

PART 1346—BUILDING MATERIALS

[MPR 276, Amdt. 3]

ASPHALT TILE

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 276 is amended in the following respects:

1. Paragraph (b) of § 1346.315 is hereby amended by adding to Table No. II—Color Groups—a new column for Asphalt Floor Tile and for Greaseproof Asphalt Tile, headed "Hood Rubber Co.," with style designation as set forth below:

TABLE No. II—COLOR GROUPS

HOOD RUBBER COMPANY

Asphalt Floor Tile:

Color group A-----	A-701
	A-702
	A-704
Color group B-----	B-710
	B-712
	B-717
	B-718
	B-719
	B-720
	B-721
	B-722
	B-724
	B-725
Color group C-----	C-730
	C-731
	C-732
	C-733
	C-735
	C-736
	C-737
	C-738
	C-739
	C-744
	C-746
	C-750
	C-751
	C-752
	C-753
Color group D-----	D-760
	D-761
	D-763
	D-764

TABLE No. II—COLOR GROUPS

HOOD RUBBER COMPANY

Greaseproof Asphalt Tile:

Color group A-1-----	G-701
	G-702
	G-704
	G-710
	G-712
Color group B-1-----	G-717
	G-718
	G-719
	G-720
	G-724

2. Paragraph (d) of § 1346.315 is hereby amended by adding to Table No. III—Freight Charges—a new column headed "Hood Rubber Company" with numerals as set forth below:

TABLE No. III—FREIGHT CHARGES

HOOD RUBBER COMPANY

Asphalt Floor Tile:

Color Group A-----	(1)
Color Group B-----	(1)
Color Group C-----	(1)
Color Group D-----	(1)
Greaseproof Asphalt Tile:	
Color Group A-1-----	(1)
Color Group B-1-----	(1)

This amendment shall become effective December 9, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19348; Filed, December 3, 1943;
3:35 p. m.]

PART 1417—ANTIMONY

[MPR 497]

ANTIMONY METAL AND ANTIMONY COMPOUNDS

In the judgment of the Price Administrator it is necessary and proper to replace the General Maximum Price Regulation with a separate regulation establishing maximum prices for antimony metal and antimony compounds.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 497 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders Nos. 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with representative members of the industries which will be affected by this regulation.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1417.1 *Maximum prices for antimony metal and antimony compounds.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 497, Antimony Metal and Antimony Compounds, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1407.1 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION No. 497—ANTIMONY METAL AND ANTIMONY COMPOUNDS

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SECTION 1. *Applicability of this Maximum Price Regulation No. 497.* (a) The provisions of this Maximum Price Regulation No. 497 supersede the provisions of

the General Maximum Price Regulation¹ with respect to sales and deliveries for which maximum prices are established by this regulation.

(b) This regulation does not apply to sales and deliveries of antimony ores and antimony ore concentrates.

(c) Nothing in this Maximum Price Regulation No. 497, or in the General Maximum Price Regulation shall apply to sales of laboratory reagent grades of any of the commodities subject to this regulation;

(1) To a person who will use such commodity for analytical and educational purposes, for the purpose of scientific and medical research, or for quality control of industrial products, or

(2) To a person who purchases for resale to a person mentioned in subparagraph (1).

(c) The provisions of this regulation shall apply only to the forty-eight states of the United States and to the District of Columbia.

SEC. 2. *Meaning of terms used.* (a) When used in this Maximum Price Regulation No. 497 the term:

(1) "Antimony salt" means any metallic derivative of an acid whether the antimony occupies a positive or negative position in the structure.

(2) "Dealer" includes "jobbers" and "distributors" and means any person who purchases antimony metal for resale.

(3) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(4) "Producer" means any person who recovers antimony in the form of metal from material containing antimony.

(5) "Producer's agent" means any person who sells antimony metal for a producer on a commission basis without taking title to the antimony metal.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

SEC. 3. *Maximum prices for antimony metal—(a) Base prices.*

	Grade	Base price per pound
(1)	99.8% antimony metal and above. Maximum arsenic impurity to be no more than 0.05%; no other single impurity to be in excess of 0.1%.	15¢
(2)	99.0% antimony metal up to, but not including 99.8%; 99.8% antimony metal and above, not meeting the specifications of (1) above.	14½¢

Antimony metal which fails to meet the standards set forth above shall be sold at a price not in excess of 13½¢ per pound of antimony content.

(b) *Maximum prices—(1) Carload lots—(i) Delivered buyer's receiving point.* The maximum price per pound for antimony metal in carload lots delivered buyer's receiving point shall be the

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

¹ 7 F.R. 10009, 10471, 10618; 8 F.R. 12136.

¹ 8 F.R. 3093, 3849, 4347, 4486, 4724, 4973, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

base price set forth above plus carload freight from Laredo, Texas, to the buyer's receiving point.

(ii) *F. o. b. point of shipment.* Antimony metal in carload lots may be sold on an f. o. b. point of shipment basis, in which case the f. o. b. point of shipment price plus the actual freight to be paid by the buyer shall not exceed the maximum carload delivered price per pound established in subparagraph (1) (i), above.

(2) *Less-than-carload lots—(i) Delivered buyer's receiving point.* The maximum price per pound for antimony metal in less-than-carload lots delivered buyer's receiving point shall be the maximum carload delivered price at the seller's distributing point nearest the buyer's receiving point plus the less-than-carload freight from such distributing point to the buyer's receiving point. For the purpose of calculating a maximum less-than-carload delivered price under this subparagraph (2) (i), when the seller's distributing point nearest the buyer's receiving point is Bradley, Idaho, Kellogg, Idaho, Shont, Idaho or Silver King, Idaho, the seller shall use as the carload delivered price at such distributing point 15.50¢ per pound for the highest grade metal, 15.00¢ per pound for the next lower grade of metal and .50¢ per pound above the base price for other antimony metal. A seller's distributing point nearest the buyer's receiving point may be the seller's plant or warehouse.

(ii) *F. o. b. point of shipment.* Antimony metal in less-than-carload lots may be sold on an f. o. b. point of shipment basis, in which case the f. o. b. point of shipment price plus the actual freight to be paid by the buyer shall not exceed the maximum less-than-carload delivered price per pound established in subparagraph (2) (i) above.

(c) *Quantity differentials.* On sales of antimony metal in less-than-carload lots, the quantity differentials set forth in the following table may be added to the maximum prices established by this regulation:

Amount	Sales by producers or producers' agents	Sales by dealers, distributors, jobbers
	Cents	Cents
10,000 pounds and less than a carload.....	¾	¾
224 pounds and less than 10,000 pounds.....	½	1
Less than 224 pounds.....	2	3

(d) *Maximum packaging charges.* A maximum additional charge of ¼¢ per pound may be added to the maximum prices established in this section in the case of any sale or delivery of antimony metal packed in cases or boxes. In such cases, for the purpose of computing transportation charges that enter into the calculation of maximum prices under this section, the combined weight of the antimony metal and of the packages shall be considered the weight of the antimony.

(e) *Treatment of the 3% transportation tax.* The tax on the transportation

of property imposed by section 620 of the Revenue Act of 1942 shall, for the purposes of figuring the applicable maximum price, 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. Accordingly, whenever transportation charges enter into the calculation of a maximum price under this section, the freight charges shall be computed as though they were 3% higher than they actually are.

SEC. 4. *Maximum prices for antimony compounds.* (a) A seller's maximum price for any of the following commodities:

Antimony oxide
Antimony sulphide
Antimony pentasulphide
Needle antimony (liquated antimony sulphide, crude antimony sulphide)
Ground antimony sulphide
Granulated antimony sulphide
Antimony fines
Antimony trichloride
Antimony oxychloride
Antimony fluoride
Antimony lactate
Antimony pentachloride
Antimony potassium tartrate
Antimony salt (de Haens Salt), and
Antimony salts (see definition, sec. 2)

shall be (1) the highest price charged by the seller for the same commodity on a delivery made during March 1942 to a purchaser of the same class, or, if no such delivery was made during March 1942, (2) the highest offering price for delivery during March 1942 of the same commodity to a purchaser of the same class. "Purchaser of the same class" refers to the practice adopted by the seller in setting different prices for commodities on sales to different purchasers or kinds of purchasers.

(b) Whenever any seller of any of the commodities listed in this section is unable to determine his maximum price under paragraph (a) of this section, his maximum price shall be determined as follows:

(1) If his maximum price was determined prior to December 9, 1943, pursuant to the provisions of the General Maximum Price Regulation, that price shall be the seller's maximum price under this regulation.

(2) In all other cases, the seller shall calculate a price at which he proposes to sell this commodity and shall then file such price with the Office of Price Administration for approval as his maximum price. Such selling price should be a price in line with the selling prices of competitors during March, 1942 for the same commodity.

(3) When filing such a proposed price with the Office of Price Administration, the seller shall set forth all discounts, allowances, and differentials for all classes of buyers, a description of the commodity including specifications, a statement indicating why the commodity cannot be priced under subparagraphs (a) (1), (a) (2) and (b) (1) above, and a statement setting forth the method used in calculating the proposed price.

The proposed price may be filed before any sale is made and must be filed within fifteen days after the first sale is made at

the proposed price. Pending action by the Office of Price Administration on prices submitted for approval, any seller may sell and deliver or offer to sell and deliver, and any person may buy, offer to buy, or receive from the seller in the course of trade or business, such commodity at the price submitted for approval. If, however, the Office of Price Administration determines that the price submitted is not in line with the selling prices of competitors during March, 1942 for the same commodity, the price submitted will be disapproved and the selling price shall be revised downward to the maximum price which may be approved, and any payment made in excess of the price so approved may be required to be refunded to the buyer. In the absence of notice to the contrary from the Office of Price Administration within 30 days after the receipt by the Office of Price Administration of a request for approval of a selling price, the price filed shall stand approved and shall be the maximum price applicable.

SEC. 5. *Exports and Imports—(a) Exports.* The maximum price at which any person may export any of the commodities covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

(b) *Imports—(1) Antimony metal.* Neither this regulation nor any other regulation issued by the Office of Price Administration shall apply to the importation into the continental United States of any antimony metal. This regulation, however, applies to the domestic resale of any such antimony metal which has been imported.

