

90, 78th Cong. Any other exchanges will be submitted for the approval of the Director, Production Division, Headquarters, Army Service Forces.

In § 83.740 paragraph (a) is amended as follows:

§ 83.740 *Disposition of nonrepairable industrial property*—(a) *Nonrepairable industrial property other than current production scrap.* \* \* \*

(3) Property so certified will be turned over to a salvage officer (who may be designated by the chief of the technical service concerned) together with a copy of such list appropriately certified.

(4) Where property in the hands of cost-plus-a-fixed-fee contractor is disposed of pursuant to the provisions of this paragraph (a) the certification procedure prescribed in subparagraph (1) above will not be required. In such cases the credit voucher to the property account will consist of a copy of the list of property turned over to a salvage officer supported by the Contracting Officer's written advice to the Accountable Property Officer as prescribed in paragraph 1004 (a) of the War Department Industrial Property Accounting Manual, or, if there is no question as to the responsibility of the contractor for condition of the property, supported by written order of the Contracting Officer directing transfer of the property to a salvage officer. Property which cannot be certified under the foregoing provisions of this paragraph (a) will be held for report of survey or other action in accordance with applicable regulations. Upon completion of such action, the property involved will be turned over to a salvage officer who may be designated by the chief of the technical service concerned.

[SEAL]

J. A. ULIO,  
Major General,  
The Adjutant General.

[F. R. Doc. 43-16241; Filed, October 5, 1943;  
9:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Selective Service System

[No. 209]

#### VOUCHER FOR ALLOWANCES TO SELECTIVE SERVICE ASSIGNEES

##### ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 233, entitled "Voucher for Allowances to Selective Service Assignees," effective immediately upon the filing hereof with the Division of the Federal Register.

Addition of a new form designated as DSS Form 233A, entitled "Voucher for Allowances

to Selective Service Assignees," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing additions shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

SEPTEMBER 22, 1943

[F. R. Doc. 43-16396; Filed, October 7, 1943;  
11:55 a. m.]

[No. 210]

#### REPORT TO BOARD OF TRANSFER

##### ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., App. and Sup. 301 et seq.); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 65, entitled "Report to Board of Transfer," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

OCTOBER 1, 1943.

[F. R. Doc. 43-16397; Filed, October 7, 1943;  
11:55 a. m.]

[Order No. 211]

#### REEMPLOYMENT REFERENCE CARD

##### ORDER PRESCRIBING FORMS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Discontinuance of DSS Form 328A, entitled "Reemployment Reference Card," effective immediately upon the filing hereof with the Division of the Federal Register.<sup>1</sup>

The foregoing discontinuance shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,  
Director.

OCTOBER 5, 1943.

[F. R. Doc. 43-16398; Filed, October 7, 1943;  
11:55 a. m.]

<sup>1</sup> Form filed as part of the original document.

## Chapter VIII—Office of Economic Warfare

### Subchapter B—Export Control [Amdt. 108]

#### PART 801—GENERAL REGULATIONS

##### Correction

In F.R. Doc. 43-15973, appearing on page 13464 of the issue for Tuesday, October 5, 1943, paragraph b. immediately under the table in the second column should read as follows:

b. Paragraphs (b) and (d) are hereby deleted and paragraph (c) is hereby designated as paragraph (b).

## Chapter IX—War Production Board

### Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

#### PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Regulation 16 as Amended  
October 7, 1943]

##### PROCEDURE FOR APPEALING FROM WAR PRODUCTION BOARD ORDERS

Section 944.37, *Priorities Regulation 16*, is hereby amended to read as follows:

§ 944.37 *Priorities Regulation 16*—(a) *Purpose and scope.* This regulation states the procedure for appealing from all War Production Board orders, determinations and regulations except suspension orders. An appeal, as the word is used in this regulation, means a request for individual relief from action taken by the War Production Board, and does not include an initial application or request for an authorization, a preference rating, an allocation or any other administrative action expressly contemplated by the orders and regulations of the Board.

(b) *Where appeals are filed.* An appeal from an order appearing on List A of this regulation must be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. Appeals from other orders containing Appeals clauses must be filed where the orders direct. Appeals from regulations and orders and other actions not appearing on List A and which do not contain Appeals clauses, should be directed to "Appeals Routing Unit, War Production Board, Washington 25, D. C."

(c) *The form in which appeals are filed.* Except in a case of an appeal from an order which contains an Appeals clause specifying a particular form, an appeal may be filed either on form WPB-1477 (formerly PD-500) or by letter, in triplicate, referring to the provision appealed from and fully stating the grounds for the appeal. An appeal not in proper form may be returned to the appellant without action.

(d) *Grants.* The grant of any appeal in whole or in part will be issued in the name of the War Production Board, countersigned or attested by the Execu-



tive Secretary or Recording Secretary, in accordance with WPB Regulation No. 1 (§ 903.0). The grant will show the official or the organizational unit on whose recommendation the action was finally taken, by a phrase such as "on the recommendation of the Appeals Board" or "on the recommendation of the Administrator of Order —."

(e) *Denials.* When an appeal is denied in all respects, the letter of denial will be signed by the official or organizational unit responsible.

(f) *Reconsideration of denials.* If an appellant whose appeal has been denied in whole or in part wishes the appeal to be reconsidered he should request such reconsideration by letter directed to the official or organizational unit responsible for the denial or, in the case of an appeal granted in part and denied in part, the official or organizational unit named in the grant as having recommended it. Every denial of an appeal may be reconsidered except that:

(1) The denial of any appeal, in whole or in part, by or on the recommendation of the Appeals Board, shall be final.

(2) The denial of an appeal from an "R" order by or on the recommendation of the Office of Rubber Director, and the denial of an appeal from a "U" order by or on the recommendation of the Office of War Utilities, shall be final.

(3) The denial of an appeal from action taken on an application for an authorization, a preference rating, an allocation or other administrative action, by or on the recommendation of the division of the War Production Board having jurisdiction of the subject matter of the application, shall be final.

(4) The denial of an appeal from an order directed to an individual and not of general applicability, by or on the recommendation of the division of the War Production Board having jurisdiction over the subject matter of the appeal, shall be final.

A final denial of an appeal may be reconsidered only if the official or the organizational unit responsible for the denial elects to reopen the case.

(g) *Public files.* Whenever an appeal has been granted, a public file shall be set up, consisting of the following:

(1) All papers filed by the appellant in support of the appeal.

(2) A memorandum containing the final recommendations of each organizational unit of the War Production Board which has considered the appeal.

(3) A transcript of the record of any public hearing held with respect to the appeal (or if the stenographic notes of the hearing have not been transcribed, a memorandum referring to the notes and stating how a transcript may be obtained).

The file shall be available for the public inspection at any time during the business hours of the War Production Board. This paragraph shall not apply to appeals first filed prior to the effective date of this regulation.

Issued this 7th day of October 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

## List A

*E-1-b	*L-126
*E-2-b	*L-128
*E-4	*L-131
*E-5-a	L-135
*E-6	L-136
*E-7	*L-140
*E-9	L-142
*E-10	L-150
*E-11	L-150-a
*L-1-e	L-150-b
*L-1-g	L-152
*L-1-h	L-157 Sch. 1-5
*L-1-j	*L-158
*L-2-g	L-161
*L-3-f	*L-163
*L-5-c	L-165
*L-5-d	*L-168
*L-6-c	*L-172
*L-7-c	L-173
*L-11	*L-175
L-13-a	*L-176
L-18-b	L-179
L-18-c	*L-180
*L-20	L-182
L-21	L-185
L-21-a	L-187
*L-22	*L-192
L-22-a	*L-193
*L-23-b	*L-196
L-23-c	L-199
L-27	*L-201
L-27-a	L-205
*L-28	*L-209
*L-28-a	*L-212
L-29	*L-216
L-30-a	*L-217
L-30-b	L-218
L-30-c	*L-221
L-30-d	L-225
L-33	*L-227
L-36	*L-228
*L-38	*L-235
L-42	L-236
*L-45	*L-237
L-49	*L-246
*L-51	L-248
*L-53	L-250
*L-53-a	*L-253
*L-53-b	*L-254
L-59-b	*L-257
L-62	*L-258
L-64	*L-264
*L-65	*L-270
*L-67	L-277
*L-69	*L-280
*L-71	*L-285
*L-71-a	*L-287
*L-72	*L-290
L-73	*L-292
L-74	*M-11
*L-75	*M-11-a
L-77	M-11-b
*L-78	*M-11-1
L-79	*M-12
*L-80	*M-18-b
L-81	*M-19
*L-89	*M-30
L-92	*M-34
L-93	*M-38
L-98	*M-41
*L-100	*M-53
L-104	*M-54
*L-106	*M-56
*L-107	*M-65
*L-110	*M-65-a
*L-111	*M-69
*L-112	*M-93
*L-120	*M-100
*L-123	*M-105

\*Until November 1, 1943, notwithstanding paragraph (b), an appeal from a listed order marked with an asterisk shall be filed where the order directs. On and after that date such an appeal shall be filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

M-122	*M-216-b
M-126	*M-225
*M-128	*M-228
*M-130	*M-229
*M-133	*M-234
*M-137	*M-241
*M-154	*M-241-a
M-177	M-248
*M-179	*M-251
*M-186	*M-279
M-208	*M-286
M-209	*M-290
*M-211	*M-294
*M-216	*M-311
*M-216-a	*M-319

[F. R. Doc. 43-16393; Filed, October 7, 1943; 11:50 a. m.]

# PART 1176—IRON AND STEEL CONSERVATION [Iron and Steel Conservation Order M-126, Amdt. 2]

Section 1176.1 (*General Conservation Order M-126*) is hereby amended:

(a) By amending the lines of List A which now read:

Buckets and pails—except when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series and L-257.

to be and read as follows:

Buckets and pails—(1) except to fill orders of chemical plants and plants handling explosives and (2) except to fill other orders when made with iron or steel other than stainless steel and in accordance with Limitation Orders of the L-30 series and L-257.

