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The President

EXECUTIVE ORDER 9297

MAKING CERTAIN CHANGES IN THE CUSTOMS FIELD ORGANIZATION

By virtue of the authority vested in me by section 1 of the Act of August 1, 1914, 38 Stat. 609, 623 (U.S.C. title 19, sec. 2), it is ordered that the following changes be, and they are hereby, made in the customs field organization:

1. The limits of the customs port of entry of Portland, Maine, in Customs Collection District Number 1 (Maine and New Hampshire), are extended to include the territory embracing the municipalities of South Portland, Falmouth, and Cape Elizabeth, State of Maine, and Peak, Long, Cliff, Cushing, and Diamond Islands, State of Maine.

2. The limits of the customs port of entry of Bangor, Maine, in Customs Collection District Number 1 (Maine and New Hampshire), are extended to include the territory embracing the municipality of Brewer, Maine.

3. The territory embracing the municipality of Council Bluffs, Iowa, in Customs Collection District Number 39 (Chicago), is transferred to Customs Collection District Number 46 (Omaha).

4. The limits of the customs port of entry of Omaha, Nebraska, in Customs Collection District Number 46 (Omaha), are extended to include the territory embracing the municipality of Council Bluffs, Iowa; Township 14 North, Range 12 East of the 6th Principal Meridian, State of Nebraska; and Township 14 North, Range 13 East of the 6th Principal Meridian, State of Nebraska.

This order shall become effective on the thirtieth day from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,

February 1, 1943.

[F. R. Doc. 43-1767; Filed, February 2, 1943; 3:18 p. m.]

Regulations

TITLE 7—AGRICULTURE

Chapter XI—Food Distribution Administration

[Food Distribution Order 13]

PART 1401—DAIRY PRODUCTS

CREAM

Reissuance of Conservation Order M-259, as amended, issued by War Production Board.

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and to assure an adequate supply and efficient distribution of dairy products to meet war and essential civilian needs, *It is hereby ordered*, As follows:

§ 1401.13 *Restrictions with respect to cream—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "producer" means any person who is engaged in the business of (i) pasteurizing milk or cream, (ii) producing dairy products, for sale, by processing milk or cream in a plant not located on a farm where the milk was produced, (iii) bottling raw or pasteurized cream in glass or paper containers, or (iv) selling milk in bulk containers to hotels, institutions, or restaurants: *Provided, however*, That a farmer or ranch or herd owner who delivered an average of less than one gallon of cream per day in the three calendar months next preceding November 25, 1942, shall not be deemed to be a producer within the meaning of this order, until the deliveries of cream by such person exceed one gallon per day in any calendar month.

(2) The term "milk" means the liquid milk of cows.

(3) The term "cream" means the class of foods defined (5 F.R. 2443) by Federal Security Agency in Title 21, Code of Federal Regulations, §§ 18,500-18,515; and this term includes light cream, coffee cream, table cream, whipping cream, heavy cream, and all cream by whatever name known.

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(b) *Restrictions on producers.* No producer may deliver cream having a milk fat content in excess of 19 percent except to another producer.

(c) *Exceptions.* Notwithstanding the provisions in (b) hereof, in any State in which by law or administrative regulation in force on November 25, 1942, the milk fat content of cream of minimum milk fat content is required to exceed 18 percent, a producer may deliver to any person cream having a milk fat content not exceeding by more than 1 percent the minimum required by such State law or administrative regulation effective on November 25, 1942, as aforesaid. In addition, a producer may deliver to or for any person or medical institution cream of such milk fat content and in such quantities as may be necessary for supervised medical treatment of the person or the institution's patients: *Provided*, That the producer is supplied with a written statement from the person's physician or, in the case of a medical institution, from a responsible official thereof, specifying the milk fat content and the daily quantity of cream required, and certifying as to the necessity of such cream for supervised medical treatment.

(d) *Records and reports.* Each person subject to the provisions of Conservation Order M-259 or the provisions hereof shall maintain such records for at least two years, or for such other period of time as the Director may designate, and shall execute and file such reports and submit such information as the Director may from time to time request or direct, and such reports and information shall be submitted within such periods of time as may be prescribed by the Director.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing for relief, and such petition shall be submitted to the Director and shall set forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such decision by the Director shall be final.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning said Conservation Order M-259, as hereby amended or superseded, shall, unless otherwise directed by the Director, be addressed to: Dairy and Poultry Branch, Food Distribution Administration, United States Department of Agriculture, Washington, D. C. Ref.: FD-13.

(g) *Delegation of authority.* The Director is hereby designated to administer the provisions hereof.

(h) *Violations.* Any person who willfully violates any provision of this order or who, by any act or omission, falsifies records to be kept or information to be furnished, pursuant to this order, or willfully conceals a material fact, in connection with this order, concerning a matter within the jurisdiction of any department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against any such person as the Director deems appropriate.

(4) The term "milk fat content" shall be determined as prescribed (5 F.R. 2443) by the Federal Security Agency in Title 21, Code of Federal Regulations, § 18.500.

(5) The term "Conservation Order M-259" means the order (7 F.R. 9811) issued by Ernest Kanzler, Director General of Operations, on November 25, 1942, as amended, with respect to cream, and designated as Conservation Order M-259, as amended.

including recommendations for prosecution under section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under Paragraph 5 of section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(i) *Conservation Order M-259 hereby superseded.* This order supersedes, except in the respects stated herein, Conservation Order M-259, but with respect to violations of said Conservation Order M-259 or rights accrued, liabilities incurred, or appeals taken under said Conservation Order M-259 prior to the effective date hereof, said Conservation Order M-259 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability. Any appeal pending under said Conservation Order M-259 shall be considered under the provisions of paragraph (e) hereof.