(2) *Antimony compounds.* The provisions of the Maximum Import Price Regulation³ issued by the Office of Price Administration, with the exception of sections 1 and 10 of that regulation, shall apply to all imports of the commodities listed in section 4 of this regulation: *Provided, however,* That for the purposes of this regulation, any reference in the Maximum Import Price Regulation to the General Maximum Price Regulation shall be deemed a reference to Maximum Price Regulation No. 497.

SEC. 6. *Special sales of industrial materials.* The provisions of Revised Maximum Price Regulation No. 204⁴ for special sales of industrial materials shall apply to special sales, as defined in section 2 of that regulation, of industrial materials covered by this regulation.

SEC. 7. *Prohibition against dealing at prices above maximum prices.* On and after December 9, 1943, regardless of any contract, agreement or other obligation:

(a) No person shall sell or deliver any of the commodities subject to this regulation at a price higher than the maximum prices established by this Maximum Price Regulation No. 497.

(b) No person shall buy or receive in the course of trade or business, any of the commodities subject to this regula-

² 8 F.R. 4132, 5987, 7662, 9998.

³ 8 F.R. 11681, 12237.

⁴ 8 F.R. 11376, 12795.

tion at a price higher than the maximum prices established by this Maximum Price Regulation No. 497.

(c) No person shall agree, offer, solicit, or attempt to do any of the foregoing.

SEC. 8. *Less than maximum prices.* Lower prices than those established by this regulation may be charged, demanded, paid or offered.

SEC. 9. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization will be given by order and may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated.

SEC. 10. *Prohibited evasive practices.* Any practice or device which is an attempt to get the effect of a price higher than the maximum without actually charging a higher price is prohibited and is as much a violation of this regulation as an outright excessive price. This applies to devices involving commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

SEC. 11. *Records.* Every person making purchases or sales of any commodity covered by this regulation after December 8, 1943, shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, purchase invoices or sale slips covering each such purchase or sale, showing the date thereof, the name and address of the seller or the buyer, the price paid or received, and the quantity of each kind or grade purchased or sold.

SEC. 12. *Enforcement.* Persons violating any provision of this Maximum Price Regulation No. 497 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 13. *Licensing.* The provisions of Licensing Order No. 1,¹ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violation of the license or of any one or more maximum price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 14. *Petitions for amendment.* Any person seeking a modification of any

provision of this Maximum Price Regulation No. 497, may file a petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1,² issued by the Office of Price Administration.

This Maximum Price Regulation No. 497 shall become effective December 9, 1943.

NOTE: All record keeping requirements of this Maximum Price Regulation No. 497 have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 3d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19346; Filed, December 3, 1943;
3:34 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, incl. Amdt. 12]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

Section 1 (f) (5) and section 15, Appendix G (a) (2) (iv), (b) (1), (c) (1) (i), (d) amended; section 15, Appendix G, (b) (4) (5), (c) (4) added by Amendment 12 effective December 3, 1943, so that Maximum Price Regulation No. 426 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 Orders No. 9250 and 9328, that maximum prices be established for certain sales of fresh fruits and vegetables for table use, except for sales at retail. So far as practicable, the Price Administrator has advised and consulted with representatives of the industry which will be affected by this regulation.

The following regulation supersedes Maximum Price Regulation No. 376³ and establishes maximum prices for the fresh fruits and vegetables now or hereafter specified herein in a manner calculated to promote equitable distribution thereof through normal channels of trade.

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 Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328.

A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.⁴

¹ 8 F.R. 9546, 10571.

² 8 F.R. 5487, 7391.

³ Statements of considerations are also issued with amendments. Copies may be obtained from the Office of Price Administration.

⁴ 8 F.R. 13240.

§ 1439.3 *Maximum prices for fresh fruits and vegetables for table use, sales except at retail.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and 9328, Maximum Price Regulation No. 426 (Fresh Fruits and Vegetables for Table Use, Sales Except at Retail), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1439.3 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 426—FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

ARTICLE I—APPLICABILITY, PURPOSES AND DEFINITIONS

Sec.

1. Commodities covered and operation.
2. Adjustment of maximum prices.
3. Types of sales covered.
4. Geographical applicability.
5. Exempt sales.
6. Export sales.
7. Prohibition against sales above maximum prices.
8. Definitions.

ARTICLE II—ENFORCEMENT PROVISIONS AND MISCELLANEOUS PROVISIONS

9. Enforcement.
10. Relationship between this regulation, Maximum Price Regulation No. 376 and the General Maximum Price Regulation.
11. Evasion.
12. Petitions for amendment.
13. Adjustable pricing.
14. Records.

ARTICLE III—PRICE SCHEDULES

15. Appendices.

ARTICLE I—APPLICABILITY, PURPOSES AND DEFINITIONS

SECTION 1. *Commodities covered and operation of this regulation.* (a) This regulation covers the fresh fruits and vegetables set forth in the Appendices to Article III, section 15, whether imported or domestic, except when sold for commercial processing.

(b) It is the purpose of this regulation to establish flexible price control for fresh fruits and vegetables (except when sold for commercial processing) in such manner that flat ceiling prices in dollars and cents may be computed and published in each community, or by zones or regions.

(c) For this purpose, this regulation provides either (1) a method for establishing dollar-and-cents ceilings for sales of fresh fruits and vegetables in carlots or trucklots at any wholesale receiving point and in less than carlots or less than trucklots in the markets served from the particular wholesale receiving point, or (2) a method for establishing dollar-and-cents ceilings for sales of fresh fruits and vegetables to retailers and institutional users. Sales by retailers are to be covered by other regulations now in effect, or to be issued.

(d) A general plan is set up by this regulation for establishing ceiling prices for fresh fruits and vegetables. Each fresh fruit and vegetable will be separately considered. Special provisions

⁵ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

may be made for particular fresh fruits and vegetables, which do not apply generally. If any special provision is contrary to or inconsistent with any general provision, the special provision shall be controlling. The general provision shall apply to the extent that it is not contrary to or inconsistent with the special provision.

(e) The general plan is to establish maximum prices at certain points or levels in the distribution of fresh fruits and vegetables. The points of control will not necessarily be the same for all commodities. The ceiling prices may differ by season, regions, varieties, grades, or other factors. Ceiling prices or methods of computing ceiling prices for each commodity will be contained in an Appendix specifically covering that commodity. For example, the method for establishing lettuce prices will be found in Appendix A, that for cabbage in Appendix B, and so forth.

(f) Points of control, at which maximum prices are established will generally be one or more of the following:

(1) *Carlot or trucklot sales at any wholesale receiving point.* A ceiling price is established for sales in carlots, or trucklots at the wholesale receiving point. The ceiling price may be named in dollars and cents, at a particular wholesale receiving point (or by area or region) or a method may be given by which the ceiling price at a particular wholesale receiving point may be computed by adding to a given basing point price the freight from the basing point to the wholesale receiving point. The ceiling price for carlot or trucklot sales at a particular wholesale receiving point is the same regardless of the number and type of prior handlers, regardless of the seller's size or type of operation, and regardless of the purchaser's size or type of operation.

A pool car or pool truck, (that is, a car or truck containing one commodity owned by more than one seller or sold to more than one purchaser) shall be considered a carlot or trucklot.

[Above paragraph as amended by Am. 3, 8 F.R. 10673, effective 7-29-43]

A "carlot sale" or a "trucklot sale" means a sale of a quantity of fresh fruits or vegetables transported in one car or truck or other conveyance at one time out of which 75% or more by weight is sold to one person. The sale of the remaining quantity to another person or persons may be considered a less-than-carlot sale, or less-than-trucklot sale. The sale of that portion of the fresh fruits or vegetables moving in a mixed carlot or mixed trucklot with another commodity or commodities, must be on the basis of a "carlot sale" or "trucklot sale" if the entire carlot or trucklot or 75% thereof by weight is sold to one person.

It is necessary to compute a ceiling price for carlot or trucklot sales even though no such sales are made at the particular wholesale receiving point because the ceiling prices for carlot or trucklot sales are the base upon which the ceiling prices for less than carlot

or less than trucklot sales are computed (See Appendices in Article III, Section 15). For instance, there is a carlot rate for lettuce from Salinas, California to Moline, Illinois. However, Moline cannot customarily handle straight cars of lettuce, so it is customary to ship L. C. L. from Chicago, Illinois to Moline. Under the definition of freight contained in Section 8 (a) (7), freight in this case would be the customary combination of carlot and less-than-carlot rates. That is, the ceiling price for carlot or trucklot sales in Moline, Illinois is the basing point price at Salinas, plus the freight at the carlot rate to Chicago, plus the freight at the less-than-carlot rate from Chicago to Moline. As another example, there is no carlot rate from Salinas, California to Pueblo, Colorado. However, there is a carlot rate from Salinas to Denver, Colorado and a less-than-carlot rate from Denver to Pueblo. In this case too, a ceiling price for carlot or trucklot sales must be computed for Pueblo. This is the basing point price at Salinas, plus the freight at the carlot rate to Denver, plus the freight at the less-than-carlot rate from Denver to Pueblo.

(2) *Less than carlot or trucklot sales in the market.* A ceiling price is established for sales in less than carlots or trucklots in the market. The ceiling price is computed from the carlot or trucklot ceiling price at the particular wholesale receiving point from which the market is served by adding a dollar-and-cent markup. The ceiling price is the same regardless of the number and type of prior handlers, regardless of the seller's size or type of operation, and regardless of the purchaser's size or type of operation.

(3) *Sales through commission merchants.* If a commission merchant makes a carlot or a trucklot sale to any wholesale receiving point, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at that wholesale receiving point. If a commission merchant makes a less-than-carlot or less-than-trucklot sale, his maximum price for that sale shall be the ceiling price applicable to carlot or trucklot sales at the wholesale receiving point from which he is selling, plus either his usual charge or the markup established for less-than-carlot or less-than-trucklot sales of the particular fruit or vegetable, whichever is lower.

[Subparagraph (3) as amended by Am. 3, 8 F.R. 10673, effective 7-29-43]

(4) *Sales to retailers and institutional users.* In some cases, ceiling prices are not established for carlot and trucklot sales at the wholesale receiving point or for less-than-carlot and less-than-trucklot sales in the market. In such cases, ceiling prices are established only for sales to retailers and institutional users.