(b) By amending the lines of List A which now read:

Fence posts—except for agricultural purposes and then only if made from steel in the form of re-rolled rail stock.

to be and read as follows:

Fence posts—except for agricultural purposes and for snow fences, but in either case only if made from steel in the form of re-rolled rail stock.

(c) By amending the lines of List A which now read:

Fireplace equipment, including but not limited to: andirons, fireplace screens, fireplace accessories, clean-out doors and ash dumps but not including dampers and grates. See also the item "Dampers \* \* \*" and "Fireplace grates \* \* \*" on List A hereof.

by deleting the comma after the word "accessories" and by deleting the words "clean-out doors."

(d) By amending the lines of List A which now read:

Furniture\*—except as may be permitted under Limitation Orders L-13-a, L-62, L-135, Schedule 3 of L-214, L-226, L-249, L-254 and L-260, but subject to the prohibition on the use of stainless steel in "Mechanical drawing and drafting equipment" on this List A.

by deleting the reference to Order L-254.

(e) By amending the line of List A which now reads:

Motion picture cameras\*.

to be and read as follows:

Motion picture cameras\* except that for motion picture cameras of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order.

(f) By amending the lines of List A which now read:



Motion picture projectors and projection equipment\*.

to be and read as follows:

Motion picture projectors and projection equipment\* except that for motion picture projectors and projection equipment of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order.

(g) By amending the lines of List A which now read:

Name, data and instruction plates for machinery and equipment—except when made with iron or steel other than stainless steel and in accordance with any applicable orders of the War Production Board.

to be and read as follows:

Name, data and instruction plates for machinery and equipment—except when made from iron or steel other than stainless steel or when made from any steel obtained from idle or excessive inventory listed with Steel Recovery Corporation and, in each case, in accordance with any applicable orders of the War Production Board.

(h) By amending the lines of List A which now read:

Photographic accessories—except accessories used in connection with X-ray.

to be and read as follows:

Photographic accessories—(i) except accessories used in connection with X-ray; and (ii) except that for photographic accessories of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order.

(i) By amending the lines of List A which now read:

Photographic equipment\*—(i) except printing and publishing equipment as may be permitted under Limitation Order L-226; (ii) except X-ray film developing equipment; and (iii) except document copying machines and equipment therefor (other than blue print machines) for business purposes and for use by government agencies. See also the item "Blueprint machines \* \* \*" on this List A.

to be and read as follows:

Photographic equipment\*—(i) except printing and publishing equipment as may be permitted under Limitation Order L-226; (ii) except X-ray film developing equipment; (iii) except that for photographic equipment of the types regulated by Order L-267, iron or steel may be used to the extent permitted under that order; and (iv) except document copying machines and equipment therefor (other than blue print machines) for business purposes and for use by government agencies. See also the item "Blue print machines \* \* \*" on this List A.

(j) By amending the lines of List A which now read:

Pulp, paper, paper products and converter machinery and equipment\*—(i) except graphic arts machinery or equipment as may be permitted under Limitation Order L-226, and (ii) except that, with respect to pulp, paper, paper products and converter machinery and equipment not subject to Limitation Order L-226, particular machines and pieces of equipment of the types listed below, in production on August 9, 1943, may be finished if all fabrication and assembly is completed by September 20, 1943:

Automatic paper packaging machines.  
Paper bag machinery.  
Paper corrugating machinery.  
Paper cup machinery.  
Paper cutting machinery.

No. 200—5

Paper paraffining machinery.  
Paper pasting machinery.  
Paper slitting machinery.  
Paper tube machinery.  
Slitters and winders.  
Waxing machines.

to be and read as follows:

Pulp, paper, paper products and converter machinery and equipment\*—(i) except graphic arts machinery or equipment as may be permitted under Limitation Order L-226, and (ii) except machinery or equipment for the fabrication of containers.

(k) By deleting the following lines of List A under the heading "Special industrial machinery of the following types."

Paint processing and manufacturing machinery.  
Soap-making machinery.  
Wire-bound box making machinery.

(l) By adding clarifying language to the item which now reads:

Spools for wire—except traverse and spools used in industrial processing.

so that the full item will read as follows:

Spools for wire—except traverse and spools used in industrial processing. This item does not include spools for solder.

(m) By amending the lines of List A which now read:

Weed cutters and pullers, including dandelion, thistle and dock cutters and pullers—except when made from steel in the form of re-rolled rail stock.

to be and read as follows:

Weed cutters and pullers, including dandelion, thistle and dock cutters and pullers—except when made from steel in the form of re-rolled rail stock or from idle or excessive inventory listed with Steel Recovery Corporation.

(n) By amending the lines of List C which now read:

Aircraft fire walls—stainless steel permitted where required for nonmagnetic properties, or when required as a structural member of aircraft.

to be and read as follows:

Aircraft fire walls—stainless steel permitted where required for nonmagnetic properties, or when required as a structural load carrying member of aircraft.

(o) By amending the lines of List C which now read:

Swimming pool equipment and materials for swimming pools for training purposes.

to be and read as follows:

Swimming pool equipment for training purposes.

Issued this 7th day of October 1943.

WAR PRODUCTION BOARD,  
By: J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-16394; Filed, October 7, 1943;  
11:50 a. m.]

## Chapter XI—Office of Price Administration

### PART 1429—POULTRY AND EGGS

[Revised MPR 269; Incl. Amtd. 16]

#### POULTRY

Section 1429.19 (h) (2), (i) (2) and (3)  
amended by Amendment 16, effective

<sup>17</sup> F. R. 10708.

October 11, 1943 so that Revised Maximum Price Regulation 269 shall read as follows:

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 issued by the President on October 3, 1942, that maximum prices be established for the sale of the poultry items named in this regulation.

The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the amended Act and Executive Order. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries affected by this regulation. A statement of the considerations<sup>2</sup> involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register. The following regulation supersedes Maximum Price Regulation No. 269, as amended,<sup>3</sup> and Maximum Price Regulation No. 280<sup>4</sup> with respect to the commodities specified in this regulation.

The maximum prices established herein for poultry items are not below prices which will reflect to the growers and producers of such poultry items prices for their products equal to the highest of the prices required by the provisions of the Emergency Price Control Act of 1942, as amended, and by Executive Order No. 9250. The Price Administrator has consulted with the Secretary of Agriculture and has obtained his approval for the agricultural commodities covered herein.

Insofar as this regulation uses specifications and standards which were not, prior to such use, in general use in the trade or industry affected, or insofar as their use was not lawfully required by another Government agency, the Administrator has determined, with respect to such standardization, that no practicable alternative exists for securing effective price control with respect to the commodities subject to this regulation.

[Preamble as amended by Supplementary Order 57, 8 F. R. 12551, effective 9-11-43]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with Revised Procedural Regulation No. 1<sup>5</sup> issued by the Office of Price Administration, Revised Maximum Price Regulation No. 269 is hereby issued.

Sec.

- 1429.1 Prohibition against selling poultry at prices above the maximum.
- 1429.2 Exempt sales.
- 1429.3 Less than maximum prices.

<sup>2</sup> Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

<sup>3</sup> 7 F. R. 9292, 9620.

<sup>4</sup> 8 F. R. 5165, 6357, 7196, 7599, 7670, 8065, 8180.

<sup>5</sup> 7 F. R. 8961; 8 F. R. 3313, 3533, 6173, 11806.



## Sec.

- 1429.4 Records and reports.
- 1429.5 Evasion.
- 1429.6 Enforcement.
- 1429.6a Licensing.
- 1429.7 Sales for export.
- 1429.8 Applicability.
- 1429.9 Applicability of certain provisions of the General Maximum Price Regulation, as amended.
- 1429.10 Geographical applicability.
- 1429.11 Transfers of business or stock in trade.
- 1429.12 Petitions for amendment.
- 1429.13 Adjustable pricing.
- 1429.14 Adjustment of maximum prices for live and dressed poultry.
- 1429.15 Federal and state taxes.
- 1429.16 Discounts and allowances.
- 1429.17 Definitions.
- 1429.18 Effective date.
- 1429.19 Maximum base prices for poultry items.
- 1429.20 Application of maximum base prices.
- 1429.21 Permitted increases to maximum base prices.
- 1429.22 Maximum prices for poultry items when sold by producers or processing plants at retail.
- 1429.23 Relief from extreme hardship in certain cases.
- 1429.24 Maximum prices for poultry items requisitioned or purchased by the United States Government or any agency thereof.
- 1429.25 Sale of poultry items requisitioned or purchased by the United States Government or any agency thereof.
- 1429.26 Service charge for the processing of poultry items owned by the United States Government or any agency thereof.

AUTHORITY: §§ 1429.1 to 1429.26, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1429.1 *Prohibition against selling poultry at prices above the maximum.* On and after December 18, 1942, regardless of any contract, agreement, or other obligation, no person shall sell or deliver or cause to be sold or delivered whether for his own account or otherwise, the poultry items specified in this regulation, and no person in the course of trade or business shall buy or receive such poultry items at a price higher than the maximum prices permitted by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of poultry items to a purchaser, if, prior to December 18, 1942, such poultry items have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

[§ 1429.1 as amended by Amendment 12, 8 F.R. 10940, effective 8-4-43]

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that War Procurement Agencies and Governments Whose Defense is Vital to the Defense of the United States shall be relieved of liability, civil or criminal, imposed by price regulations issued by the Office of Price Administration.]

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits special packing expenses to be added to maximum prices on sales to procurement agencies of the United States.]

§ 1429.2 *Exempt sales.* The following sales are exempt from the provisions of this Revised Maximum Price Regulation No. 269, in addition to those exempted by the application of certain provisions of the General Maximum Price Regulation, as amended,\* as incorporated in this Revised Maximum Price Regulation No. 269.

(a) All sales at retail except those specified in § 1429.22 herein. Sales at retail shall be determined in accordance with the provisions of Maximum Price Regulation No. 268, entitled "Certain Perishable Food Products at Retail".

(b) All sales and purchases of breeding poultry when sold or purchased for breeding purposes only.

(c) All sales and purchases of "baby" or "started" chicks, ducklings, goslings, and poults when sold for purposes other than present human consumption.

(d) All sales and purchases of female poultry when sold or purchased for egg production purposes.

