, Pa., Sandusky, Ohio, Toledo, Ohio.

**District No. 42—Kentucky.** Boundary: The State of Kentucky. Port of entry: LOUISVILLE.

**District No. 43—Tennessee.** Boundary: The States of Tennessee and Arkansas. Ports of entry: MEMPHIS, TENN., Chattanooga, Tenn., Nashville, Tenn.

**District No. 45—St. Louis.** Boundary: The States of Missouri, Kansas, and Oklahoma, and that part of the State of Illinois lying south of 39° north latitude. Ports of entry: ST. LOUIS, MO. (including East St. Louis, Ill.), Kansas City, Mo., St. Joseph, Mo.

**District No. 46—Omaha.** Boundary: The States of Nebraska and Wyoming. Port of entry: OMAHA, NEBR.

**District No. 47—Colorado.** Boundary: The State of Colorado. Port of entry: DENVER.

**District No. 49—Puerto Rico.** Boundary: The Territory of Puerto Rico. Ports of entry: SAN JUAN, Aguadilla, Arecibo, Arroyo, Fajardo, Guanica, Humacao, Mayaguez, Ponce.

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, sec. 1 (19), 45 Stat. 987; 19 U.S.C. 1, 2; President's Message March 3, 1913)

[P. R. Doc. 40-1859; Filed, May 8, 1940; 3:05 p. m.]

## TITLE 21—FOOD AND DRUGS

### CHAPTER I—FOOD AND DRUG ADMINISTRATION

[P.D.C.—14]

IN THE MATTER OF PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON 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," BY THE LISTING OF ADDITIONAL COAL-TAR COLORS

ORDER OF THE SECRETARY PROMULGATING AMENDMENTS TO 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)]; and based

upon substantial evidence of record at the hearing in the above-entitled matter, findings of fact in detail are made as follows:

#### Findings of Fact

1. *Official title of regulations not generally used.* The title "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" (hereinafter referred to as "the regulations") is not generally used, either in the Department or by the public, to refer to the regulations so entitled.
2. *"Coal-tar color regulations" generally used.* The regulations are usually referred to by some short, unofficial title of which one in common use is the title "Coal-Tar Color Regulations."
3. *Coal-tar colors normally contain some impurities.* Coal-tar colors cannot be made of 100 percent purity and normally contain, besides the pure dye component, some impurities (i. e., matter foreign to the pure dye).
4. *Certain impurities become part of colors.* Those impurities which are required in the production of a coal-tar color, or which cannot be avoided or removed in good manufacturing practice, are a part of the color to the extent that they are so required or cannot be avoided or removed in good manufacturing practice.
5. *D&C Green No. 8—D&C Red No. 39 coal-tar colors.* The colors proposed as D&C Green No. 8 and D&C Red No. 39 are coal-tar colors.
6. *Their chemical identities.* The chemical identity of the pure dye in the proposed colors is, in the case of the color proposed as D&C Green No. 8, trisodium salt of 10-hydroxy-3,5,8-pyrenetrissulfonic acid; and, in the case of the color proposed as D&C Red No. 39, *o*-[*p*-( $\beta,\beta'$ -dihydroxy-diethylamino)-phenylazo]-benzoic acid.
7. *D&C Green No. 8—Method of determining pure dye content.* The pure dye content of the color proposed as D&C Green No. 8 can be determined by calculation from the organically combined sulfur.
8. *D&C Green No. 8—Minimum pure dye.* The color proposed as D&C Green No. 8, when made in accordance with good manufacturing practice, contains not less than 65.0 percent pure dye as calculated from organically combined sulfur.
9. *D&C Red No. 39—Method of determining pure dye.* The pure dye content of the color proposed as D&C Red No. 39 can be determined by titration with titanium trichloride.
10. *D&C Red No. 39—Minimum pure dye.* The color proposed as D&C Red No. 39, when made in accordance with good manufacturing practice, contains not less than 95.0 percent pure dye as determined by titration with titanium trichloride.
11. *D&C Green No. 8—D&C Red No. 39—Volatile matter.* That, in the case of the colors proposed as D&C Green No. 8 and D&C Red No. 39, volatile matter consists of moisture and traces of solvent used in the manufacture of the color.
12. *Method of determining volatile matter.* Volatile matter is determined by heating a sample of the color at a suitable temperature to a constant weight.
13. *Suitable temperature for such determination.* A suitable temperature for determining volatile matter is, in the case of the color proposed as D&C Green No. 8, 135 degrees Centigrade; and, in the case of the color proposed as D&C Red No. 39, 100 degrees Centigrade.
14. *Maximum volatile matter.* When the proposed colors are made in accordance with good manufacturing practice, the amount of volatile matter does not exceed, in the case of the color proposed as D&C Green No. 8, 15.0 percent; and, in the case of the color proposed as D&C Red No. 39, 2.0 percent.
15. *D&C Green No. 8—Measure of impurity.* The color proposed as D&C Green No. 8 is soluble in water, and any matter therein which is insoluble in water is an impurity in the color.
16. *D&C Green No. 8—Maximum water insoluble matter.* When the color proposed as D&C Green No. 8 is made in accordance with good manufacturing practice the amount of matter insoluble in water, present in the color, does not exceed 0.5 percent.
17. *D&C Red No. 39—Measure of impurity.* The color proposed as D&C Red No. 39 is soluble in acetone and any matter therein which is insoluble in acetone is an impurity in the color.
18. *D&C Red No. 39—Maximum acetone insoluble matter.* When the color proposed as D&C Red No. 39 is made in accordance with good manufacturing practice the amount of matter insoluble in acetone, present in the color, does not exceed 1.5 percent.
19. *D&C Green No. 8—Measure of impurities—Maximum chloroform extract.* Certain organic impurities may be measured in the case of the color proposed as D&C Green No. 8 by the matter extractable therefrom with chloroform, and when the color is made in accordance with good manufacturing practice the chloroform extract does not exceed 0.5 percent.
20. *D&C Red No. 39—Measure of impurities—Maximum petroleum ether extract.* Certain organic impurities may be measured in the case of the color proposed as D&C Red No. 39 by the matter extractable therefrom with petroleum ether, and when the color is made in accordance with good manufacturing practice the petroleum ether extract does not exceed 0.5 percent.
21. *D&C Green No. 8—Pyrene in uncombined form measure of impurity.* The color proposed as D&C Green No. 8 is manufactured from pyrene, and pyrene, if present in uncombined form, is an impurity in the color.
22. *D&C Green No. 8—Maximum amount of pyrene in uncombined form.* When the color proposed as D&C Green No. 8 is made in accordance with good manufacturing practice the amount of pyrene present in uncombined form in the color does not exceed 0.2 percent.
23. *D&C Red No. 39—Certain uncombined intermediate measure of impurity.* The color proposed as D&C Red No. 39 is manufactured from the intermediate *N,N*( $\beta,\beta'$ -dihydroxy-diethyl) aniline, and such intermediate, if present in uncombined form, is an impurity in the color.
24. *D&C Red No. 39—Maximum amount of such intermediate.* When the color proposed as D&C Red No. 39 is made in accordance with good manufacturing practice the amount of *N,N*( $\beta,\beta'$ -dihydroxy-diethyl) aniline present in uncombined form in the color does not exceed 0.2 percent.
25. *D&C Green No. 8—Chlorides and sulfates impurities.* In the case of the color proposed as D&C Green No. 8, chlorides and sulfates of sodium are salts used or formed in the manufacture of the color and are impurities in the color.
26. *D&C Green No. 8—Maximum of such impurities.* When the color proposed as D&C Green No. 8 is made in accordance with good manufacturing practice the amount of chlorides and sulfates of sodium present in the color does not exceed 20.0 percent.
27. *D&C Green No. 8—Mixed oxides measure of impurities.* In the case of the color proposed as D&C Green No. 8, certain impurities may be measured by a determination of the amount of "mixed oxides" (as defined in the regulations) present in the color.
28. *D&C Green No. 8—Maximum of such impurities.* When the color proposed as D&C Green No. 8 is made in accordance with good manufacturing practice, the amount of mixed oxides present in the color does not exceed 1.0 percent.
29. *D&C Red No. 39—Sulfated ash measure of inorganic impurities.* In the case of the color proposed as D&C Red No. 39, sulfated ash is a measure of certain inorganic impurities.
30. *D&C Red No. 39—Maximum of such impurities.* When the color proposed as D&C Red No. 39 is made in accordance with good manufacturing practice, the amount of sulfated ash obtained from the color does not exceed 1.5 percent.
31. *D&C Green No. 8—D&C Red No. 39—Specifications.* The following specifications for the colors proposed as D&C Green No. 8 and D&C Red No. 39 describe coal-tar colors of the chemical identity of the colors so proposed and of the purity which takes into account the impurities which may enter into the composition of the colors when made in accordance with good manufacturing practice:

## D&amp;C Green No. 8

Trisodium salt of 10-hydroxy-3,5,8-pyrenetrisulfonic acid.

Volatile matter (at 135° C.), not more than 15.0 percent.

Water insoluble matter, not more than 0.5 percent.

Chloroform extract, not more than 0.5 percent.

Pyrene, not more than 0.2 percent.

Chlorides and sulfates of sodium, not more than 20.0 percent.

Mixed oxides, not more than 1.0 percent.

Pure dye (as calculated from organically combined sulfur), not less than 65.0 percent.

## D&amp;C Red No. 39

o-[p- $\beta,\beta'$ -dihydroxy-diethylamino)-phenylazo]-benzoic acid.

Volatile matter (at 100° C.), not more than 2.0 percent.

Matter insoluble in acetone, not more than 1.5 percent.

Ether extract (petroleum ether), not more than 0.5 percent.

N,N( $\beta,\beta'$ -dihydroxy-diethyl) aniline, not more than 0.2 percent.

Sulfated ash, not more than 1.5 percent.

Pure dye (as determined by titration with titanium trichloride), not less than 95.0 percent.

32. *Harmlessness and suitability for use of coal-tar colors determined by pharmacological experiments upon animals.* Coal-tar colors which are harmless and suitable for use for coloring drugs and cosmetics can be determined to be harmless and suitable for such use by the performance of pharmacological experiments upon animals.

33. *Physiological responses of animals observed and evaluated in relation to toxic properties of other coal-tar colors and other substances of known toxicity.* A determination of the harmlessness and suitability of such colors for such use is made by observing in animals the physiological responses which result from the use of the color in quantities many times greater than the quantity in which the color, when used for coloring drugs and cosmetics, will be taken by or applied to humans, and by evaluating those responses in relation to the toxic properties of other coal-tar colors and other substances of known toxicity.

34. *Pharmacological experiments with each of such colors by injecting intracutaneously into guinea pigs.* That with each of two coal-tar colors, one meeting the specifications for the color proposed as D&C Green No. 8 and the other meeting the specifications for the color proposed as D&C Red No. 39, as set forth in Finding No. 31, pharmacological experiments have been made by injecting intracutaneously into each of a series of male white guinea pigs, every other day until ten injections had been made, 0.1 cc. of an 0.08 percent solution of color dissolved in normal saline, and, following the tenth injection and a rest period of

two weeks, by injecting intracutaneously into each of the series a test injection of the same amount of the same solution.

35. *No resulting irritation or sensitization.* That after each of the injections described in Finding No. 34 observations were made for irritation and sensitization, and that no irritation or sensitization was found.

36. *Pharmacological experiments with each of such colors by feeding to rats.* That the coal-tar colors referred to in Finding No. 34 have been subjected to pharmacological experiments in which three exactly comparable series of rats were chosen, housed in individual cages, and fed, for a period of fourteen weeks, a standard laboratory diet which, in the case of the first series, contained no other matter, in the case of the second series contained 1 percent of one of the said colors, and, in the case of the third series contained 1 percent of the other of the said colors.

37. *Neither normal food consumption nor growth curves affected.* That in the experiments described in Finding No. 36 the weight and food consumption of each animal was determined at weekly intervals; that at the end of the period of the test, the total food consumption and the average growth curves of each series was calculated and compared with the others; and that it appeared therefrom that neither the normal food consumption nor the normal growth curves had been affected by such feeding of either of the said colors.