(5) *Notification of "minimum net weight".* The first person (including a grower) who packs fresh fruits or vegetables in a crate, box, lug or other container shall place, in legible printing or

writing, the "minimum net weight" of the fruit or vegetable, on the container.

[Subparagraph (5) as amended by Am. 12, effective 12-3-43]

(g) Whenever used in this regulation, the terms "ceiling", "ceiling price", and "maximum price" all have the same meaning.

[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.]

SEC. 2. Adjustment of maximum prices.

(a) Any regional office of the Office of Price Administration, or such other offices as may be authorized by the appropriate regional office, may by order adjust downwards the less than carlot or less than trucklot ceiling price established for any market within its jurisdiction either (1) generally or (2) with respect to particular classes of sellers in any case in which it appears that such ceiling price will permit sellers generally or particular classes of sellers to obtain excessive margins. In determining whether or not margins are abnormal or excessive, the appropriate office shall consider margins prevailing in the particular market during the period July 1, 1942 to October 31, 1942, as being normal operating margins.

(b) Any regional office of the Office of Price Administration, or such other offices as may be authorized by the appropriate regional office, may by order adjust upwards the less than carlot or less than trucklot ceiling price established for any market within its jurisdiction either (1) generally or (2) with respect to particular classes of sellers in any case in which it appears that such ceiling price will prevent sellers generally or particular classes of sellers from providing adequate distribution. The appropriate office shall then adjust the ceiling price to provide normal operating margins for sellers necessary to maintain distribution. In determining normal operating margins, the appropriate office shall consider operating margins prevailing in the particular market during the period July 1, 1942 to October 31, 1942, as being normal operating margins.

In instances where there is additional handling outside of the free delivery zone of any intermediate seller at any wholesale receiving point for which a ceiling price is established, any regional office of the Office of Price Administration, or such offices as may be authorized by the appropriate regional office, may make an adjustment to include such charges but such adjustment shall not exceed the actual cartage from the wholesale receiving point to the buyer's place of business, at lowest rates for available transportation.

(c) In addition to the adjustments mentioned in paragraphs (a) and (b) above, any regional office of the Office of Price Administration or such other offices as may be authorized by the appropriate regional office may make those certain adjustments which may be specifically provided for in any appendix, or paragraph or subparagraph of an ap-

pendix, to this regulation with respect to the particular fresh fruits or vegetables mentioned therein.

[Paragraph (c) added by Am. 3, 8 F.R. 10673, effective 7-29-43]

SEC. 3. Types of sales covered. This regulation applies to each of the types of sales specified in the Appendices of Article III, section 15.

SEC. 4. Geographical applicability. The provisions of this regulation shall be applicable to the forty-eight states of the United States and the District of Columbia.

SEC. 5. Exempt sales. This regulation shall not apply to sales and deliveries at retail.

SEC. 6. Export sales. The maximum prices at which a person may export the fresh fruits and vegetables covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation,⁴ issued by the Office of Price Administration.

SEC. 7. Prohibition against sales above maximum prices. On and after July 20, 1943, regardless of any contract or other obligation, no person shall sell or deliver and no person, in the course of trade or business shall buy or receive fresh fruits and vegetables at prices higher than the maximum prices established by this regulation, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. Lower prices than the maximum prices may be charged and paid.

[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: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the OPA shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

SEC. 8. Definitions. (a) When used in this regulation the term:

(1) "Person" includes individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Grower" means a person who produces fresh fruits or vegetables.

(3) "Ultimate consumer" is a person who purchases fresh fruits or vegetables for table use or for home processing. It does not include institutional users or procurement agencies of the United States or any State.

(4) "Retailer" means a person, other than an intermediate seller who makes sales and deliveries to ultimate consumers.

(5) "Sales at retail" means sales by retailers to ultimate consumers.

(6) "Intermediate seller" means any person who purchases fresh fruits or vegetables and who resells in less-than-carlot or less-than-trucklot quantities to any person who is not an ultimate consumer.

(7) "Freight from basing point to wholesale receiving point" or "freight from shipping point to wholesale receiving point" means the cost per package for transportation by the cheapest customary and generally available means. Freight shall not include the cost of refrigeration or other protective services or local cartage or unloading; but the transportation tax imposed by section 620 of the Revenue Act of 1942 may be included to the principal markets. This freight rate factor will ordinarily be based on the railroad carlot rate from the basing point or f. o. b. shipping point to the smaller markets. It may be based on the railroad carlot rate from the basing point or the f. o. b. shipping point to a large city near such smaller market plus the less-than-carlot rate from the larger city to the smaller market. For example, if a carlot of lettuce is shipped from Salinas, California to Denver, Colorado, part of which is intended for Pueblo, Colorado, the freight factor in this instance would be the railroad carlot rate to Denver plus the less-than-carlot rate from Denver to Pueblo. In other cases, the customary truck rate from the larger to the smaller city would be used. In still other instances, the freight factor at two smaller markets might be the same based upon the railroad carlot rate to the market more distant from the basing point plus the published charge of the rail carriers for storage in transit or for partial unloading.

For carlot or trucklot sales to any wholesale receiving point the maximum price shall not exceed the applicable basing point or f. o. b. shipping point price plus the applicable freight (using the most direct method of transportation available) from the basing point or shipping point to that wholesale receiving point.

Regional offices of the Office of Price Administration or such offices as may be authorized by the appropriate regional offices shall determine the cheapest method of transportation which is customary and generally available from basing points into each market, and shall compute the freight to be used for each market within its jurisdiction.

[Subparagraph (7) amended by Am. 3, 8 F.R. 10673, effective 7-29-43, and Am. 8, 8 F.R. 12951, effective 9-29-43]

(8) "Basing point" means a selected point in an area of production designated as a basing point by the Appendices of Article III, section 15, from which freight to the wholesale receiving point is computed for the purposes of calculating a maximum price.

(9) "Basing point price" includes all charges for protective services, including icing, refrigeration and charges under appropriate railroad refrigeration rules such as rules 240, 242, 247, etc. It includes all charges except freight as defined in this regulation. If a person purchases fresh fruits or vegetables, f. o. b. country shipping point, all charges for re-icing in transit, demurrage, or other similar charges, shall be paid by such purchaser out of the maximum price provided for him.

[Subparagraph (9) as amended by Am. 3, effective 7-29-43]

(10) "Net weight" means the actual weight of fresh fruits or vegetables without including the weight of the container or ice.

(11) "Records" means books of account, ledgers, sales and price lists, sales slips, receipts, invoices, bills of lading and other papers and documents.

(12) "Wholesale receiving point" means any place at which an intermediate seller receives fresh fruits or vegetables.

(13) "Market" means any area in which intermediate sellers sell fresh fruits and vegetables received at a particular wholesale receiving point.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

ARTICLE II—ENFORCEMENT PROVISIONS AND MISCELLANEOUS PROVISIONS

SEC. 9. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 9a. Licensing. The provisions of Licensing Order No. 1,⁵ 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.

[Sec. 9a added by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

SEC. 10. Relationship between this regulation, Maximum Price Regulation No. 376 and the General Maximum Price Regulation. (a) The provisions of this regulation supersede the provisions of Maximum Price Regulation No. 376 with respect to the fresh fruits and vegetables now or hereafter specified herein. However, the following provisions of the General Maximum Price Regulation, as well

⁵ 8 F.R. 13240.

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

⁴ 8 F.R. 4132, 5987, 7662, 9998, 15193.

as any amendment thereto, shall be applicable to every fresh fruit and vegetable sale covered by this regulation:

- (1) Current records (§ 1499.12).
- (2) Sales slips and receipts (§ 1499.14).
- (b) Revoked.

[Paragraph (b) revoked by Supplementary Order 72]

SEC. 11. Evasion. The price limitations which are set forth in this regulation 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 fresh fruits or vegetables alone or in conjunction with any other commodity or by way of commission, service, transportation or any other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

SEC. 12. Petitions for amendment. Persons seeking a modification of this regulation may file a petition therefor in accordance with the provisions of Revised Procedural Regulation No. 1¹ issued by the Office of Price Administration.

¹ 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

[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.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

SEC. 13. Adjustable pricing. Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action to be taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emer-

gency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any officer of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order.

SEC. 14. Records. (a) Every person subject to this regulation shall, so long as the Emergency Price Control Act of 1942, as amended, remains in effect, preserve for examination by the Office of Price Administration all his records, including invoices, sales tickets, cash receipts, or other written evidences of sale or delivery which relate to the prices charged pursuant to the provisions of this regulation.

(b) Every person subject to this regulation shall keep and make available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, records of the same kind as he has customarily kept, relating to the prices which he charges for fresh fruits and vegetables after the effective date of this regulation and in addition as precisely as possible, the basis upon which he determined maximum prices for these commodities.

ARTICLE III—PRICE SCHEDULES

SEC. 15. Appendices

APPENDIX A—LETTUCE

(B) MAXIMUM PRICES FOR LETTUCE¹

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Item No.	Type, Variety Style of Pack, etc.	Unit	Season	Basing point	Maximum prices for carlot or trucklot sales at any wholesale receiving point.	Maximum prices for less than carlot or less than trucklot sales to any person except ultimate consumers.
1	Iceberg lettuce in L. A. or Salinas ² crates containing not less than 48 heads with a minimum net weight of 60 pounds.	L. A. crate or Salinas crate.	All year...	Salinas, Calif....	\$3.25 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 6) plus 60 cents.
2	All lettuce in any container except iceberg lettuce in L. A. or Salinas crates, and except hothouse lettuce. If any lettuce is sold with a net weight of less than 60 pounds in any container or less than 48 heads in an L. A. or Salinas crate, such lettuce shall be priced under the provisions of this Item 2.	Per pound....	All year...	Maximum price above (Item 1, Col. 6) divided by 60.	Maximum prices for carlot or trucklot sales (Col. 6) plus 1 cent per lb.
3	Hothouse lettuce in any container.....	Per pound....	All year...	Maximum price per pound above (Item 2, Col. 6) plus 8 cents.	Maximum price for carlot or trucklot sales (Col. 6) plus 1 cent per pound.

¹ If a grower makes a sale to an ultimate consumer, his maximum price for such sale shall be the ceiling price established under Col. 7 above for the particular market where such sale is being made by the grower, multiplied by 1.40.