(e) All sales and purchases of pigeons, squabs, guineas, quail, and pheasants.

[Paragraph (e) added by Amendment 6, 8 F.R. 3316, effective 3-20-43]

§ 1429.3 *Less than maximum prices.* Lower prices than those established by this Revised Maximum Price Regulation No. 269 may be charged, demanded, paid or offered.

§ 1429.4 *Records and reports.* (a) Every seller and purchaser subject to this Revised Maximum Price Regulation No. 269 making sales or deliveries or purchases of poultry items to the value of \$200.00 or more in any one month, after December 21, 1942, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 remains in effect a complete and accurate record of each sale or delivery of poultry items, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities, types, grades, weight classes of poultry bought and sold, the number of head of each type, grade, and weight class of poultry bought and sold, the type of sale made (delivered or nondelivered), and the price paid or received.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(b) Every person shipping any of the poultry items specified in this regulation by freight car, truck, or other means of transport from one place to another, shall post within such freight car, truck or other means of transport, a manifest showing the place from which such poultry items were shipped, the name and address of the owner of such poultry items while in transit, the name and address of the person or persons to whom such poultry items are being shipped,

\* 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955.

\* Superseded by Maximum Price Regulation No. 422; 8 F.R. 9395, 10569, 12443, 12611, 13294 and Maximum Price Regulation No. 423; 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294.

the name and address of the seller or sellers, the quantities, types, grades, weight classes of poultry bought and sold, the number of head of each type, grade, and weight class of poultry bought and sold, and the price paid.

[Paragraph (b) amended by Amendment 8, 8 F.R. 5408, effective 4-22-43 and Amendment 12, 8 F.R. 10940, effective 8-4-43]

(c) Every seller and purchaser subject to this regulation shall keep such other records in addition to or in place of the records required in paragraphs (a) and (b) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

[Paragraph (c) added by Amendment 8, 8 F.R. 5408, effective 4-22-43]

§ 1429.5 *Evasion.* Price limitations set forth in this Revised Maximum Price Regulation No. 269 shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to, the commodities prices of which are herein regulated, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege or other trade understanding or otherwise.

§ 1429.6 *Enforcement.* (a) Persons violating any provision of this Revised Maximum Price Regulation No. 269 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have any evidence of any violation of this Revised Maximum Price Regulation No. 269 or any price schedule, regulation, or order, issued by the Office of Price Administration, or any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state, field or regional offices of the Office of Price Administration, or its principal office in Washington, D. C.

§ 1429.6a *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1429.6a added by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

§ 1429.7 *Sales for export.* The maximum prices at which a person may export any commodity covered by this Revised Maximum Price Regulation No. 269 shall be determined in accordance with the provisions of the Revised Maximum Export Regulation\* issued by the Office of Price Administration.

\* Second Revision: 8 F.R. 4132, 7662, 9998.



§ 1429.8 *Applicability.* The provisions of this Revised Maximum Price Regulation No. 269 supersede the provisions of Maximum Price Regulation No. 269, as amended, and the provisions of Maximum Price Regulation No. 280 with respect to sales and deliveries of the poultry items for which maximum prices are established by this regulation.

§ 1429.9 *Applicability of certain provisions of the General Maximum Price Regulation, as amended.* (a) The following sections of General Maximum Price Regulation, and amendments thereto, and Revised Supplementary Regulation Number 4<sup>9</sup> thereof, shall be applicable to every person making sales and deliveries covered by this Revised Maximum Price Regulation No. 269.

- (1) § 1499.4b (Special deals.)
- (2) § 1499.14 (Sales slips and receipts.)
- (3) [Revoked.]
- (4) [Revoked.]

[Paragraphs (3) and (4) revoked by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43]

(5) § 1499.29 (a) (5) (Developmental contracts.)<sup>10</sup>

(6) § 1499.29 (a) (6) (Secret contracts.)<sup>11</sup>

(7) § 1499.29 (a) (7) (Emergency purchases.)<sup>12</sup>

(8) § 1499.29 (a) (15) (Sales or deliveries of the War Department or the Department of the Navy through such Departments' sales stores.)

§ 1429.10 *Geographical applicability.* The provisions of this Revised Maximum Price Regulation No. 269 shall be applicable only to the 48 states of the United States and to the District of Columbia.

§ 1429.11 *Transfers of business or stock in trade.* If the business, assets, or stock in trade of any seller are sold or otherwise transferred on or after the effective date of this Revised Maximum Price Regulation No. 269, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no transfer had taken place, and his obligation to keep records sufficient to verify those prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee, all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions contained in this regulation.

§ 1429.12 *Petitions for amendment.* Persons seeking an amendment of this Revised Maximum Price Regulation No. 269 may file a petition therefor in accordance with the provisions of Revised

Procedural Regulation No. 1, issued by the Office of Price Administration.

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications, and certain specific regulations listed in Revised Supplementary Order No. 9.]

§ 1429.13 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to and at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations, where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1429.14 *Adjustment of maximum prices for live and dressed poultry.* (a) The Office of Price Administration, or any duly authorized representative thereof, may adjust any maximum price established under this Revised Maximum Price Regulation No. 269 for live and dressed poultry items, in the case of any seller or group of sellers where it appears:

(1) That there exists or threatens to exist in a particular locality a shortage in the supply of such live and dressed poultry item; and

(2) That such local shortage will be substantially reduced or eliminated by adjusting the maximum prices of such seller and of like sellers for such live and dressed poultry items; and

(3) That such adjustment will not create or tend to create a shortage, or need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(b) Applications for adjustment under this § 1429.14 shall be filed in accordance with Revised Procedural Regulation No. 1.

(c) Each Regional Administrator is authorized to make adjustments or act upon applications for adjustment under this section.

[Paragraph (c) added by Amendment 3, 8 F.R. 567, effective 1-13-43]

(d) Each Regional Administrator of the Office of Price Administration is authorized to adjust the maximum base prices for any live poultry item, as established in § 1429.19 of this regulation, for all places within any political subdivision or other defined area in this region to one uniform maximum base price applicable to all places in such political subdivision or other defined area, *Provided, That:*

(1) Such uniform maximum base price for the live poultry item does not exceed by more than  $\frac{1}{10}$ th of one cent per pound the lowest maximum base price for the live poultry item in such political subdivision or other defined area.

(2) Such uniform maximum base price for the live poultry item will not create or tend to create a shortage, or need for increase in prices, in another locality, and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

(3) The Price Executive of the Poultry, Eggs, and Dairy Products Branch of the Food Price Division of the Office of Price Administration is notified in writing of the proposed uniform maximum base price for the live poultry item, and has consented in writing to the establishment of such uniform maximum base price.

*Example:* The maximum base price for live broilers in County X ranges from a low of 28.44 cents per pound to a high of 28.53 cents per pound. The Regional Administrator decides to adjust all maximum base prices for live broilers in County X to one uniform maximum base price of 28.5 cents per pound, in the interest of simplicity and effective enforcement. He ascertains that such uniform price will not create a shortage or need for increase in prices in another locality. He also knows that the uniform maximum base price of 28.5 cents per pound does not exceed by more than  $\frac{1}{10}$ th of one cent the lowest maximum base price of 28.5 cents per pound. Therefore, upon receiving the written consent of the Price Executive of the Poultry, Eggs, and Dairy Products Branch of the Food Price Division of the Office of Price Administration, he may establish 28.5 cents per pound as the uniform maximum base price for live broilers at all places in County X.

(4) The Administrator of the War Food Administration is notified in writing of every proposed uniform maximum base price for any live poultry item which reduces the maximum base price for such live poultry item at any place in the political subdivision or other defined area for which the uniform maximum base price is proposed by more than one-tenth of one cent per pound, and has consented in writing to the establishment of such uniform maximum base price.

[Paragraph (d) added by Amendment 9, 8 F.R. 6736, effective 5-26-43; paragraph (4) added by Amendment 12, 8 F.R. 10940, effective 8-4-43]

(e) *Regional adjustment of maximum base prices and permitted increases.* (1) The following powers are delegated to each Regional Administrator of the Office of Price Administration with respect to the purchase, sale, or delivery of any poultry item at all places or any number of places within his Region, subject to the limitations listed immediately below in subparagraph (2) of this paragraph.

(i) Each Regional Administrator is authorized to adjust the maximum base prices for dressed, kosher-killed, kosher-dressed and plucked, drawn, and quick-frozen eviscerated poultry items as established in this section.

[NOTE: No adjustment may be made to the maximum base prices for live poultry items as established in this section, except as provided for in paragraph (d) immediately above.]

(ii) Each Regional Administrator is authorized to adjust the permitted increases established in § 1429.21 of this regulation.

(iii) Each Regional Administrator is authorized to modify or change any of

<sup>9</sup> Superseded by Revised Supplementary Regulation No. 1.

<sup>10</sup> Superseded by § 1499.26, Sec. 4.4.

<sup>11</sup> Superseded by Supplementary Order No. 42, Exception of sales to Government agencies pursuant to secret contracts or subcontracts. 8 F.R. 4968.

<sup>12</sup> Superseded by § 1499.26, Sec. 4.3 (f).



the definitions listed in § 1429.21 (b) of this regulation, where it appears that such modified or changed definitions will aid in the enforcement of this regulation and in the proper distribution of poultry items in his region.

(2) The powers delegated to each Regional Administrator of the Office of Price Administration in subparagraph (1) immediately above, are subject to the following limitations:

(i) No Regional Administrator may take any action which will increase the maximum prices at which any poultry item may be sold at retail, or to ultimate consumers, including commercial, industrial, institutional, or governmental users.

(ii) No Regional Administrator may take any action which will decrease the margin of profit for retail sales of poultry items by more than one cent per pound.

(iii) No Regional Administrator may take any action which will create or tend to create a poultry shortage or need for increase in poultry prices in another locality, and which will nullify or defeat the purposes of the Emergency Price Control Act of 1942, as amended.

(iv) No adjustment may be made to any maximum base price or to any permitted increase, and no modification or change may be made to any definition, unless such adjustment, modification, or change has first been submitted in writing to the Price Executive of the Poultry, Eggs, and Dairy Products Branch of the Food Price Division of the Office of Price Administration, and to the Division Counsel For Food of the Office of Price Administration, and has been approved in writing by such Price Executive and by such Division Counsel.