(j) *Effective date.* This order shall be effective as of 12:01 a. m., e. w. t., February 3, 1943.

(E.O. 9280; 7 F.R. 10179)

Issued this 2d day of February 1943.

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

[F. R. Doc. 43-1819; Filed, February 3, 1943;
11:26 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 55—MOTION PICTURES SERVICE UNITED STATES ARMY MOTION PICTURE SERVICE

Sections 55.1, 55.3, 55.4 and 55.8 (b) (1) are hereby amended as follows:

These regulations are also contained in AR 210-390, July 10, 1942, as amended by C 3 November 1, 1942, the particular paragraphs being shown in brackets at end of sections.

§ 55.1 *Name and object.* The United States Army Motion Picture Service, a self-supporting organization operating directly under the Chief of Special Service, was organized and is operated for the purpose of furnishing amusement and recreation through the medium of motion pictures for the enlisted men and other Army personnel at posts, camps, and stations in the forty-eight States, the Territory of Alaska, and at Army bases in Newfoundland, Bermuda, and the Trinidad Sector of the Caribbean Defense Command. The theater facilities of this service have been designed and are intended primarily for the execution of this mission, and all other considerations are secondary and subordinate to this objective. [Par. 1]

§ 55.3 *Facilities and material; supplied by United States Army Motion Picture Service.* The United States Army Motion Picture Service supplies films, advertising matter, the services of engineers, necessary motion picture equipment, and repair parts for sound and projection equipment. Expendable supplies and repair parts for all motion

picture equipment are purchased in quantity under contract. Local purchase of material of this character will be made only when authorized by the Chief of Special Service, or in an emergency by the district office concerned or by a United States Army Motion Picture Service engineer. [Par. 7a]

§ 55.4 *Admission charge.* The charge for admission for officers and enlisted men and their families and for civilians who are residents of the post will be as announced by the War Department from time to time. Children 14 years and over will be charged the adult admission rate; children under 14 will be charged the children's rate except that if considered advisable by the commanding officer and the seating capacity of the theater permits, children under 6 years of age may be admitted free of charge. [Par. 8]

§ 55.8 *Coupon books.* * * *

(b) *Use—(1) Value of coupons; where valid.* Each coupon in the book is good for its face value on the admission charge to any motion picture shown by the United States Army Motion Picture Service in any War Department Theater in the continental limits of the United States, Alaska, Newfoundland, Bermuda, and the Trinidad Sector of the Caribbean Defense Command. [Par. 25c]

(R.S. 161; 5 U.S.C. 22)

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-1792; Filed, February 3, 1943;
9:44 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 83—DISPOSITION OF SURPLUS AND UNSERVICEABLE PROPERTY

AUTHORIZED METHODS OF SALE, ETC.

Sections 83.4, 83.5, and 83.8 are amended and § 83.6 is rescinded, as follows:

These regulations are also contained in Army Regulations 30-2145, September 2, 1942, as amended by C 1 January 8, 1943, the particular paragraphs being shown in brackets at the end of sections.

§ 83.4 *Authorized methods of sale—*
(a) *General.* Sale will be made by either of the following methods:

(1) By negotiation.

(2) By auction.

(b) *Sales by negotiation.* (1) The term "negotiated sale" as used in these regulations includes sales made by any method except by award to the highest responsible bidder after the issuance of a formal invitation for sealed bids with a provision therein for a public opening of the bids at a stated time and place. Negotiated sales will be made by securing informal written bids from a large or small number of bidders, or by securing bids by telephone or oral negotiations. When such informal bids are requested, the request therefor will clearly indicate

that the sale will be made under the authority of the First War Powers Act, 1941 (55 Stat. 838) and Executive Order No. 9001, December 27, 1941 (sec. III, Bull. No. 41, W.D. 1941).

(2) Sales by negotiation will be made by written invitation for informal bids unless specific authority for other procedure has been obtained from The Quartermaster General.

(c) *Sales by auction.* Sales by auction will be held only on specific authorization of The Quartermaster General.

(d) *Bids from certain persons prohibited.* On all sales of Government-owned property, all officials and employees of the War Department, and all officers, enlisted men, and civilian employees of the Army will be excluded from the field of bidders, and bids from any of said persons will not be considered or accepted. [Par. 21]

§ 83.5 *Invitation for bids—*(a) *Deposit to guarantee fulfillment.* Invitation for bids will specify that at least 20 percent of the entire amount of the bid, in the form of a certified check drawn in favor of the Treasurer of the United States, bond, or legal tender will accompany the bid as a guaranty of fulfillment. The provisions of this paragraph may be waived in special cases by The Quartermaster General.

(b) *Alteration or modification of terms.* Invitation for bids will specify that no alterations or modifications of the terms of purchase will be permitted.

(c) *Terms, time, and place of delivery.* Invitation for bids will state terms and time of delivery and will specify whether the material is to be sold on the ground or f. o. b. cars.

(d) *Weights.* A ton will be understood to be 2,000 pounds. The term "cwt" will not be used. When material is sold by weight, the proposal will specify "per pound," "per 100 pounds" or "per ton of 2,000 pounds." [Par. 23]

§ 83.6 [Rescinded.]

§ 83.8 *Disposition of deposits.* The deposit of the successful bidder will be turned over to the local disbursing officer who will receipt therefor and who will deposit it in a special deposit account until the transaction is completed, when the amount of the deposit will be credited to the last payment. Deposits of unsuccessful bidders will be returned when the award is made. [Par. 26]

(R.S. 161; 5 U.S.C. 22)

[SEAL]

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

[F. R. Doc. 43-1793; Filed, February 3, 1943;
9:44 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4604]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ALFRED KOHLBERG, INC.

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—*