² The first person (including a grower) who packs lettuce in L. A. or Salinas crates shall place, in legible printing or writing, the "minimum net weight" upon such crate.

[Table as amended by Am. 3, 8 F.R. 10673, effective 7-29-43].

Explanations and examples of operation of regulation. (1) Iceberg lettuce in an L. A. crate if the net weight is 60 pounds or more, shall be sold under the provisions applicable to Item No. 1 in paragraph (a) of this section. If the net weight of iceberg lettuce in an L. A. crate is less than 60 pounds, or if it is sold in any other type of container, it shall be sold under the provisions applicable to Item No. 2. The provisions of Item No. 2 shall apply to all sales of lettuce in any type of container except hothouse lettuce and except iceberg lettuce in L. A. crates with a net weight of 60 pounds or more. Hothouse lettuce in any type of container shall be sold under the provisions of Item

No. 3 and shall be marked as hothouse lettuce upon the container.

(2) Examples:

(i) **Example 1.** The maximum price for carlot or trucklot sales at Chicago, Illinois, for iceberg lettuce in L. A. crates (5 dozen, net weight 62 pounds) shall be determined as follows:

Basing point price (includes charges for all protective services, additional freight for ice, etc.).....	\$3.25
Freight from Salinas, California (basing point to Chicago, Illinois, market).....	1.12
Maximum price for carlot or trucklot sales.....	4.37

The maximum price for less than carlot or less than trucklot sales is the maximum price for carlot or trucklot sales (\$4.37) plus \$60 or \$4.97.

(ii) **Example 2.** The maximum price for carlot or trucklot sales at Chicago, Illinois, for iceberg lettuce or other lettuce (except hothouse lettuce) packed in 1½ bushel hampers with a net weight of 25 pounds shall be determined as follows:

Maximum price for carlot or trucklot sales for iceberg lettuce in 1½ bushel hampers with a net weight of 25 pounds is \$4.37 (Item 1, Col. 6) divided by 60, or 7.3 cents per pound, or \$1.83 for a hamper containing 25 pounds.

The maximum price for less than carlot or less than trucklot sales is the maximum price per pound for carlot and trucklot sales (7.3 cents, Col. 6) plus 1 cent, or 8.3 cents per pound, multiplied by 25, or \$2.08.

(iii) *Example 3.* The maximum price for carlot or trucklot sales at Chicago, Illinois, for hothouse lettuce in a 10 pound container shall be determined as follows:

Maximum price per pound for carlot or trucklot sales for all lettuce except hothouse lettuce (Item 2, Col. 6) is 7.3 cents,

Plus differential of 8 cents for hothouse lettuce or 15.3 cents;

Or maximum price for 10 pound hamper (10x15.3) or \$1.53.

Maximum price for less than carlot or less than trucklot sales is the maximum price per pound for carlot or trucklot sales (15.3 cents, Col. 6) plus 1 cent per pound or 16.3 cents per pound or \$1.63 per 10 pound containers.

(b) Authority is delegated to all regional offices, or such of their district offices as they in turn may authorize, to adjust the maximum price of lettuce upward in sales to United States agencies to account for any increase in costs which is caused by special trimming or cutting to meet the specifications required by such purchasers for overseas shipment.

[Paragraph (b) added by Am. 5, 8 F.R. 11691, effective 8-21-43]

APPENDIX B—CABBAGE

(a) *Maximum prices for cabbage (all types, grades, varieties, style of package, etc.)*

(1) *Table 1—Maximum prices for sales to any person except ultimate consumers, in less than carlots or less than trucklots, as determined by freight rates from basing point market for the period December 1 to May 31, inclusive.* (See examples for use of following table.)

[Heading amended by Am. 6, 8 F.R. 11756, effective 8-23-43, and Am. 8, 8 F.R. 12951, effective 9-29-43]

Col. 1	Col. 2	Col. 3	Col. 4
Freight rate from basing point to market (dollars per 100 pounds)	December January February	March April	May
	Cents per pound	Cents per pound	Cents per pound
Under \$.20.....	3.5	3.8	3.5
\$.20-\$.295.....	3.6	3.9	3.6
\$.30-\$.395.....	3.7	4.0	3.7
\$.40-\$.495.....	3.8	4.1	3.8
\$.50-\$.595.....	3.9	4.2	3.9
\$.60-\$.695.....	4.0	4.3	4.0
\$.70-\$.795.....	4.1	4.4	4.1
\$.80-\$.895.....	4.2	4.5	4.2
\$.90-\$.995.....	4.3	4.6	4.3
\$1.00-\$1.095.....	4.4	4.7	4.4
\$1.10-\$1.195.....	4.5	4.8	4.5
\$1.20-\$1.295.....	4.6	4.9	4.6
\$1.30-\$1.395.....	4.7	5.0	4.7
\$1.40-\$1.495.....	4.8	5.1	4.8

(2) Basing points and areas to which they apply:

December 1 to April 30

A. *El Centro, California*—for all markets west of Denver, Colorado.

B. *Brownsville, Texas*—for all markets east of and including Denver, Colorado, but excluding Area C below.

C. *Bellevue, Florida*—for all markets in the states of Florida, Mississippi, Tennessee,

¹ See subparagraph 4 for maximum prices for carlot or trucklot sales.

Alabama, Georgia, South Carolina, North Carolina, and in Virginia south of and including Lynchburg and Richmond.

May 1 to May 31

A. *Santa Maria, California*—for all markets west of Denver, Colorado.

B. *Brookhaven, Mississippi*—for all markets east of and including Denver, Colorado.

(3) *Maximum prices for sales to retailers, institutional users and government procurement agencies in less-than-carlots or less-than-trucklots in the following zones for the period June 1 to November 30, 1943.*

	Col. 1 June	Col. 2 July, Aug.	Col. 3 Sept.	Col. 4 Oct., Nov.
	Cents per lb.	Cents per lb.	Cents per lb.	Cents per lb.
Zone I: States of Texas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida.....	4.0	3.9	3.7	3.5
Zone II: States of Kansas, Oklahoma, Missouri, Arkansas, Kentucky, Tennessee, Virginia, North Carolina, California, Arizona, Utah, New Mexico, Nevada, Wyoming, Montana, North Dakota, South Dakota, Nebraska and Idaho.....	3.7	3.6	3.4	3.2
Zone III: All other states including District of Columbia.....	3.6	3.3	3.1	2.9

[Subparagraph (3) amended by Am. 3, 8 F.R. 10673, effective 7-29-43, and Am. 10, 8 F.R. 15610, effective 11-15-43]

(4) For sales of carlots or trucklots to retailers and institutional users, the maximum prices per pound shall be .6 cents less than the maximum prices for less than carlot or less than trucklot sales for each of the periods and freight rate classes listed above.

(5) If a grower makes a sale to an ultimate consumer, his maximum price for such sale shall be the ceiling price under paragraph 1 or paragraph 3 of this Appendix for the particular market where such sale is being made by the grower multiplied by 1.40.

(6) On sales of cabbage to Government procurement agencies, the maximum price shall be the prices listed in the table above for Zone I, II and III plus the amount by which the actual freight from the shipping point to the customary receiving point of the Government purchaser exceeds the following amounts:

Zone I—\$1.10 per cwt.

Zone II—80¢ per cwt.

Zone III—45¢ per cwt.

[Subparagraph (6) added by Am. 8, 8 F.R. 12951, 14012, effective 9-29-43]

(b) *Explanation and examples of determining maximum prices under Appendix B.*

(1) Cabbage of all types, grades, sizes, varieties and in any type of container or in bulk shall be sold under the provisions applicable to Appendix B. Cabbage sold under these provisions shall be "well trimmed" as defined in the United States Department of Agriculture standards for cabbage. The maximum prices established shall apply to sales by any person or persons to retailers and institutional users and are specified on a per pound basis. Maximum prices for sales of cabbage in any container shall be determined by multiplying the "net weight" of cabbage contained in the particular container, and so specified on the crate or other container, by the maximum price per pound for the particular market in which it is being sold.

(2) For the period December 1 to May 31, maximum prices for sales to retailers and institutional users in less than carlots or less than trucklots in a particular market shall be determined by determining the freight rate from the basing point specified for that particular market and finding the maximum price which corresponds to that particular freight rate in Table 1 above.

(i) *Example 1.* The basing point for Chicago, Illinois, during the months, December to April, is Brownsville, Texas. The freight rate per 100 pounds for cabbage from Brownsville, Texas, to Chicago, Illinois, is \$1.02 and

falls within the freight rate class, \$1.00 to \$1.095 as listed in column 1 of Table 1. The maximum price per pound to retailers and institutional users in less than carlots or less than trucklots in Chicago, Illinois, for December, January and February is then 4.4 cents per pound, as found in column 2, corresponding to the freight rate class \$1.00-\$1.095. For March and April the price in Chicago is 4.7 cents per pound and May, 4.4 cents per pound. The maximum price for a 50 pound sack of cabbage sold to a retailer in less than carlot or less than trucklot quantities in Chicago during December, January and February is 50 x 4.4¢ or \$2.20; in March and April 50 x 4.7¢ or \$2.35.

(ii) *Example 2.* The basing point for Atlanta, Georgia, is Belle Glade, Florida. The freight rate from Belle Glade to Atlanta is \$.55 per 100 pounds and falls within the freight rate class of Table 1 of \$.50-.595. Thus, the maximum price per pound by any seller to retailers and institutional users in less than carlots or less than trucklots in Atlanta, Georgia, is 3.9 cents for December, January and February, 4.2 cents for March and April and 3.9 cents for May.

(3) For the months June through November the regulation provides maximum prices for sales to retailers and institutional users in less than carlots or less than trucklots for all markets in the United States. There are no basing points. Each market has the same price. For example, as named in Section 3, the maximum price per pound at which any seller can sell to any retailer or institutional user in any market in the United States in less than carlot or less than trucklot quantities during June is 3.6 cents, 3.3 cents in July and August, 3.1 cents in September and 2.9 cents in October and November. Thus, the maximum price of an L. A. crate of cabbage with a net weight of 85 pounds sold to a retailer in less than carlot or less than trucklot quantities in all markets in the United States during July and August is 85 x 3.3 or \$2.81.