[Paragraph (e) added by Amendment 11, 8 F.R. 9299, effective 7-10-43]

§ 1429.15 *Federal and state taxes.* Any tax upon, or incident to, the sale or delivery of poultry items imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, shall be treated as follows in determining the seller's maximum price for such commodity and in preparing the records of such seller with respect thereto:

(a) *As to a tax in effect prior to the effective date of this Revised Maximum Price Regulation No. 269 for any poultry item.* (1) If the seller paid such tax, or if the tax was paid by any prior vendor, irrespective of whether the amount thereof was separately stated and collected from the seller, but the seller did not customarily state and collect separately from the purchase price prior to the effective date for such item the amount of the tax paid by him or tax reimbursement collected from him by his vendor, the seller may not collect such amount in addition to the maximum price, and in such a case shall include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 269.

(2) In all other cases, if, at the time the seller determines his maximum price, the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from

the purchase price, and the seller does state it separately, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased, and in such case the seller shall not include such amount in determining the maximum price under this Revised Maximum Price Regulation No. 269.

(b) *As to a tax or an increase in a tax which becomes effective after the effective date of this regulation for any poultry item.* If the statute or ordinance imposing such tax or increase does not prohibit the seller from stating and collecting the tax or increase separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax or increase actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1429.16 *Discounts and allowances.* The maximum prices established for poultry items in this Revised Maximum Price Regulation No. 269 shall apply to all sales, whether cash or credit. However, any seller may always give discounts or allowances which result in prices lower than the maximum.

§ 1429.17 *Definitions.* (a) "Poultry items" means the live and dressed poultry items defined in § 1429.19 herein.

(b) "Customary" or "customarily" means the usual practice during the period, December 1, 1941, to December 1, 1942, of the person to whom the word "customary" or "customarily" applies. When the person was not in business during this period, "customary" or "customarily" means his usual practice for the time he was in business.

(c) Unless the context requires otherwise, the definitions of the General Maximum Price Regulation, as amended, and of section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to the terms used in this Revised Maximum Price Regulation No. 269.

§ 1429.18 *Effective date.* This Revised Maximum Price Regulation No. 269 (Sections 1429.1 to 1429.22, inclusive) shall become effective December 18, 1942.

[Issued December 18, 1942]

[Effective dates of amendments are shown in notes following the parts affected]

§ 1429.19 *Maximum base prices for poultry items.*—(a) Every place in the United States shall have its own maximum base price for the poultry items listed in Table A of this section.

(1) The word "place" means any city, town, village, hamlet, or any unincorporated area in the United States where the purchase and sale of any poultry item occurs.

(2) Every unincorporated area in the United States which is not a city, town, village, or hamlet shall have as its maximum base price for the poultry items listed in Table A of this section the same price as is established for the city, town, village, or hamlet nearest to such unincorporated area.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(b) The United States shall be divided into an "Eastern zone" and a "Western zone" for the purpose of calculating maximum base prices for poultry items.

(1) The "Eastern zone" shall consist of the Counties of Milwaukee, Racine, and Kenosha in the State of Wisconsin, the Counties of Cook, Lake, and Du Page, in the State of Illinois, and all of the United States east of the line running south from the Canadian border along the eastern shore of Lake Michigan, the Illinois-Indiana State Line, the Illinois-Kentucky State Line, and then south along the eastern bank of the Mississippi River to the Gulf of Mexico.

(2) The "Western zone" shall consist of all of the United States west of the above line, excluding the Counties of Milwaukee, Racine, and Kenosha in the State of Wisconsin, and the Counties of Cook, Lake, and Du Page in the State of Illinois.

[Paragraph (b) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(c) *Maximum base prices for poultry items, excluding duck items.* (1) The maximum base price for any poultry item, excluding duck items, purchased, sold, or delivered at any place in the "Eastern Zone" of the United States shall be calculated by taking the maximum base price for such poultry item in Chicago as set forth in Table A of this section, and adding thereto the "freight rate" from Chicago to such particular place.

"Freight rate" means the lowest carlot railroad freight rate for dressed poultry multiplied by 1.22.

(2) The maximum base price for any poultry item, excluding duck items, purchased, sold, or delivered at any place in the "Western Zone" of the United States shall be calculated as follows:

(i) The "freight rate" from the place to each of the five basing point cities of New York, Los Angeles, San Francisco, Seattle, and Portland, Oregon, shall be subtracted from the respective maximum base prices in each of these five cities for the poultry item as set forth below in Table A of this section, and the highest price so obtained shall be the maximum base price for the poultry item at such place.



Example: To determine the maximum base price for a Grade A dressed young turkey of less than 16 pounds in Denver, Colorado, subtract the following "freight rates" from the following maximum base prices:

	New York	San Francisco and Los Angeles	Portland and Seattle
Maximum base price.....	40.00¢	39.00¢	39.00¢
"Freight rate" from Denver to.....	2.26¢	1.38¢	1.72¢
Difference.....	37.74¢	37.62¢	37.28¢

The highest price is obtained by subtracting the Denver to New York "freight rate" from the New York maximum base price for a Grade A dressed young turkey of less than 16 pounds, and 37.74¢ per pound is the maximum base price for such turkey item in Denver, Colorado.

(d) *Maximum base prices for live duck items.* (1) The maximum base price for any live duck item purchased, sold, or delivered at any place in the United States shall be 25 cents per pound.

[Paragraph (d) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(e) *Maximum base prices for "kosher-killed" and "kosher-dressed-and-plucked" duck items.* (1) The maximum base price for any "kosher-killed" duck item purchased, sold, or delivered at any place in the United States shall be 28¢ per pound.

(2) The maximum base price for any "kosher-dressed-and-plucked" duck item purchased, sold, or delivered at any place in the United States shall be 30¢ per pound.

(f) *Maximum base prices for dressed, drawn, and quick-frozen eviscerated duck items.* (1) The maximum base price for any dressed, drawn, or quick-frozen eviscerated duck item purchased, sold, or delivered at any place in the "Eastern Zone" of the United States shall be calculated by taking the maximum base price for such duck item in New York as set forth below in Table A

of this section, and adding thereto the "freight rate" from New York to such particular place.

(2) The maximum base price for any dressed, drawn, or quick-frozen eviscerated duck item purchased, sold, or delivered at any place in the "Western Zone" of the United States shall be calculated as follows:

(i) The "freight rate" from any place in the "Western Zone" of the United States to each of the six basing point cities of Chicago, New Orleans, Los Angeles, San Francisco, Seattle, and Portland, Oregon, shall be subtracted from the respective maximum base prices in each of these six cities for the duck item as set forth in Table A of this section, and the highest price so obtained shall be the maximum base price for the duck item at such place.

(g) The following exceptions are made to paragraphs (c), (d), (e) and (f) immediately above:

(1) The maximum base prices for each poultry item purchased, sold, or delivered in the cities of San Diego, California; Phoenix, Arizona; Tucson, Arizona; and Reno, Nevada, shall be the same as those listed below in Table A of this section for Los Angeles.

(2) The maximum base prices for each poultry item purchased, sold, or delivered at all places in the State of Oregon west of the eastern boundaries of the counties of Multnomah, Clackamas, Marion, Linn, Lane, Douglas, and Jackson, shall be the same as those listed below in Table A of this section for Portland.

[Paragraphs (1) and (2) as amended by Amendment 11, 8 F.R. 9299, effective 7-10-43]

(3) The maximum base prices for each poultry item purchased, sold, or delivered at all places in the State of Washington west of the eastern boundaries of the counties of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania shall be the same as those listed below in Table A of this section for Seattle.

(4) The maximum base price for any live broiler item weighing less than 2½ pounds, produced and purchased, sold, or delivered at any place in the States of Washington, Oregon, California, Nevada, and Arizona, for ultimate consumption at any place in such States shall be 30 cents per pound.

(5) The maximum base price for any dressed, drawn, or quick-frozen eviscerated broiler item weighing less than 2 pounds dressed, and less than 1¼ pounds drawn or quick-frozen eviscerated, produced and processed and purchased, sold or delivered at any place in the State of Washington, Oregon, California, Nevada, and Arizona, for ultimate consumption at any place in such States shall be as follows:

	Cents per pound
Dressed.....	38.0
Kosher-killed.....	38.0
Kosher-dressed and plucked.....	39.5
Drawn.....	51.5
Quick-frozen eviscerated.....	59.5

[Paragraphs (4) and (5) added by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(h) *Maximum base prices for poultry items in the basing point cities.* (1) The "Eastern zone" basing point city for all poultry items designated below, excluding duck items, is Chicago. The "Western zone" basing point cities for all poultry items designated below, excluding duck items, are New York, Los Angeles, San Francisco, Seattle, and Portland, Oregon. The "Eastern zone" basing point city for all dressed, drawn, and quick-frozen eviscerated duck items designated below is New York. The "Western zone" basing point cities for all dressed, drawn, and quick-frozen eviscerated duck items designated below are Chicago, New Orleans, Los Angeles, San Francisco, Seattle, and Portland, Oregon.