38. *Microscopical examination of tissues.* That at the end of the test period described in Finding No. 36 the animals were sacrificed and tissues taken for microscopical examination, and that such examinations revealed no differences between the control series and either of the series fed the said colors.

39. *Amounts of color used many times greater than taken by or applied to humans in drugs and cosmetics.* The amounts of color used in the experiments described in Findings No. 34 and No. 36 are many times greater than the amount in which either of the proposed colors, when used for coloring drugs and cosmetics, will be taken by or applied to humans.

40. *Each color injected intraperitoneally into mice and given by stomach tube to rats and mice to determine toxicity.* Each of the coal-tar colors referred to in Finding No. 34 was injected intraperitoneally into a large number of mice and were given by stomach tube to a large number of rats and mice to determine the acute toxicity or dosage-mortality curve of each of the said colors.

41. *Results of tests studied comparatively.* The results of the tests described in Finding No. 40 were studied comparatively with the acute toxic properties of more than 150 coal-tar colors and other substances of known toxicity.

42. *D&C Green No. 8—D&C Red No. 39—Harmless and suitable for use in drugs and cosmetics.* Coal-tar colors

meeting the specifications set forth in Finding No. 31 for the colors proposed as D&C Green No. 8 and D&C Red No. 39 are, subject to the provisions of the Regulations, harmless and suitable for use in drugs and cosmetics.

## Conclusions And Order

Upon the basis of the foregoing findings of fact, it is concluded that the regulations entitled, "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", should be, and they are hereby, amended: (1) by striking out the said title, which immediately precedes "§ 135.01", and substituting in lieu thereof the title, "Coal-Tar Color Regulations"; and (2) by adding at the end of "§ 135.04", the Coal-Tar Colors "D&C Green No. 8" and the specifications therefor and "D&C Red No. 39" and the specifications therefor, as specifically set out hereinafter in amendments to such Regulations; and the said amendments are hereby promulgated, as follows:

## AMENDMENTS TO REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

*Regulation 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"; (1) By Changing The Title Of Said Regulations; And (2) By Adding To The Colors Listed In Section 135.04 The Colors "D&C Green No. 8" And "D&C Red No. 39", Together With The Specifications For Each Of Said Colors*

The regulations bearing the title, "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", promulgated by order of the Secretary of Agriculture dated May 4, 1939, published in the FEDERAL REGISTER May 9, 1939 (Vol. 4, No. 89, pp. 1922-1947), as amended by the Regulations promulgated by order of the Secretary of Agriculture dated September 14, 1939, published in the FEDERAL REGISTER September 16, 1939 (Vol. 4, No. 179, pp. 3931-3940), and as further amended by the Regulations promulgated by order of the Secretary dated March 22, 1940, published in the FEDERAL REGISTER March 23, 1940 (Vol. 5, No. 58, pp. 1140-1141), are hereby further amended, as follows: (1) by striking out the title thereof, which immediately precedes "§ 135.01", and substituting in lieu thereof the title, "Coal-Tar Color Regulations"; and (2) by adding at the end of "§ 135.04" the following:

"D&C Green No. 8

"SPECIFICATIONS

"Trisodium salt of 10-hydroxy-3,5,8-pyrenetrisulfonic acid.

"Volatile matter (at 135° C.), not more than 15.0 percent.

"Water insoluble matter, not more than 0.5 percent.

"Chloroform extract, not more than 0.5 percent.

"Pyrene, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 20.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as calculated from organically combined sulfur), not less than 65.0 percent.

"D&C Red No. 39

"SPECIFICATIONS

"o-[p-( $\beta,\beta'$ -dihydroxy-diethylamino)-phenylazo]-benzoic acid.

"Volatile matter (at 100° C.), not more than 2.0 percent.

"Matter insoluble in acetone, not more than 1.5 percent.

"Ether extract (petroleum ether), not more than 0.5 percent.

"N,N( $\beta,\beta'$ -dihydroxy-diethyl) aniline, not more than 0.2 percent.

"Sulfated ash, not more than 1.5 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 95.0 percent."