(4) For sales to retailers or institutional users in carlot or trucklot quantities in Chicago, Illinois, during December, January and February, the maximum price per pound is 4.4 cents (maximum price for less than carlot or trucklot sales) minus .6 cents, or 3.8 cents. Thus the maximum price of a 50 pound sack of cabbage sold to a retailer in carlot or trucklot quantities is 50 x 3.8, or \$1.90.

APPENDIX C—MAXIMUM PRICES FOR FRUITS AND VEGETABLES BASED ON MAXIMUM PRICES F. O. B. COUNTRY SHIPPING POINT

(a) This appendix establishes maximum prices for certain fruits and vegetables, f. o. b. country shipping point. For these commodities

ties, the maximum prices for carlot or trucklot sales at any wholesale receiving point and the maximum prices for less-than-carlot or less-than-trucklot sales in any market are computed respectively from the maximum price, f. o. b. country shipping point, by the addition of the cost of transportation (including refrigeration and other protective services) and a stipulated dollar-and-cent markup.

(b) When used in this regulation, the term:

(1) "Country shipping point" means a farm or other place in or near the producing area from which fruits and vegetables are sold, shipped, delivered or otherwise transferred to any person, or at which fruits and vegetables are prepared for sale, shipment, delivery, or other transfer to any person. "Prepared" means, for example, loading, sacking, grading, sizing or harvesting.

(2) "Cost of transportation" means:

(i) If shipment is by a common carrier whose maximum rates and charges are regulated by the Interstate Commerce Commission or other Federal or State regulatory body, the amount actually paid to the carrier, in conformance with its lawfully established rates and charges, including charges for pre-cooling, icing and other protective or accessorial services actually performed. Any allowance made by the carrier to a shipper or consignee for performing pre-cooling or other services may, nevertheless, be included in "cost of transportation" and may be retained by the person performing the services for which the allowance is made. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(ii) If shipment is by a carrier for hire other than a common carrier (such as a contract carrier) the amount actually paid to the carrier but not in excess of the maximum charges as determined by the General Maximum Price Regulation, amendments, and supplementary regulations thereto, or such other regulations of the Office of Price Administration as may be applicable to the services of such carrier at the time of movement. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(iii) If shipment is by a carrier other than described in (i) and (ii) above (such as an unregulated common carrier or a private carrier) the amount actually paid to the carrier but not in excess of an amount computed by applying to the actual weight of the shipment the lowest published rail carload rate between the rail stations nearest to the points of origin and destination plus rail charges for protective and accessorial services if equivalent services are performed. If the shipment is less than 20,000 pounds, an additional charge of 2 cents per 100 pounds may be made. *Provided:* That the total charge for a shipment of less than 20,000 shall not exceed the charge for a shipment of 20,000 pounds. In applying rail accessorial and protective charges which are stated in amounts per car, the per car charge may be made against a shipment of 20,000 pounds or more moving in a single conveyance, but only the proportion of such per car charge which the weight of the shipment bears to 20,000 pounds, may be made against a shipment of less than 20,000 pounds. When pre-cooling or icing, not included in the carrier's rates and

charges, is performed by or for account of the shipper, the cost of this service, but not to exceed maximum prices prescribed by Maximum Price Regulation No. 165, may be added. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, may be added, if the shipment is subject to that tax.

(iv) If shipment is by a means owned or controlled by the seller an amount not in excess of the lowest of the rates mentioned in (i), (ii), or (iii) above, available to the seller. The amount of the transportation

tax imposed by section 620 of the Revenue Act of 1942, may be added if the shipment is subject to that tax.

(c) The first person (including a grower) and every person thereafter who makes sales of any of the fruits or vegetables covered by this Appendix C shall notify his purchaser on his invoice or other written evidence of the sale the exact amount of the "cost of transportation" as defined herein.

(d) The maximum prices for sales of red sour cherries shall be as follows:

Column 1	Column 2	Column 3
Maximum prices per pound, f. o. b. country shipping point.	Maximum prices per pound, for carlot or trucklot sales at any wholesale receiving point.	Maximum prices for less than carlot or less than trucklot sales to any person other than ultimate consumers.
10 cents per pound.....	10 cents per pound plus "cost of transportation" as defined above.	10 cents per pound plus "cost of transportation" as defined above, plus 1½ cents per pound.

(e) The maximum prices for sales of fresh berries in any container shall be as follows:

(1) For sales of any fresh berries covered by this Appendix by hotel or institutional supply houses, the maximum price shall be the maximum prices stated in column 2 above, plus 5¢ per quart or 3¢ per pint.

(2) In sales by growers to ultimate consumers the maximum price shall be the price stated in column 3 above, multiplied by 1.34.

(3) Any of the above-listed berries may be sold by the pint or by the quart or in cases of pints or quarts or mixed pints and quarts. A quart, dry measure shall contain 20 ounces, avoirdupois, or more, and a pint shall contain 10 ounces, avoirdupois, or more. The per pound prices listed above may be converted to per quart prices as follows: For a 20 ounce avd. quart the price shall be 20/16 of the per pound price listed above; for a 30 ounce avd. quart the price shall be 30/16 of the per pound price listed above, and so on. In all cases where the maximum price results in a fraction of a cent the figure shall be rounded to the nearest cent.

(4) *Adjustment provisions.* (See also section 2 of Article 1.) Any regional office or such district office of the Office of Price Administration as may be authorized by the appropriate regional office, may, by order, adjust the maximum prices for raspberries as follows: The upward limit to which prices in Column I may be adjusted is the lower of (a) the average price received by growers for the 1942 crop in the region or district wherein the adjusted price is to be effected as determined by the regional or district office from official United States Department of Agriculture market news sources plus 3 cents per pound or (b) 18 cents per pound plus an amount equal to the freight between the area for which the adjustment is being made and the shipping point, in Oregon, Washington, New York, Pennsylvania, Ohio and Michigan, which is nearest to that area. The prices in Column I so adjusted shall be substituted for the corresponding base figures in Column II and III.

No adjustment upward may be made for raspberries grown or sold in the states of Oregon, Washington, New York, Pennsylvania, Ohio, or Michigan.

	Column 1	Column 2	Column 3
	Maximum prices per pound, f. o. b. country shipping point, for variety of fresh berries	Maximum prices per pound for carlot or trucklot sales at any wholesale receiving point	Maximum prices for less than carlot or less than trucklot sales at any place other than the country shipping point and to any person other than a processor or ultimate consumer
	Cents	Cents plus cost of transportation	
Red raspberries.....	18	18	18¢ per pound plus cost of transportation plus 3¢ per pint or 4¢ per quart.
Black raspberries....	16	16	16¢ per pound plus cost of transportation plus 3¢ per pint or 4¢ per quart.
Youngberries.....	15	15	15¢ per pound plus cost of transportation plus 4¢ per quart.
Boysenberries.....	15	15	15¢ per pound plus cost of transportation plus 4¢ per quart.
Loganberries.....	15	15	15¢ per pound plus cost of transportation plus 4¢ per quart.
Blackberries.....	15	15	15¢ per pound plus cost of transportation plus 4¢ per quart.
Gooseberries.....	11	11	11¢ per pound plus cost of transportation plus 4¢ per quart.

NOTE: For sales of any fresh berries covered by this Appendix by hotel and institutional supply houses, the maximum price shall be the maximum price stated in Column 2 above plus 5¢ per quart, or 3¢ a pint.

[Paragraph (e) added by Am. 2, 8 F.R. 9727, effective as to all sales f. o. b. country shipping point on 7-13-43, and as to all other sales on 7-19-43; amended by Am. 3,

8 F.R. 10673, effective 7-29-43; and Am. 6, 8 F.R. 11756, effective 8-23-43]

[Appendix C added by Am. 1, 8 F.R. 9568, effective 7-10-43]

APPENDIX D—MAXIMUM PRICES FOR TABLE GRAPES^{1,2}

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum prices f. o. b. shipping point for shipments out of California ³	Basing point	Maximum prices at any wholesale receiving point for carlot or trucklot sales ⁴	Maximum prices for less than carlot or less than trucklot sales to any person except ultimate consumers ⁵
1	Grapes in lug boxes with a minimum net weight of 28 lbs. sold in the U. S. except in California.	Lug box.....	August 1–October 31..	\$2.05	Bakersfield, Calif.	\$2.20 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 56 cents.
2			November 1–December 31.	2.30	Bakersfield, Calif.	\$2.45 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 56 cents.
3			January 1–End of season.	2.60	Bakersfield, Calif.	\$2.75 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 56 cents.
4	Grapes in any container except lug boxes with a minimum net weight of 28 lbs. sold in the U. S. except California.	Pound.....	August 1–October 31..	.0725		Maximum price above (Item 1) divided by 28.	Maximum price for carlot or trucklot sales (Col. 7) plus 2¢ per lb.
5			November 1–December 31.	.0825		Maximum price above (Item 2) divided by 28.	Maximum price for carlot or trucklot sales (Col. 7) plus 2¢ per lb.
6			January 1–End of season.	.0925		Maximum price above (Item 3) divided by 28.	Maximum price for carlot or trucklot sales (Col. 7) plus 2¢ per lb.
7	Grapes in any container sold in the state of California for resale and consumption in California.	Pound.....	August 1–October 31..	None	None.....	8.0 cents per pound.....	10.0 cents per pound.
8			November 1–December 31.	None	None.....	9.0 cents per pound.....	11.0 cents per pound.
9			January 1–End of season.	None	None.....	10.0 cents per pound.....	12.0 cents per pound.

¹ If a grower makes a sale to an ultimate consumer, the maximum price for such sale shall be the ceiling price established under Col. 7 above for the particular market where such a sale is being made by the grower, multiplied by 1.40.

Note: The maximum prices at wholesale receiving points established in this appendix are intended to operate on the same basis as those set forth in Appendix A of this section for sales of lettuce. The examples and explanations of the operation of the regulation with respect to establishing prices at wholesale receiving points, set forth in Appendix A apply to the maximum prices for grapes.

² Includes all varieties except the following: Concord, Alicante, Aramon, Barberone, Burger, Burgundy, Carignane, Chianti, Cinsaut, Gregano, Grenache, Juice Malagas, Malvoisie, Mataro, Mission, Muscat, Petite Bouschet, Petite Sirah, Valdepena, Zinfandel.