The following maximum base prices are for poultry items as designated below delivered to the buyer's customary receiving point at the basing point cities listed immediately below:

(i) *Grade "A" poultry items.*

TABLE A

Type	Food products			Eastern zone basing-point city					Western zone basing-point cities												
	Weight			Chicago					New York					Pacific Coast—Los Angeles, San Francisco, Seattle, and Portland							
	Live weight	Kosher-killed, Kosher-dressed and dressed weight	Quick-frozen eviscerated and drawn weight	Live	Dressed	Kosher-killed	Kosher-dressed and plucked	Drawn	Quick-frozen eviscerated	Live	Dressed	Kosher-killed	Kosher-dressed and plucked	Drawn	Quick-frozen eviscerated	Live	Dressed	Kosher-killed	Kosher-dressed and plucked	Drawn	Quick-frozen eviscerated
Broilers and fryers.....	Under 4.....	Under 3½.....	Under 2½.....	27.5	35.0	34.0	35.5	45.5	51.5	28.5	36.0	35.0	36.5	46.5	52.5	29.0	36.5	35.5	37.0	47.0	53.0
Roasters.....	4 and over.....	3½ and over.....	2½ and over.....	27.5	35.0	34.0	35.5	43.5	48.5	28.5	36.0	35.0	36.5	44.5	49.5	29.0	36.5	35.5	37.0	45.0	50.0
Capons:																					
Light.....	Under 6.....	Under 5½.....	Under 4½.....	27.5	35.0	34.0	35.5	43.5	48.5	28.5	36.0	35.0	36.5	44.5	49.5	29.0	36.5	35.5	37.0	45.0	50.0
Heavy.....	6 and over.....	5½ and over.....	4½ and over.....	31.0	38.0	37.0	38.5	46.0	50.0	32.0	39.0	38.0	39.5	47.0	51.0	32.5	39.5	38.5	40.0	47.5	51.5
Fowl:	All weights.....	All weights.....	All weights.....	24.0	31.0	30.0	31.5	39.0	43.0	25.0	32.0	31.0	32.5	40.0	44.0	26.5	33.5	32.5	34.0	40.5	44.5
Stags and Old Roosters.....	All weights.....	All weights.....	All weights.....	20.0	26.5	25.5	27.0	33.0	37.0	21.0	27.5	26.5	28.0	34.0	38.0	22.5	29.0	28.0	29.5	34.5	38.5
Geese.....	All weights.....	All weights.....	All weights.....	25.0	29.0	29.0	30.5	42.5	45.5	26.0	30.0	30.0	31.5	43.5	46.5	26.5	30.5	30.0	32.0	44.0	47.0
Young Turkeys:																					
Light.....	Under 18.....	Under 16.....	Under 13.....	35.0	39.0	39.0	40.5	50.0	53.0	36.0	40.0	40.0	41.5	51.0	54.0	37.0	41.0	41.0	42.5	51.5	54.5
Medium.....	18 to 22.....	16 to 20.....	13 to 16½.....	33.5	37.5	37.5	39.0	47.5	50.5	34.5	38.5	38.5	40.0	48.5	51.5	35.5	39.5	39.5	41.0	49.5	52.5
Heavy.....	22 and over.....	20 and over.....	16½ and over.....	32.5	36.5	36.5	38.0	45.5	48.5	33.5	37.5	37.5	39.0	46.5	49.5	32.5	36.5	36.5	38.0	45.5	48.5
Old Turkeys:																					
Light.....	Under 18.....	Under 16.....	Under 13.....	33.0	37.0	37.0	38.5	48.0	51.0	34.0	38.0	38.0	39.5	49.0	52.0	35.0	39.0	39.0	40.5	50.0	53.0
Medium.....	18 to 22.....	16 to 20.....	13 to 16½.....	31.5	35.5	35.5	37.0	44.5	47.5	32.5	36.5	36.5	38.0	46.5	49.5	33.5	37.5	37.5	39.0	47.5	50.5
Heavy.....	22 and over.....	20 and over.....	16½ and over.....	30.5	34.5	34.5	36.0	43.5	46.5	31.5	35.5	35.5	37.0	44.5	47.5	32.5	36.5	36.5	38.0	45.5	48.5

[Table as amended by Amendment 14, 8 F.R. 13302, effective 10-12-43]



## FOOD PRODUCT: DUCKS—ALL WEIGHTS

Basing-point cities	Live	Dressed	Kosher-killed	Kosher-dressed and plucked	Drawn	Quick-frozen eviscerated
Eastern Zone—New York.....	25.0	27.0	28.0	30.0	38.5	41.5
Western Zone:						
Chicago.....	25.0	28.0	28.0	30.0	39.5	42.5
New Orleans.....	25.0	28.4	28.0	30.0	39.9	42.9
Pacific Coast: Los Angeles, San Francisco, Seattle, and Portland..	25.0	29.0	28.0	30.0	40.5	43.5

<sup>1</sup> These are maximum base prices at all places in the United States.

[Paragraph (i) amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(a) For a period of 69 days, to and including the 30th day of June, 1943, any person who on the 22d day of April 1943, owned and was in possession of any of the dressed or quick-frozen eviscerated poultry items listed immediately below in Temporary Table A-1, and who prior to the 7th day of May 1943, filed with his Regional or State O. P. A. Office, a complete inventory in triplicate showing the quantities, types, grade and weight classes of such dressed or quick-frozen eviscerated poultry items owned by him, may sell and deliver such dressed or quick-frozen eviscerated poultry items at the maximum base prices established in Temporary Table A-1 immediately below, and may, if qualified to do so by the provisions of § 1429.21 of this regulation, add to such maximum base prices the proper permitted increase established for such person in § 1429.21, Table B.

For a period of 69 days, to and including the 30th day of June, 1943, any purchaser who purchases any of the dressed

or quick-frozen eviscerated poultry items listed immediately below in Temporary Table A-1, at the maximum base prices established in such table, from any seller authorized by the provisions of this § 1429.19 (h) (1) (i) (a) to sell at such maximum base prices, may resell such dressed or quick-frozen eviscerated poultry items at the maximum base prices established in Temporary Table A-1, and may, if qualified to do so by the provisions of § 1429.21 of this regulation, add to such maximum base prices the proper permitted increase established for such purchaser in § 1429.21, Table B. *Provided:* That, such purchaser file with his Regional or State O. P. A. Office, at the time of purchase, a statement in triplicate showing the quantities, types, grades, and weight classes of dressed or quick-frozen eviscerated poultry items purchased by him, the price paid for each such poultry item, the date of the purchase, and the name and address of the seller.

TEMPORARY TABLE A-1

[The prices established in this table shall remain in effect for a period of 69 days, to and including the 30th day of June 1943. Thereafter these prices shall be replaced by those established in Table A of this section. These prices do not apply to any poultry items dressed, processed, or quick-frozen eviscerated after the 22d day of April 1943]

Food products—type	Weight		Eastern zone basing-point city				Western zone basing-point cities—Pacific Coast: Los Angeles, San Francisco, Seattle, and Portland	
			Chicago		New York			
	Dressed weight	Quick-frozen eviscerated weight	Dressed	Quick-frozen eviscerated	Dressed	Quick-frozen eviscerated	Dressed	Quick-frozen eviscerated
Roasters:								
Light.....	3¼ to 5	2½ to 3¼	35.5	54.5	36.5	55.5	37.0	56.0
Heavy.....	5 and over	3¼ and over	37.5	56.0	38.5	57.0	39.0	57.5
Stags:								
Light.....	Under 5	Under 3¼	30.5	47.5	31.5	48.5	32.0	49.0
Heavy.....	5 and over	3¼ and over	32.0	48.5	33.0	49.5	33.5	50.0
Capons:								
Light.....	Under 7	Under 5	39.5	61.0	40.5	62.0	41.0	62.5
Heavy.....	7 and over	5 and over	40.5	61.5	41.5	62.5	42.0	63.0
Fowl:								
Medium.....		2½ to 3¼		47.5		48.5		49.0
Heavy.....		3¼ and over		47.0		48.0		48.5
Old roosters:								
Light.....		Under 3¼		36.0		37.0		37.5
Heavy.....		3¼ and over		36.5		37.5		38.0

[Paragraph (a) added by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(ii) *Grade "B" poultry items.* All Grade "B" poultry items, except Grade "B" dressed duck items, shall be 1½ cents per pound less in price than the corresponding Grade "A" poultry items listed above. All Grade "B" dressed duck items shall be the same price as Grade "A" duck items.

[Paragraph (ii) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

(iii) *Grade "C" poultry items.* All Grade "C" poultry items shall be 4¢ per lb. less in price than the corresponding Grade "A" poultry items listed above.

(iv) *Monthly adjustments in base prices for dressed, drawn, and quick-*

*frozen eviscerated turkey items.* The above prices for dressed, drawn, and quick-frozen eviscerated turkey items shall be in force for the months of November, December, and January. For the remaining months of the year the following additions shall be made to each of the above prices for dressed, drawn, and quick-frozen eviscerated turkey items:

	Cents per pound
February.....	½
March.....	1
April.....	1½
May.....	2
June.....	2½
July.....	3
August.....	3½
September.....	3
October.....	1

[Paragraph (iv) as amended by Amendment 13, 8 F.R. 11691, effective 8-21-43]

(2) *Application of prices for drawn poultry.* The prices established for drawn poultry items in Table A of this section shall apply only when the following requirements are complied with:

(i) Each drawn poultry item must be in "whole carcass", or "split carcass", or "quarter carcass" form when delivered to the purchaser.

(a) "Split carcass" poultry means drawn poultry which has been cut into halves by splitting the bird down the back, so that each half contains approximately equal and as far as possible, equivalent parts of the bird.

(b) "Quarter carcass" poultry means "split carcass" poultry each half of which has been divided into two parts, so that one part includes the back, thigh, and drum-stick, while the other part includes the breast and the wing.

(ii) Each drawn poultry item must be sold and delivered to retailers or ultimate consumers located within a radius of 50 miles from the point of slaughter of such drawn poultry item.

In all other cases, purchases and sales of drawn poultry items shall be made at prices not exceeding those established for the corresponding dressed poultry items in Table A of this section.

[Paragraph (2) as amended by Amendment 16, effective 10-11-43]

(3) *Prices for hard scalded poultry.* Poultry other than ducks and geese subjected to water for dressing at a temperature higher than 135 degrees Fahrenheit shall be eligible for Grade "B" and Grade "C" classification only, and shall be sold at prices no higher than those established for Grade "B" and Grade "C" dressed poultry items in Table A of this section.

(4) *Application of prices for "kosher-killed" and "kosher-dressed-and-plucked" poultry items.* The prices established for "kosher-killed" and "kosher-dressed-and-plucked" poultry items in Table A of this section shall apply



only when such "kosher-killed" and "kosher-dressed-and-plucked" poultry items are sold to a "bona fide buyer" of "kosher-killed" and "kosher-dressed-and-plucked" poultry located within a radius of 50 miles from the point of slaughter. In all other cases purchases and sales of "kosher-killed" and "kosher-dressed-and-plucked" poultry shall be made at a discount of 1 cent per pound below the maximum base prices established for such "kosher-killed" and "kosher-dressed-and-plucked" poultry items in Table A of this section.