It is ordered, That the foregoing amendments to the said regulations, which are hereby issued and promulgated, be and become effective on the 90th day after the issuance of this order and the filing of the same with the Archivist of the United States for publication in the FEDERAL REGISTER; *Provided, however,* That the amendments hereby promulgated may be availed of from the date hereof.

Done at Washington, D. C., this the 9th day of May 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 40-1864; Filed, May 9, 1940; 11:15 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

The Commission on May 7, 1940, effective immediately, adopted the following new section:

§ 4.12 *Station and operator licenses; posting of.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation of the station shall be posted so that all terms thereof are visi-

ble in a conspicuous place in the room in which the transmitter is located, provided:

(1) If the transmitter operator is located at a distance from the transmitter pursuant to Section 4.9, the station license shall be posted in the above described manner at the operating position.

(2) If the station is licensed for portable-mobile operation, the station license or a photo copy thereof shall be affixed to the equipment or kept in the possession of the operator on duty at the transmitter. If a photo copy is used the original license shall be available for inspection by an authorized government representative.

(b) The license of each station operator(s) shall be conspicuously posted at the operating position, provided:

(1) If the station at which the operator is on duty is licensed for portable-mobile operation, the operator's license may be kept in his personal possession. (Sec. 4 (1), 48 Stat. 1066; 47 U.S.C. 154 (1))

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 40-1863; Filed, May 9, 1940; 11:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-3]

ORDER IN THE MATTER OF NEED FOR ESTABLISHING REASONABLE REQUIREMENTS TO PROMOTE SAFETY OF OPERATION OF MOTOR VEHICLES USED IN TRANSPORTING PROPERTY BY PRIVATE CARRIERS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 1st day of May, A. D. 1940.

*It appearing,* That by order entered July 30, 1936, as amended by order entered October 31, 1938, the Commission entered into an investigation in and concerning the matter of establishing for private carriers of property engaged in interstate or foreign commerce, if need therefor is found, reasonable requirements to promote safety of operation and to that end prescribe qualifications and maximum hours of service of employees and standards of equipment;

*It further appearing,* That a full investigation of the matters and things involved has been had and that the Commission by division 5, on the date hereof, has made and filed a report containing its findings of fact and conclu-

sions thereon, which said report is by reference made a part hereof:<sup>1</sup>

*It is ordered,* That the safety regulations prescribed by the Commission in Ex Parte No. MC-4, by order dated May 27, 1939,<sup>2</sup> (14 M.C.C. 669), except Part 4 thereof, and the hours of service regulations prescribed by the Commission in Ex Parte No. MC-2 order dated February 8, 1939,<sup>3</sup> (11 M.C.C. 203), except Rules 5 (b) and 6 (b) thereof, which said regulations are hereby referred to, adopted and incorporated in this order as fully as if they were herein repeated, and as hereinafter amended, be and they are hereby prescribed for private carriers engaged in the transportation of property in interstate or foreign commerce, including the operations of motor vehicles controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm (section 203 (b) (4a));

*It is further ordered,* That Rules 1.31 and 2.36 of said safety regulations be and they are hereby amended by adding at the end of each rule the following:

*Provided, however,* That this rule shall not apply to the operation of motor vehicles controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm.

*It is further ordered,* That Rule 1.28 of said safety regulations be, and it is hereby, amended by adding at the end thereof the following:

*Provided, however,* That persons between the ages of eighteen and twenty-one may be permitted to drive motor vehicles controlled and operated by any farmer and used in the transportation of his agricultural commodities and products thereof or in the transportation of supplies to his farm, if such vehicles do not exceed a gross weight, including the load, of 10,000 pounds.

*It is further ordered,* That Rule 1 (d) of said hours of service regulations be, and it is hereby, amended by inserting the following after the first sentence thereof:

For the purposes of computing an interval in excess of ten minutes all stops made in any one village, town or city by a driver of a motor vehicle operated by a private carrier of property may be computed as one if the driver has not driven or operated the motor vehicle more than ten miles in such village, town or city.

*It is further ordered,* That Rule 3 (a) of said hours of service regulations be

<sup>1</sup> Filed as a part of the original document.

<sup>2</sup> 4 P.R. 2295.

<sup>3</sup> 4 P.R. 1018.