³ Maximum price f. o. b. shipping point applies only to sales for shipment out of California. Sales for resale and consumption in California are not subject to control at f. o. b. shipping point.

⁴ Basing point price is to be used in determining the maximum price delivered at any wholesale receiving point for carlot or trucklot sales. Difference between maximum price f. o. b. shipping point and basing point price in the allowance for protective services and risk in transit. Maximum prices f. o. b. shipping point for shipment out of California are those listed in Col. 5. Maximum prices delivered at any wholesale receiving point for carlot or trucklot sales are determined by adding freight to the basing point prices listed in Col. 7.

⁵ Col. 8 does not apply to sales made 1. c. l. at California shipping points for shipment out of California (See Col. 5).

[Appendix D added by Am. 4, 8 F.R. 11589, effective September 3, 1943, except that the f. o. b. shipping point prices in Column 5 of Appendix D shall become effective August 19, 1943. Any regional office or such district office of the Office of Price Administration as may be authorized by the appropriate regional office may, by order, extend the effective date of Amendment 4 with respect to the maximum prices named in Columns 7 and 8 of the table in Appendix D of section 15 for sales by any individual receiving a carlot of merchandise at a wholesale receiving point who (a) exhibits a bill of lading showing that the carlot was actually shipped from California prior to August 19, 1943 and (b) shows that he cannot dispose of the merchandise prior to September 3, 1943. The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose of the merchandise, but in no event shall the effective date be extended beyond September 10, 1943.]

[Effective date provisions amended by Am. 7, 8 F.R. 12098, effective 8-31-43]

APPENDIX E—MAXIMUM PRICES FOR CONCORD GRAPES^{1,2}

Table 1. Maximum prices for sales to all persons, other than ultimate consumers.³ Prices include transportation, protective services and all other charges.⁴

Col. 1	Col. 2	Col. 3
State	Sales in carlot or trucklot quantities	Sales in less-than-carlot or less-than-trucklot quantities
	Cents per pound	Cents per pound
Zone I: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, District of Columbia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida.....	4.5	5.0
Zone II: Wisconsin, Illinois, Michigan, Ohio, Indiana, Kentucky.....	4.0	4.5
Zone III: All other States except Washington, Oregon, Nevada and California.	3.75	4.25
Zone IV: Washington, Oregon, Nevada, California.	3.5	4.0

¹ If a grower makes a sale to an ultimate consumer, his ceiling price shall be 7¢ per pound in Zone I, 6.5¢ per pound in Zone II, 6¢ per pound in Zone III and 5.5¢ per pound in Zone IV.

² Concord grapes includes any and all strains of Concord type grapes of the purple slipskin varieties, including, for example, Concord, Cottage, Eaton, Hartford, Hicks, Rockwood, Ives and Worden.

³ Includes wholesalers and retailers, among others. Sales to institutional users are also covered. Sales to commercial and industrial users are covered by Maximum Price Regulation No. 425, 8 F.R. 9303, 9879, 12632, 12952, 14154, 15674.

⁴ In each case, the amount paid by the buyer for freight and all other charges plus the amount paid by the buyer to the seller shall not exceed the prices named above.

APPENDIX F—MAXIMUM PRICES FOR CALIFORNIA JUICE GRAPES^{1,2}

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Item No.	Type, variety, style of pack, etc.	Unit	Season	Maximum price f. o. b. shipping point for shipments out of California. ⁴	Basing point	Maximum prices at any wholesale receiving point for carlot or trucklot sales. ³	Maximum prices for less than carlot or less than trucklot sales, except at shipping point, to any person except ultimate consumers. ¹
1	Juice grapes in lug boxes with a minimum net weight of 36 pounds for shipment out of California.	Lug box...	1943 shipping season.	\$1.40	Bakersfield, California.	\$1.60 (basing point price) plus freight from basing point to wholesale receiving point.	Maximum price for carlot or trucklot sales (Col. 7) plus 36 cents.
2	Juice grapes in containers other than lug boxes with a minimum net weight of 36 pounds for shipment out of California.	Pound....	1943 shipping season.	.04	Bakersfield, California.	Maximum price above (item 1) divided by 36.	Maximum price for carlot or trucklot sales (Col. 7) plus 1 cent per pound.
3	Juice grapes in any container sold in the state of California for resale and consumption in California.	Pound....	1943 shipping season.	None	None.....	4.0 cents per pound.....	5.0 cents per pound.

¹ If a grower makes a sale to an ultimate consumer, the maximum price for such sale shall be the ceiling price established under Col. 7 above for the particular market where such a sale is being made by the grower, multiplied by 1.40.

NOTE: The maximum prices at wholesale receiving points established in this appendix are intended to operate on the same basis as those set forth in Appendix D of this section for sales of table grapes. The examples and explanations of the operation of the regulation with respect to establishing prices at wholesale receiving points set forth in Appendix A, apply to the maximum prices for California juice grapes.

² Includes the following varieties: Alicante, Aramon, Barberone, Burger, Burgundy, Carignane, Chianti, Cinsaut, Gregano, Grenache, Juice Matagas, Malvoisie, Mataro, Mission, Muscat, Petite Bouschet, Petite Fraise, Valdepena, Zinfandel.

³ Basing point price is to be used in determining the maximum price delivered at any wholesale receiving point for carlot or trucklot sales. Difference between maximum price f. o. b. shipping point and basing point price is the allowance for protective services and risk in transit. Maximum prices f. o. b. shipping point apply only to sales for shipment out of California. Sales of California juice grapes to commercial wineries for crushing for wine or brandy within California are not subject to the provisions of this appendix.

⁴ No grower or shipper may receive more than the maximum price stated in Col. 5 for f. o. b. sales out of California or the maximum prices stated in Col. 7 for delivered sales. No grower or shipper may receive any part of the wholesale spread of 36¢ provided in Col. 8 above.

⁵ The first person who breaks a carlot or trucklot for sale at auction or at private sale, shall not take more than 15¢ per 36-pound lug out of the wholesale spread of 36¢ provided in Col. 8, unless such person shall have sold and delivered to the premises of the retailer (or institutional user or government agency) where sale or transfer is to be made to ultimate consumers. All expenses of the auction sale shall be taken out of the 15¢ herein provided.

⁶ Includes wholesalers and retailers, among others. Sales to institutional users are also covered. Sales to commercial and industrial users are covered by Maximum Price Regulation No. 425.

[Appendices E and F added by Am. 8, 8 F.R. 12951, effective September 29, 1943, except that for California juice grapes the f. o. b. shipping point prices shall become effective September 24, 1943 and all other prices with respect to California juice grapes shall become effective October 9, 1943. Any regional office or such district office of the Office of Price Administration as may be authorized by the appropriate regional office may, by order, extend the effective date of this amendment with respect to the maximum prices for sales by any individual receiving a carlot of merchandise at a wholesale receiving point who (a) exhibits a bill of lading showing that the carlot was actually shipped prior to September 24, 1943 and (b) shows that he cannot dispose of the merchandise prior to October 9, 1943.

The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose

of the merchandise, but in no event shall the effective date be extended beyond October 20, 1943.]

[Effective date provisions as corrected, 8 F.R. 14154, effective 10-1-43]

APPENDIX G—MAXIMUM PRICES FOR APPLES¹

(Excluding Lady Apples and Crabapples)

(a) Contents and Guide to Appendix G.

(1) F. o. b. shipping point maximum prices for sales in certain states. (See paragraph d.)

(2) Maximum prices for delivered sales.

(i) Maximum price for carlot sales. (See paragraph c.)

(ii) Maximum price for sales through a broker. (See paragraph (c) (3).)

(iii) Maximum price for sales in auction markets. (See paragraph (b) (2).)

¹ These prices cover packed and wrapped fruit, loose fruit or any other style of pack.

(iv) Maximum prices for less than carlot or less than trucklot sales to retail stores, etc. (See paragraphs (b) (1) and (b) (4)).

(v) Maximum prices for L. C. L. or L. T. L. sales to intermediate sellers. (See paragraph (b) (2).)

(3) Maximum price for sales by growers to consumers. (See paragraph (e).)

(b) Maximum prices for sales in less than carlots or less than trucklots for the following types of sales in the zones listed below: (This paragraph does not apply to sales covered by paragraph d.)

(1) Maximum prices for sales to retail stores, institutional users (hotels, restaurants, etc.) government procurement agencies and persons other than ultimate consumers and intermediate sellers, and except when the purchaser is located in a secondary marketing area. (See paragraph (b) (4).)

TABLE OF MAXIMUM PRICES FOR L. C. L. AND L. T. L. SALES TO RETAILERS, ETC.