[Paragraphs (3) and (4) as amended by Amendment 14, 8 F.R. 13302, effective 10-12-43]

(5) *Application of prices for all poultry items in packaged form.* The maximum base prices established for dressed, drawn, and quick-frozen eviscerated poultry in Table A of this section may be charged only when such poultry is sold in box-packed or barrel-packed form: *Provided, That:* All "wholesalers" and "hotel supply houses" may sell less than wholesale quantities of dressed, drawn, and quick-frozen eviscerated poultry in loose form to retailers, hotels, restaurants, clubs, dining cars, steamship companies, or institutional users, at the maximum base prices established for such poultry in Table A of this section, plus the permitted increases established in Table B of § 1429.21 of this regulation. In all other cases all dressed, drawn, and quick-frozen eviscerated poultry sold in loose form shall be sold at a discount of one cent per pound below the maximum base prices established for such poultry in Table A of this section.

No additional charge shall be added to the prices established for all poultry items in Table A of this section for the wrapping, packaging, or boxing of such poultry items.

[Paragraph (5) as amended by Amendment 10, 8 F.R. 9061, effective 7-6-43]

(6) *Calculation of prices.* In calculating maximum prices per pound basis in this section, and in §§ 1429.20, 1429.21 and 1429.22 herein, all calculations shall be carried to the fourth decimal place. Final calculations of a maximum price resulting in a fraction of a cent per pound shall be adjusted to the nearest  $\frac{1}{16}$  cent per pound.

(1) *Definitions of terms used in this section.* (1) "Poultry" means all broilers, fryers, roasters, fowl, stags, capons, old roosters, turkeys, ducks and geese, including live, dressed, drawn, eviscerated, and all other forms of the foregoing when sold for human consumption: *Provided, however,* That this regulation shall not apply to poultry when in the canned form, and poultry exempted in § 1429.2 above. Poultry in the canned form is covered in the General Maximum Price Regulation, as amended.

(2) "Dressed poultry" means poultry which has been killed, bled, and plucked without regard to the method of plucking or finishing. Poultry items which

have been killed, but not bled and plucked, shall be sold at prices not exceeding those established for the corresponding live poultry items in Table A of this section.

[Paragraph (2) as amended by Amendment 16, effective 10-11-43]

(3) "Drawn poultry" means dressed poultry which has been drawn in accordance with the following requirements:

(i) The head, shanks, crop, windpipe, esophagus, and entrails of each bird must be wholly removed without contamination of the body cavity. The shanks of each bird must be removed at the hock joint.

(ii) The gizzard of each bird must be cleaned by removing the contents and lining, the cleaned gizzard and heart and liver then being included with the carcass.

Dressed poultry items not drawn as herein described shall be sold at prices not exceeding those established for the corresponding dressed poultry items in Table A of this section.

[Paragraph (3) amended by Amendment 8, 8 F.R. 5408, effective 4-22-43 and Amendment 16, effective 10-11-43]

(4) "Quick-frozen eviscerated poultry" means "dressed poultry" which is eviscerated and quick-frozen in accordance with the following requirements:

(i) Each poultry item must be fresh-dressed at the time of its evisceration. No "dressed poultry" item shall be considered fresh-dressed if it has been held in storage for more than sixty days after the date of its slaughter, or if it has developed any appearance of cold storage stock, or if it shows evidence of deterioration from freezing.

(ii) Each poultry item must be eviscerated under the supervision of a federal inspector present at all stages of evisceration.

(iii) The exterior of each bird must be singed.

(iv) The head, shanks, crop, windpipe, esophagus, entrails, gall bladder, lungs, kidneys, and oil sac of each bird must be wholly removed. The shanks of each bird must be removed at the hock joint.

(v) The giblets of each bird must be removed, cleaned, wrapped in water resistant paper, and replaced.

(vi) The carcass and giblets of each bird must be subjected to a cleansing process which makes such bird ready to cook.

(vii) The carcass and giblets of each bird, whether in whole, split, or dismembered form must be weighed before being packaged or frozen, and then must be individually packaged in water resistant paper or cartons, one bird to one package, with the weight of each bird marked or printed on the exterior of each package, and with the following legend printed or attached to the exterior of each package:

# UNITED STATES INSPECTED QUICK-FROZEN EVisCERATED POULTRY

Inspected and certified by the U. S. Department of Agriculture at Plant No. — (Food Distribution Administration Registry No.).

(viii) Each bird must be placed into a quick-freezing chamber carrying a temperature below zero degrees Fahrenheit within six hours after the evisceration of such bird, and must be kept in such quick-freezing chamber until quick-frozen solid. No bird shall be considered quick-frozen if it is not frozen solid within eighteen hours after being placed into a quick-freezing chamber.

(ix) After quick-freezing, each bird must be kept at a temperature which will preserve the bird in hard-frozen condition until it is delivered to the purchaser. Each bird must also be delivered to the purchaser in the unopened package in which it was originally packaged at the time of its evisceration.

(x) The prices established for "quick-frozen eviscerated poultry" items in Table A of this section shall apply only when such "quick-frozen eviscerated poultry" items completely meet the requirements listed in this definition. In all other cases purchases and sales of "quick-frozen eviscerated poultry" items shall be made at prices not exceeding those established for the corresponding "drawn" poultry items in Table A of this section.

[Paragraph (4) amended by Amendment 8, 8 F.R. 5408, effective 4-22-43 and Amendment 14, 8 F.R. 13302, effective 10-12-43]

(5) "Kosher-killed poultry" means poultry which:

(i) Has been killed and bled in accordance with the requirements of the Hebraic dietary laws; and

(ii) Is identified as kosher-killed by a stamp or tag on each bird.

(6) "Kosher - dressed - and - plucked poultry" means poultry which:

(i) Has been killed, bled and dry-plucked in accordance with the requirements of the Hebraic dietary laws; and

(ii) Is identified as kosher-killed by a stamp or tag on each bird.

(7) "Bona fide buyer of kosher-killed and kosher-dressed-and-plucked poultry" means a person who maintains a selling establishment at or through which he regularly and generally sells kosher poultry as such, or a person who is a purveyor of kosher meals.

(8) "Split poultry" means drawn poultry which has been cut into halves, each half containing approximately equal and as far as possible, equivalent parts of the bird.

(9) "Cut-up poultry" means drawn poultry, the carcass of which has been dismembered or cut into portions.

(j) *Species, age, and sex specifications for items listed in Table A.* Species, age, and sex specifications promulgated by the United States Department of Agriculture in the publications listed immediately below shall be used as the species, age, and sex specifications for all poultry items listed in Table A of this section.



Tentative U. S. Standards for Classes and Grades for Dressed Turkeys.

Classification and Tentative Specifications for U. S. Standards and Grades for Dressed Chickens.

Tentative Specifications for U. S. Standards and Grades for Dressed Ducks, Geese, Guineas, and Squabs.

Tentative U. S. Standards for Grades for Live Poultry.

(k) *Application of grade specifications for items listed in Table A*—(1) Dressed turkeys. The Tentative U. S. Standards for Classes and Grades for Dressed Turkeys now in effect shall apply to all sales, purchases, or deliveries of dressed turkeys covered herein. Revisions promulgated by the U. S. Department of Agriculture shall become concurrently effective for the purposes of this regulation for stock packed after the issuance of such revisions.

(2) *Dressed poultry other than turkeys.* (i) Until June 30, 1943, commercial standards now commonly accepted by the trade for classes and grades of dressed poultry, other than turkeys, shall apply to all sales, purchases, or deliveries of dressed, drawn, and eviscerated poultry, other than turkeys, processed and packed before February 28, 1943, as follows:

(a) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as top and premium packs shall be sold, purchased, or delivered at prices not to exceed those specified for Grade "A" poultry in Table A of this section.

(b) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as second grade or choice poultry shall be sold, purchased, or delivered at prices not to exceed those specified for Grade "B" poultry in Table A of this section.

(c) All dressed, drawn, and eviscerated poultry, whether dry or ice-packed, commonly accepted by the trade as bottom or third grade poultry, shall be sold, purchased, or delivered at prices not to exceed those specified for Grade "C" poultry in Table A of this section.

(ii) The Tentative Grade Specifications for Dressed Poultry as promulgated or revised by the United States Department of Agriculture shall apply to all sales, purchases, or deliveries of all dressed, drawn, and eviscerated poultry, other than turkeys, processed and packed after February 28, 1943.

(iii) After June 30, 1943, the Tentative Grade Specifications For Dressed Poultry as promulgated or revised by the United States Department of Agriculture shall apply to all sales, purchases, or deliveries of all dressed, drawn, and eviscerated poultry, other than turkeys, regardless of the date when such poultry was processed and packed.

[Paragraph (iii) as amended by Amendment 14, 8 F.R. 13302, effective 10-12-43]

[§ 1429.19 amended by Amendment 6, 8 F.R. 3316, effective 3-20-43]

§ 1429.20 *Application of maximum base prices.* The maximum base prices for poultry items established in § 1429.19 of this regulation apply to all persons purchasing or selling or delivering such poultry items as follows:

(a) The maximum base price for live poultry items shall be the maximum base price at the place where the seller parts with physical possession of such live poultry items. The weight of such live poultry items shall be determined at the time when the seller parts with physical possession.

EXAMPLE: A trucker purchases 100 live broilers from a producer; the trucker takes physical possession of the broilers at the producer's place of business which is in an unincorporated area, and loads the live broilers onto his truck. The maximum base price which the producer may charge and which the trucker may pay is the maximum base price established for the producer's place of business, which is the same as that established for the city, town, village, or hamlet nearest such unincorporated area.

The same trucker hauls the live broilers to the county seat for sale at the local market. Here he has his broilers auctioned off to buyers from Pittsburgh, Cleveland, and Detroit. These buyers load the broilers onto their trucks immediately after the auction. The trucker's maximum base price is the maximum base price established for the local market.