ZONES I AND VI

Item	Month	Dollars per container for specified container sizes (Minimum net weight of fruit)															Dollars per pound of fruit for all other containers	
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.		50 lbs.
1	October.....	2.49	2.56	2.64	2.71	2.78	2.85	2.92	2.99	3.06	3.14	3.21	3.28	3.35	3.42	3.49	3.56	0.0734
2	November.....	2.62	2.70	2.78	2.85	2.92	3.00	3.08	3.15	3.22	3.30	3.38	3.45	3.52	3.60	3.68	3.75	.0734
3	December and January.....	2.76	2.84	2.91	2.99	3.07	3.15	3.23	3.31	3.39	3.46	3.54	3.62	3.70	3.78	3.86	3.94	.0734
4	February and March.....	2.89	2.97	3.05	3.14	3.22	3.30	3.38	3.46	3.55	3.63	3.71	3.80	3.88	3.96	4.04	4.12	.0814
5	April, May, and June.....	3.02	3.10	3.19	3.28	3.36	3.45	3.54	3.62	3.71	3.80	3.88	3.97	4.05	4.14	4.23	4.31	.0834

ZONES II AND V

Item	Month	35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	Dollars per pound of fruit for all other containers
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	October.....	2.62	2.70	2.78	2.85	2.92	3.00	3.08	3.15	3.22	3.30	3.38	3.45	3.52	3.60	3.68	3.75	0.0734
2	November.....	2.76	2.84	2.91	2.99	3.07	3.15	3.23	3.31	3.39	3.46	3.54	3.62	3.70	3.78	3.86	3.94	.0734
3	December and January.....	2.89	2.97	3.05	3.14	3.22	3.30	3.38	3.46	3.55	3.63	3.71	3.80	3.88	3.96	4.04	4.12	.0814
4	February and March.....	3.02	3.10	3.19	3.28	3.36	3.45	3.54	3.62	3.71	3.80	3.88	3.97	4.05	4.14	4.23	4.31	.0834
5	April, May, and June.....	3.15	3.24	3.33	3.42	3.51	3.60	3.69	3.78	3.87	3.96	4.05	4.14	4.23	4.32	4.41	4.50	.09

ZONES III AND IV

Item	Month	35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	Dollars per pound of fruit for all other containers
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	October.....	2.76	2.84	2.91	2.99	3.07	3.15	3.23	3.31	3.39	3.46	3.54	3.62	3.70	3.78	3.86	3.94	0.0734
2	November.....	2.89	2.97	3.05	3.14	3.22	3.30	3.38	3.46	3.55	3.63	3.71	3.80	3.88	3.96	4.04	4.12	.0734
3	December and January.....	3.02	3.10	3.19	3.28	3.36	3.45	3.54	3.62	3.71	3.80	3.88	3.97	4.05	4.14	4.23	4.31	.0814
4	February and March.....	3.15	3.24	3.33	3.42	3.51	3.60	3.69	3.78	3.87	3.96	4.05	4.14	4.23	4.32	4.41	4.50	.09
5	April, May, and June.....	3.28	3.38	3.47	3.56	3.66	3.75	3.84	3.94	4.03	4.12	4.22	4.31	4.41	4.50	4.59	4.69	.0934

(2) Maximum prices for sales to intermediate sellers (for resale to retail stores, institutional users, and other persons, except ultimate consumers).

TABLE OF MAXIMUM PRICES FOR L. C. L. AND L. T. L. SALES TO INTERMEDIATE SELLERS, ETC.

ZONES I AND VI

Item	Month	Dollars per container for specified container sizes (Minimum net weight of fruit)																Dollars per pound of fruit for all other containers
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	October.....	2.32	2.38	2.45	2.52	2.58	2.65	2.72	2.78	2.85	2.92	2.98	3.05	3.11	3.18	3.25	3.31	0.09 $\frac{3}{4}$
2	November.....	2.45	2.52	2.59	2.66	2.73	2.80	2.87	2.94	3.01	3.08	3.15	3.22	3.29	3.36	3.43	3.50	.07
3	December and January.....	2.58	2.66	2.73	2.80	2.88	2.95	3.02	3.10	3.17	3.23	3.32	3.39	3.47	3.54	3.61	3.69	.07 $\frac{3}{4}$
4	February and March.....	2.71	2.79	2.87	2.94	3.02	3.10	3.18	3.26	3.33	3.41	3.49	3.56	3.64	3.72	3.80	3.88	.07 $\frac{3}{4}$
5	April, May, and June.....	2.84	2.92	3.01	3.09	3.17	3.25	3.33	3.41	3.49	3.58	3.66	3.74	3.82	3.90	3.98	4.06	.08 $\frac{1}{2}$

ZONES II AND V

Item	Month	Dollars per container for specified container sizes (Minimum net weight of fruit)																Dollars per pound of fruit for all other containers
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	October.....	2.45	2.52	2.59	2.66	2.73	2.80	2.87	2.94	3.01	3.08	3.15	3.22	3.29	3.36	3.43	3.50	.07
2	November.....	2.58	2.66	2.73	2.80	2.88	2.95	3.02	3.10	3.17	3.24	3.32	3.39	3.47	3.54	3.61	3.69	.07 $\frac{3}{4}$
3	December and January.....	2.71	2.79	2.87	2.94	3.02	3.10	3.18	3.26	3.33	3.41	3.49	3.56	3.64	3.72	3.80	3.88	.07 $\frac{3}{4}$
4	February and March.....	2.84	2.92	3.01	3.09	3.17	3.25	3.33	3.41	3.49	3.58	3.66	3.74	3.82	3.90	3.98	4.06	.08 $\frac{1}{2}$
5	April, May and June.....	2.98	3.06	3.14	3.23	3.32	3.40	3.48	3.57	3.66	3.74	3.82	3.91	4.00	4.08	4.16	4.25	.08 $\frac{1}{2}$

ZONES III AND IV

Item	Month	Dollars per container for specified container sizes (Minimum net weight of fruit)																Dollars per pound of fruit for all other containers
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	October.....	2.18	2.26	2.33	2.40	2.48	2.55	2.62	2.70	2.77	2.84	2.92	2.99	3.07	3.14	3.21	3.29	.07 $\frac{3}{4}$
2	November.....	2.71	2.79	2.87	2.94	3.02	3.10	3.18	3.26	3.33	3.41	3.49	3.56	3.64	3.72	3.80	3.88	.07 $\frac{3}{4}$
3	December and January.....	2.84	2.92	3.01	3.09	3.17	3.25	3.33	3.41	3.49	3.58	3.66	3.74	3.82	3.90	3.98	4.06	.08 $\frac{1}{2}$
4	February and March.....	2.98	3.06	3.14	3.23	3.32	3.40	3.48	3.57	3.66	3.74	3.82	3.91	4.00	4.08	4.16	4.25	.08 $\frac{1}{2}$
5	April, May and June.....	3.11	3.20	3.28	3.37	3.46	3.55	3.64	3.73	3.82	3.90	3.99	4.08	4.17	4.26	4.35	4.44	.08 $\frac{1}{2}$

(3) Description of zones.

States	Counties	Zones					
		I	II	III	IV	V	VI
NORTH ATLANTIC							
Maine.....	All.....	x					
New Hampshire.....	All.....	x					
Vermont.....	All.....	x					
Massachusetts.....	All.....	x					
Rhode Island.....	All.....	x					
Connecticut.....	All.....	x					
New York.....	All.....	x					
New Jersey.....	All.....	x					
Pennsylvania.....	All.....	x					
EAST NORTH CENTRAL							
Ohio.....	All.....	x					
Indiana.....	All.....	x					
Illinois.....	All.....	x					
Michigan.....	All counties east of Lake Michigan.....	x					
	Rest of State.....		x				
Wisconsin.....	Vernon, Sauk, Dodge, Columbia, Washington, Ozaukee counties and all counties south thereof.....	x					
	Rest of State.....		x				
WEST NORTH CENTRAL							
Minnesota.....	All.....		x				
Iowa.....	All.....		x				
Missouri.....	Clark, Lewis and Marion counties.....	x					
	Rest of State.....		x				
North Dakota.....	All.....			x			
South Dakota.....	All.....			x			
Nebraska.....	Dakota, Thurston, Burt, Washington, Sarpy & Douglas counties.....		x				
	Rest of State.....			x			
Kansas.....	Wyandotte county.....		x				
	Rest of State.....			x			
SOUTH ATLANTIC							
District of Columbia.....	All.....	x					
Delaware.....	All.....	x					
Maryland.....	All.....	x					
Virginia.....	All.....	x					
West Virginia.....	All.....	x					
North Carolina.....	All.....	x					
South Carolina.....	All.....	x					
Georgia.....	Effingham & Chatham counties.....	x					
	Rest of State.....		x				
Florida.....	All.....	x	x				

(3) Description of zones—Continued.

States	Counties	Zones					
		I	II	III	IV	V	VI
SOUTH CENTRAL							
Kentucky.....	All.....	x					
Tennessee.....	Scott, Morgan, Roane, Loudon and Monroe counties and all east thereof.	x					
	Rest of State.....		x				
Alabama.....	All.....		x				
Mississippi.....	All.....		x				
Arkansas.....	All.....		x				
Louisiana.....	Pointe Coupee, St. Martin, and Iberia parishes and all parishes east thereof.		x				
	Rest of State.....			x			
Oklahoma.....	Cimarron, Texas and Beaver counties.				x		
	Rest of State.....			x			
Texas.....	Hardeman, Foard, Knox, Haskell, Jones, Taylor, Ronnels, Concho, Menard, Kimble, Edwards, Kinney counties, and all counties east thereof.			x			
	Rest of State.....				x		
WEST							
Montana.....	All.....					x	
Idaho.....	Lemhi, Custer, Camas, Blaine, Gooding and Twin Falls counties and all counties east thereof.					x	
	Rest of State.....						x
Wyoming.....	All.....				x		
Colorado.....	All.....				x		
New Mexico.....	All.....				x		
Arizona.....	All.....				x		
Utah.....	Daggett, Grand, San Juan and Uintah counties.				x		
	Rest of State.....					x	
Nevada.....	All.....					x	
Washington.....	All.....						x
Oregon.....	All.....						x
California.....	All.....					x	

(4) For sales and deliveries of apples in less than carlot or less than trucklot quantities, delivered to the premises of a retail store, institution or the designated receiving point of a government procurement agency, located in a secondary marketing area, the maximum prices shall be those set forth below. "Secondary marketing area" means any municipi-

pal, town, village or hamlet, having a population of less than 20,000 persons, or a rural store, which is located at a distance of 25 miles or more from the nearest carlot or trucklot receiving point, from which the purchaser customarily purchases, in a municipality, town, village or hamlet having a population of 20,000 persons or more.