A trucker, or farmer, or shipper receives a telephone call from a New York wholesaler ordering 10,000 pounds of fryers. The live fryers are loaded onto the seller's trucks and hauled to the nearest railroad station, where the birds are then loaded onto a freight car. The maximum base price for such a sale is the maximum base price established for the city, town, village, or hamlet in which the railroad freight station is located.

(b) The maximum base price for dressed poultry items shall be the maximum base price at the seller's shipping point in the following instances:

(1) All sales by "wholesalers" as hereinafter defined in § 1429.21, in quantities of less than 10,000 pounds to any type of buyer.

(2) All sales to the United States Government or any agency thereof by any type of seller.

(3) All sales by a producer or processing plant at retail to an ultimate consumer other than a commercial, institutional, industrial, or governmental user.

(c) In all other cases, the maximum base price for dressed poultry items shall be the maximum base price at the buyer's customary receiving point. All sales of dressed poultry, other than those specified in paragraph (b) immediately above, shall be made on the basis of delivery to the buyer's customary receiving point, and the maximum base prices established for those places where the seller's shipping points are located shall not be applicable in such sales.

(1) Where any person purchases any dressed poultry item at one place for shipment or reshipment to another place, his customary receiving point shall be

the place where shipment ends and not the place where shipment begins.

(2) All f. o. b. prices for dressed poultry sales, other than those specified in paragraph (b) immediately above, shall be calculated in relationship to the maximum base prices at the buyer's customary receiving point. Where any person purchases or sells any dressed poultry item at one place for shipment to another place at a price f. o. b. the seller's shipping point, he shall calculate his maximum f. o. b. price as follows:

(i) He shall first determine the maximum base price for such poultry item at the place to which it will be shipped; and

(ii) He shall then subtract from such base price his "freight rate" from the place where shipment begins to the place where shipment ends, and the difference so obtained shall be his maximum selling f. o. b. price for such poultry item.

(3) Except as provided for in paragraph (b) of this section, where any person purchases any dressed poultry item at one place for shipment or reshipment to another place, and at the time of purchase does not know the exact location of the place to which shipment shall be made, he shall purchase on an open price basis until such time as he ascertains the location of the place to which shipment shall be made, and thereafter shall calculate his maximum purchase price as follows:

(i) He shall first determine the maximum base price for such poultry item at the place to which it will be shipped; and

(ii) He shall then subtract from such base price his "freight rate" from the place where shipment begins to the place where shipment ends, and the difference so obtained shall be his maximum purchase price for such poultry item.

Provided, That nothing in this subparagraph (3) shall prevent any purchaser from making part payment for such poultry item in an amount not to exceed 85 percent of the maximum base price for such poultry item at the seller's shipping point at any time before such purchaser ascertains the location of the place to which shipment shall be made.

(d) The following exceptions are provided to paragraph (c) of this section:

(1) [Revoked]

[Paragraph (1) revoked by Amendment 11, 8 F.R. 9299, effective 7-10-43]

(2) For a period of 69 days, to and including the 30th day of June, 1943, any person in the State of Utah may sell and deliver any poultry item produced in the State of Utah to any "wholesaler", individual retail store, or ultimate consumer including commercial, industrial, institutional, or governmental users, located at any place in the States of Idaho, Montana, and Wyoming, at the seller's maximum base price f. o. b. his shipping point without subtracting



his "freight rate" from the place where shipment begins to the place where shipment ends:

*Provided, That:*

(i) The poultry items sold must be destined exclusively for ultimate consumption at any place in the States of Idaho, Montana, and Wyoming.

(e) The maximum base prices for poultry items established in § 1429.19 of this regulation are the maximum base prices to which the specified permitted increase listed in § 1429.21 below may be added.

[§ 1429.20 amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]

§ 1429.21 *Permitted increases to maximum base prices*—(a) *Permitted increases which may be added to maximum base prices*—(1) *Permitted increase for transporting live poultry.*

(i) Any person who transports live poultry items for a distance of more than 30 miles to any city, town, or village where such poultry items are destined for ultimate consumption, may sell or deliver such live poultry items to any "wholesaler", individual retail store, or any ultimate consumer, including commercial, industrial, institutional, or governmental users, located in such city, town, or village, at the maximum base price established for such city, town, or village in § 1429.19 (h) (1) Table A, of this Regulation, plus the following permitted increases in cents per pound:

Shortest distance in road miles or railroad miles from the place where transport of live poultry begins to place where such transport ends:	Maximum permitted increase in cents per pound.
Less than 30 miles.....	No increase.
30 to 50 miles.....	¾ cent.
50 to 100 miles.....	1 cent.
100 to 150 miles.....	1½ cents.
150 to 200 miles.....	1½ cents.
200 to 250 miles.....	1¾ cents.
250 to 300 miles.....	2 cents.
300 miles and over.....	2 cents.

(ii) Only one permitted increase for transporting live poultry items may be added to the maximum base price for such live poultry items at any city, town, or village where such live poultry items are destined for ultimate consumption. Permitted increases for transporting live poultry items may not be added cumulatively.

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(iii) *Examples.* (a) A Delaware producer hauls a truckload of live broilers 35 miles to Wilmington, where he sells the entire load to a trucker who will haul them alive to New York. Question: May the producer add the permitted increase of ¾ cent per pound to the maximum base price for live broilers in Wilmington?

Answer: No, because Wilmington is not the city where the broilers are destined for ultimate consumption. Furthermore, the trucker does not fall within the class of buyers who may be charged with the permitted increase.

(b) A trucker hauls a truckload of live poultry 60 miles to a country dressing plant. He offers this truckload of live poultry for sale at the maximum base price at the country dressing plant plus 1 cent per pound for hauling. Question: May the trucker charge the 1 cent permitted increase?

Answer: No, because the country dressing plant is not the place where the poultry is destined for ultimate consumption. Furthermore, the country dressing plant does not fall within the class of buyers who may be charged with the permitted increase.

(c) A trucker hauls a truckload of live poultry 500 miles to New York City. He sells this truckload to a New York City "wholesaler" who resells such live poultry to New York City retailers.

Question: May the trucker add the 2 cent permitted increase to his maximum base price for the live poultry in New York City?

Answer: Yes, because he is selling the live poultry in the city where the poultry is destined for ultimate consumption, and because he is selling to a "wholesaler".

(d) A trucker hauls a truckload of live poultry 500 miles to Chicago, Illinois. He sells this truckload to a Chicago processing plant which does not qualify as a "wholesaler" under the definition of § 1429.21 (b) (5) of this regulation. This processing plant will convert the live poultry into dressed birds, some of which it will sell for ultimate consumption in Chicago, and most of which it will export out of the city. Question: May the trucker add the 2 cent permitted increase to his maximum base price for the live poultry in Chicago?

Answer: No, because he is selling to a processing plant which does not fall within the class of buyers who may be charged with the permitted increase, and

because Chicago is not the city where most of the live poultry will be ultimately consumed.

(e) A trucker hauls a truckload of live poultry 500 miles to Chicago, Illinois. He sells this truckload to a Chicago "wholesaler" who will convert the live poultry into dressed birds, most of which he will sell for ultimate consumption in Chicago, and some of which he will export out of the city. Question: May the trucker add the 2 cent permitted increase to his maximum base price for the live poultry in Chicago?

Answer: Yes, because he is selling to a "wholesaler" who is processing most of the live poultry for ultimate consumption in Chicago. When any live poultry items are purchased by a processing plant which also qualifies as a "wholesaler" it will be assumed that such live poultry items are being purchased for ultimate consumption in the city where the "wholesaler" is located.

(f) A trucker hauls a truckload of live poultry 500 miles to Chicago, Illinois. He sells this truckload to a Chicago "wholesaler" who will convert all the live poultry into dressed birds to be sold for ultimate consumption in Chicago. The Chicago "wholesaler" pays the trucker the maximum base price for the live poultry in Chicago plus the 2 cent permitted increase for hauling. Question: May the Chicago "wholesaler" add the 2 cent permitted increase paid out by him to the trucker, to the maximum base price for dressed poultry items in Chicago, when he sells such dressed poultry items?

Answer: No. The permitted increase for transporting live poultry items may never be added to the maximum base price for dressed poultry items, notwithstanding the fact that the person selling such dressed poultry items may have originally paid such permitted increase to a transporter of live poultry.

(2) *Other permitted increases to maximum base prices.* (i) Any person who makes any one of the following described sales of poultry items may add the increase indicated below for such sale to the maximum base price indicated below for such sale in order to determine his maximum selling price. No person may add more than one permitted increase to any maximum base price.

[Paragraph (a) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]



TABLE B.—MAXIMUM PERMITTED INCREASES FOR SALES OF POULTRY ITEMS

Seller and type of sale made	Buyer	Quantity and form of sale	Item sold	Base price to which increase is added	Maximum increase in cents per pound for "wholesaler" and "hotel supply house" only		
					Non-delivered sales	Delivered within 25 miles	Delivered beyond 25 miles
(1) All "wholesalers".....	Any type of buyer.....	Less than 10,000 lbs.....	Any poultry item.....	Maximum base price at seller's shipping point.	Cents 1½	Cents 1¾	Cents 2
(1a) All "wholesalers" who buy and sell live poultry items, and who have either transported such live poultry items to their place of business, or else have paid out a permitted increase to a live poultry transporter for transporting such live poultry items to their place of business.	All "wholesalers", individual retail stores, or commercial, industrial, or governmental users located in the same metropolitan area where the seller maintains his place of business.	Less than 10,000 lbs.....	Any live poultry item.....	Maximum base price at seller's shipping point, plus permitted increase established for actual distance live poultry was transported to seller's place of business, in a sum not to exceed 2¢ per lb.	1½	1¾	2
(2) [Revoked by Amendment 15.]							
(3) [Revoked by Amendment 15.]							
(4) "Hotel Supply Houses" making "Special Service Sales."	Hotels, restaurants, clubs, dining cars, steamship lines, or institutional users.	Less than 10,000 lbs.....	Any dressed poultry item.	Maximum base price at seller's shipping point.	3¼	3½	3¾
(5) Any type of seller.....	Retailers or commercial, industrial, institutional, or "Non-Federal Governmental" Users.	More than 14,000 lbs. in "selected classes".	Any dressed poultry item.	Maximum base price at buyer's customary receiving point.	Maximum increase in cents per pound for any type of seller for items delivered at buyer's customary receiving point		
(6) Any type of seller.....	United States Government or any agency thereof.	Any quantity.....	Any poultry item.....	Maximum base price at seller's shipping point.	½ cent.		
(7) Any type of seller.....	United States Government or any agency thereof.	More than 14,000 lbs. in "selected classes".	Any dressed poultry item.	Maximum base price at seller's shipping point.	¾ cent plus—Lowest "freight rate" from seller's shipping point to buyer's customary receiving point in cents per pound. If shipments are made in less than carlot quantities seller may add lowest actual freight rate from seller's shipping point to buyer's customary receiving point in cents per pound, instead of lowest "freight rate".		
(8) Producers or processing plants only who customarily sell in less than wholesale quantities.	Individual retail stores or commercial, industrial, institutional, or governmental users.	Less than wholesale quantities.	Any poultry item.....	Maximum base price at buyer's customary receiving point.	¾ cent plus—Lowest "freight rate" from seller's shipping point to buyer's customary receiving point in cents per pound. If shipments are made in less than carlot quantities seller may add lowest actual freight rate from seller's shipping point to buyer's customary receiving point in cents per pound, instead of lowest "freight rate".		
					1½ cents.		

[Table B amended by Amendment 8, 8 F.R. 5408, effective 4-22-43; Amendment 10, 8 F.R. 9061, effective 7-6-43, and Amendment 15, 8 F.R. 13303, effective 10-4-43]

(b) *Definitions of terms used in Table B.* (1) All definitions listed in § 1429.19 (i) above for the terms used in Table A shall apply to the same terms when used in Table B.

(2) "Producer" means any person who grows or raises live poultry on a farm or farms operated by or for him.

(3) "Processing plant" means any business establishment which is engaged primarily in the business of converting live poultry into dressed, drawn, or quick-frozen eviscerated poultry. "Processing plant" does not mean any person who is engaged primarily in the distribution of poultry at wholesale or at retail, and who in the course of such distribution incidentally converts live birds into dressed, drawn, or eviscerated birds, or dressed birds into drawn or eviscerated birds.

(4) "Wholesale quantities" means lots of 3,000 pounds or more of live or dressed turkeys, or lots of 1,000 pounds or more of other live or dressed poultry.

(5) "Wholesalers" means any person who possesses all of the following characteristics:

(i) He must customarily receive, or purchase and receive poultry items in wholesale quantities.

(ii) He must maintain at the particular place where he is located a business establishment where he receives and stocks poultry items, where he employs a personnel which physically handles and distributes such poultry items, and from which he sells or distributes such poultry items.

(iii) He must customarily sell or distribute poultry items in quantity lots which are smaller than his purchases or receipts, to: Intermediate wholesalers,

or retailers, or institutional, industrial, commercial, or governmental users.

(iv) He must customarily sell or distribute at least 75 percent of his dollar volume of poultry items, exclusive of sales to the United States Government or agency thereof, for ultimate consumption within a radius of 100 miles from his place of business: *Provided*, That: If he maintains his business establishment at any place in the States of Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Idaho, Nevada, California, Oregon, and Washington, he must customarily sell or distribute at least 75 percent of his dollar volume of poultry items, exclusive of sales to the United States Government or agency thereof, for ultimate consumption within a radius of 200 miles from his place of business.

[Paragraph (iv) as amended by Amendment 8, 8 F.R. 5408, effective 4-22-43]



(6) "Hotel supply house" means any person who sells or distributes 90% or more of his dollar volume of poultry items to hotels, restaurants, clubs, dining cars, steamship companies, and institutional users, and who for a period of at least twelve months prior to March 1st, 1943, sold or distributed 90% or more of his dollar volume of poultry items to hotels, restaurants, clubs, dining cars, steamship companies, and institutional users.

(7) "Special service sale" is a sale of any dressed poultry item made by a "wholesaler" or a "hotel supply house" to a hotel, restaurant, club, dining car, steamship company, or institutional user wherein the "wholesaler" or the "hotel supply house" performs the additional service of removing poultry from the wholesale packages, regrading poultry to more uniform grades and sizes than those required by wholesale grades, and selling in less than wholesale package lots.

(8) "Selected classes" means a 14,000 pound or larger assortment of dressed poultry, 95 percent of which consists of no more than three dressed "poultry classes", and all of which is packed into one truck or into one freight car.

"Poultry class" means poultry of one type, one grade, and one uniform weight. Poultry shall be deemed to be of one uniform weight when the range in weight from the lightest to the heaviest bird in the class does not exceed:

- (i) Three pounds in the case of turkeys.
- (ii) One pound in the case of capons.
- (iii) One-half pound in the case of fowl, broilers, fryers, roasters, and stags.
- (iv) Any number of pounds in the case of other types of poultry.

(9) "Shipping point" means that place in the seller's business establishment from which shipments or deliveries of poultry items are made. In the case of non-delivered sales, "shipping point" means that place in the seller's business establishment where the buyer calls for and receives his purchases of poultry items.

[§ 1429.21 amended by Amendment 6, 8 F.R. 3316, effective 3-20-43]

§ 1429.22 *Maximum prices for poultry items when sold by producers or processing plants at retail.* (a) The maximum prices for the sales and deliveries of poultry items when sold by producers or processing plants at retail, that is, to an ultimate consumer other than a commercial, institutional, industrial, or governmental user, shall be calculated as follows:

(1) The seller shall add 1½¢ per pound to the maximum base price at his shipping point for any poultry item, and shall multiply the sum so obtained by 1.20, and the product of such multiplication shall be his maximum selling price for such poultry item: *Provided*, That in cases of mail order sales the seller may add to such maximum selling price his actual express or mailing expense to the buyer's receiving point.

[§ 1429.22 as amended by Amendment 6, 8 F.R. 3316, effective 3-20-43]

§ 1429.23 *Relief from extreme hardship in certain cases.* (a) Any person who purchased for resale any dressed or

quick-frozen eviscerated turkey item during the period, November 9, 1942 to December 18, 1942, inclusive, and retains such turkey item in his possession upon the date of issuance of this amendment may, if he believes that resale of such turkey items remaining in his possession at prices within the maximum prices established by this amendment will impose unreasonable and extreme hardship upon him, apply in writing to the Regional Administrator having jurisdiction of the area in which such person's place of business is located for an adjustment of the maximum prices at which he may sell such turkey items.

(b) Such application to the Regional Administrator shall contain the following:

- (1) Applicant's name and address.
- (2) The date(s) of purchase by applicant.
- (3) The name(s) and address(es) of seller(s) to applicant.
- (4) The quantities, grades, and weight classes of the turkey items bought by applicant during such period, and the prices paid.
- (5) The time(s) of delivery of such turkey items.
- (6) The quantities, grades, weight classes, and number of head of such turkey items remaining in applicant's possession and their location on the date of the application.
- (7) The quantities, grades, weight classes, and number of head proposed to be sold by the applicant.
- (8) The name(s) and address(es) of the proposed purchaser(s).
- (9) The prices proposed to be paid and received for such turkey items.
- (10) The facts constituting unreasonable and extreme hardship.

Upon consideration of such application, the Regional Administrator may grant in writing an adjustment of the maximum prices of such turkey items for the particular sale(s): *Provided*, That such maximum prices shall not exceed the maximum prices permitted under applicable maximum price regulations at the time the applicant received possession of the turkey items, to which may be added the monthly adjustments provided in § 1429.19 (h) (1) (iv).

[§ 1429.23 added by Amendment 8, 8 F.R. 5408, effective 4-22-43]

§ 1429.24 *Maximum prices for poultry items requisitioned or purchased by the United States Government or any agency thereof.* (a) If the United States Government or any agency thereof requisitions or purchases any of the poultry items specified in Table A of § 1429.19 of this regulation from a truck, freight car, or any other carrier, irrespective of the fact that such truck, freight car or carrier is in transit or at stoppage it shall pay no more than the maximum base price established for such poultry item at the place where the requisitioning or transfer of physical possession of such poultry item occurs, plus a sum not in excess of one cent per pound.

(b) The weight of any poultry item requisitioned or purchased by the United States Government or any agency thereof from a truck, freight car, or any

other carrier, shall be determined at the time and place where the requisitioning or transfer of physical possession of such poultry item occurs: *Provided*, That, if the United States Government or any agency thereof believes it is impracticable for it to determine the weight of such poultry item at the time and place where the requisitioning or transfer of physical possession occurs, then such poultry item shall be transported immediately to the nearest available weighing station, and its weight shall there be determined as soon as possible.

§ 1429.25 *Sale of poultry items requisitioned or purchased by the United States Government or any agency thereof.* (a) Whenever the United States Government or any agency thereof finds it necessary to sell any poultry item which it requisitioned or purchased pursuant to the provisions of this regulation, it may sell such poultry item, and any person may purchase such poultry item at a price not in excess of the price which the United States Government or any agency thereof paid for such poultry item pursuant to the provisions of this regulation.

§ 1429.26 *Service charge for the processing of poultry items owned by the United States Government or any agency thereof.* (a) Any person who converts any of the live poultry items specified in Table A of § 1429.19 of this regulation into a dressed poultry item, may charge as compensation for his services a sum not in excess of the differential between the maximum base price established in Table A of § 1429.19 of this regulation for such live poultry item and the maximum base price established in such Table A for the corresponding dressed poultry item into which the live poultry item is converted: *Provided*, That, such poultry is and remains the property of the United States Government or any agency thereof.

[§§ 1429.24, 1429.25 and 1429.26 added by Amendment 12, 8 F.R. 10940, effective 8-4-43]

Issued this 6th day of October 1943.

PRENTISS M. BROWN,  
Administrator.

Approved by War Food Administrator as to agricultural commodities only.

[F. R. Doc. 43-16371; Filed, October 6, 1943; 4:42 p. m.]

#### PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 471, Amdt. 1]

##### LEGUME AND GRASS SEEDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 471 is amended in the following respects:

1. Section 2.1 (a) (2) is amended to read as follows:

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 13050.