TABLE OF MAXIMUM PRICES FOR L. C. L. AND L. T. L. SALES TO RETAILERS, ETC., IN SECONDARY MARKETING AREAS

ZONES I AND VI

Item	Month	Dollars per container for specified container sizes (Minimum net weight of fruit)																Dollars per pound of fruit for other container.
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.	50 lbs.	
1	October.....	2.62	2.70	2.78	2.85	2.92	3.00	3.08	3.15	3.22	3.30	3.38	3.45	3.52	3.60	3.68	3.75	0.07
2	November.....	2.76	2.84	2.91	2.99	3.07	3.15	3.23	3.31	3.39	3.46	3.54	3.62	3.70	3.78	3.86	3.94	.07
3	December and January.....	2.89	2.97	3.05	3.14	3.22	3.30	3.38	3.46	3.55	3.63	3.71	3.80	3.88	3.96	4.04	4.12	.08
4	February and March.....	3.02	3.10	3.19	3.28	3.36	3.45	3.54	3.62	3.71	3.80	3.88	3.97	4.05	4.14	4.23	4.31	.08
5	April, May, and June.....	3.15	3.24	3.33	3.42	3.51	3.60	3.69	3.78	3.87	3.96	4.05	4.14	4.23	4.32	4.41	4.50	.09

ZONES II AND V

1	October.....	2.76	2.84	2.91	2.99	3.07	3.15	3.23	3.31	3.39	3.46	3.54	3.62	3.70	3.78	3.86	3.94	0.07
2	November.....	2.89	2.97	3.05	3.14	3.22	3.30	3.38	3.46	3.55	3.63	3.71	3.80	3.88	3.96	4.04	4.12	.08
3	December and January.....	3.02	3.10	3.19	3.28	3.36	3.45	3.54	3.62	3.71	3.80	3.88	3.97	4.05	4.14	4.23	4.31	.08
4	February and March.....	3.15	3.24	3.33	3.42	3.51	3.60	3.69	3.78	3.87	3.96	4.05	4.14	4.23	4.32	4.41	4.50	.09
5	April, May, and June.....	3.28	3.38	3.47	3.56	3.66	3.75	3.84	3.94	4.03	4.12	4.22	4.31	4.41	4.50	4.59	4.69	.09

ZONES III AND IV

1	October.....	2.89	2.97	3.05	3.14	3.22	3.30	3.38	3.46	3.55	3.63	3.71	3.80	3.88	3.96	4.04	4.12	0.08
2	November.....	3.02	3.10	3.19	3.28	3.36	3.45	3.54	3.62	3.71	3.80	3.88	3.97	4.05	4.14	4.23	4.31	.08
3	December and January.....	3.15	3.24	3.33	3.42	3.51	3.60	3.69	3.78	3.87	3.96	4.05	4.14	4.23	4.32	4.41	4.50	.09
4	February and March.....	3.28	3.38	3.47	3.56	3.66	3.75	3.84	3.94	4.03	4.12	4.22	4.31	4.41	4.50	4.59	4.69	.09
5	April, May, and June.....	3.41	3.51	3.61	3.70	3.80	3.90	4.00	4.10	4.19	4.29	4.39	4.48	4.58	4.68	4.78	4.88	.09

(5) Maximum prices for sales in a terminal auction. The maximum price for sales of apples in a terminal auction shall be the sum of the following:

- (i) The applicable carlot or trucklot maximum price (as determined under paragraph (c) (1)); plus
- (ii) 5¢ per container of 40 pounds or more, or 4¢ per container of less than 40 pounds; plus

(iii) The terminal auction company usual commission or fee, (as determined under Maximum Price Regulation No. 165); plus

(iv) Actual charges for unloading cars for sales at a terminal auction.

[Subparagraphs (4) and (5) added by Am. 12, effective 12-3-43]

(c) Maximum prices for sales in carlots or trucklots delivered at any terminal market or

other wholesale receiving point for the following types of sales. Prices established by this paragraph include transportation, protective services, and all other charges. In each case, the amount paid by the buyer for transportation and all other charges plus the amount paid by the buyer to the seller shall not exceed the applicable maximum price figured on a delivered basis. (This paragraph does not apply to sales covered by paragraph d.)

(1) Sales by any persons covered by this regulation, except carlot distributors and sales through brokers. (i) For sales of apples produced in and received outside of each of the states of Idaho, Washington, or Oregon, the maximum price in each case shall be the applicable maximum price f. o. b. shipping point plus freight (including protective services), less any applicable freight equalization payment announced by the War Food Administration and for the Commodity Credit Corporation.

[Subparagraph (1) (i) as amended by Am. 12, effective 12-3-43]

(ii) For sales of apples produced in and received outside of each of the states of Penn-

sylvania, New York, Virginia or West Virginia, the maximum price in zones I, II and III shall be the applicable maximum price, f. o. b. shipping point, plus freight to the point of delivery, in zones I, II and III. In zones IV, V and VI, the maximum prices shall be those specified in paragraph (c) (1) (iii) hereof.

(iii) For all carlot or trucklot sales (except when made by carlot distributors and through brokers) not covered by paragraphs (c) (1) (i) and (c) (1) (ii) hereof, the maximum price shall be the applicable less-than-carlot or less-than-trucklot zone prices listed in paragraph (b) (1) less one cent per pound.

(2) Sales by carlot distributors. (i) For sales by carlot distributors (persons who buy and sell in carlots or trucklots, not including original shippers), the maximum price shall be the price determined under paragraphs

(c) (1) (i), (c) (1) (ii) or (c) (1) (iii) hereof, whichever is applicable, plus 5 cents per container having a net weight of 40 pounds or more, or 4 cents per container having a net weight of less than 40 pounds.

(3) Sales through brokers. For sales through a broker, the maximum price shall be the price determined under paragraphs (c) (1) (i), (c) (1) (ii) or (c) (1) (iii) hereof, whichever is applicable, plus 3 cents per container having a net weight of 40 pounds or more, or 2½ cents per container having a net weight of less than 40 pounds.

(4) Summary of provisions of paragraph (c): Chart showing methods of determining maximum prices for sales of apples in carlot or trucklot quantities delivered at any terminal market or other wholesale receiving point:

Zone	Apples produced in and shipped out of New York, Pennsylvania, West Virginia and Virginia.	Apples produced in and shipped out of Washington, Oregon and Idaho	All other apples and apples sold in a market in the state of production	Sales by a carlot distributor	Sales through a broker in the terminal market
	(1)	(2)	(3)	(4)	(5)
I.....	The f. o. b. shipping point price (paragraph (d)) plus freight (including protective services)	The f. o. b. shipping point price (paragraph (d)) plus freight (including protective services) less freight equalization payments announced by the WFA and C. C. C.	The L. C. L. or L. T. L. price for sales to retailers etc. (paragraph (b) (1) minus one cent per pound).	The price under Col. 1, 2 or 3, whichever is applicable, plus 5 cents per container of 40 lbs. net weight or more, or 4 cents per container of less than 40 lbs. net weight.	The price under Col. 1, 2 or 3, whichever is applicable, plus 3 cents per container of 40 pounds net weight or more, or 2½ cents per container of less than 40 pounds net weight.
II.....					
III.....					
IV.....	The L. C. L. or L. T. L. price for sales to retailers, etc. (paragraph (b) (1) minus one cent per pound.)				
V.....					
VI.....					

[Subparagraph (4) added by Am. 12, effective 12-3-43]

(d) Maximum prices f. o. b. shipping point for certain specified states. The maximum prices established in the table below apply only to f. o. b. shipping point sales of apples, produced in each of the states of Idaho, New York, Oregon, Pennsylvania, Virginia, Washington, and West Virginia.

[Text of paragraph (d) as amended by Am. 12, effective 12-3-43]

(1) TABLE OF MAXIMUM PRICES, F. O. B. SHIPPING POINT¹

Item	Month	Dollars per container for specified container sizes (minimum net weight of fruit)															Dollars per pound of fruit for all other containers	
		35 lbs.	36 lbs.	37 lbs.	38 lbs.	39 lbs.	40 lbs.	41 lbs.	42 lbs.	43 lbs.	44 lbs.	45 lbs.	46 lbs.	47 lbs.	48 lbs.	49 lbs.		50 lbs.
1	October.....	2.01	2.07	2.13	2.18	2.24	2.30	2.36	2.42	2.47	2.53	2.59	2.64	2.70	2.76	2.82	2.88	.05¾
2	November.....	2.14	2.20	2.27	2.33	2.39	2.45	2.51	2.57	2.63	2.70	2.76	2.82	2.88	2.94	3.00	3.06	.06¼
3	December and January.....	2.28	2.34	2.40	2.47	2.54	2.60	2.66	2.73	2.80	2.86	2.92	2.99	3.06	3.12	3.18	3.25	.06½
4	February and March.....	2.41	2.48	2.54	2.61	2.68	2.75	2.82	2.89	2.96	3.02	3.09	3.16	3.23	3.30	3.37	3.44	.06¾
5	April, May, and June.....	2.54	2.61	2.68	2.76	2.83	2.90	2.97	3.04	3.12	3.19	3.26	3.34	3.41	3.48	3.55	3.62	.07¼

¹ The maximum prices established by this table apply to any person making f. o. b. sales in the states listed above (including for example growers, grower-shippers, shippers and grower's sales agents).

(e) Maximum prices for sales by growers and shippers to ultimate consumers in the following zones:^{1,2}

Item	Month	Zones I and VI	Zones II and V	Zones III and IV
		Cents per pound	Cents per pound	Cents per pound
1	October.....	9½	10	10½
2	November.....	10	10½	11
3	December and January.....	10½	11	11½
4	February and March.....	11	11½	12
5	April, May, and June.....	11½	12	12½

¹ Sales by growers or shippers of five boxes of apples or less, each box having a net weight of not more than 26 pounds of fruit, in any one lot by parcel post, mail or express to any one consignee shall be exempt from the provisions of this regulation.

[Footnote (1) amended by Am. 11, 8 F.R. 16062, effective 11-25-43.]

² The maximum prices stated above shall not apply where community prices are established for apples sold at retail by district or regional offices of the Office of Price Administration.

[Appendix G added by Am. 9, effective October 7, 1943 as to f. o. b. shipping point

prices. All other prices and provisions set forth in Am. 9 shall become effective October 22, 1943.]

This regulation shall become effective July 10, 1943 as to Appendix C of Article III, section 15, and on July 20, 1943 as to Articles I through III except Appendix C of Article III, section 15. [Issued July 10, 1943]

[Effective date provisions amended by Am. 1, 8 F.R. 9568, effective 7-10-43]

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

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 3d day of December 1943.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 43-19345; Filed, December 3, 1943; 3:34 p. m.]

PART 1340—FUEL

[MPR 120, Amdt. 74]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

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

Maximum Price Regulation No. 120 is amended in the following respect:

In § 1340.207, paragraph (e) is designated paragraph (f) and new paragraph (e) is added to read as follows:

(e) A producer may obtain temporary adjustment of the maximum prices for the sale of coal from a mine:

(1) Where the mine is one at which the wages of the mine workers are computed in accordance with the provisions of the Memorandum of Agreement en-

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

¹ 8 F.R. 14560.