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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9895

EXEMPTION OF CERTAIN OFFICERS OF THE EXECUTIVE BRANCH OF THE GOVERNMENT FROM COMPULSORY RETIREMENT FOR AGE

NOTE: Executive Order No. 9895 was filed with the Division of the Federal Register as N. P. Doc. No. 47-285, on October 1, 1947, at 11:10 a. m.

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1947 C. C. C. Wheat Bulletin 1, Amdt. 2 to Supp. 2]

PART 251—WHEAT LOANS AND PURCHASE AGREEMENTS

1947 WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM (PORTLAND AREA)

Pursuant to the provisions of Article Third, paragraphs (b) and (j) of the Corporate Charter of Commodity Credit Corporation, sec. 7 (a), 49 Stat. 4 as amended, sec. 8, 56 Stat. 767 as amended; 15 U. S. C. Sup. 713 (a), 50 U. S. C. App., Sup., 968, Commodity Credit Corporation and the Production and Marketing Administration have issued, in 1947 C. C. C. Wheat Bulletin 1 and Supplements 1 and 2 thereto (12 F. R. 4167, 4257, 4861), regulations governing loans and purchase agreements made available on wheat produced in 1947. Such regulations are hereby amended as follows:

In § 251.130, *County and station rates, discounts, and premiums (Portland area)*, under the schedule of rates for Umatilla County in paragraph (a) add the following station and rate:

Station	Rate
McBee.....	\$1.799

[SEAL] **JESSE B. GILMER,**
President,
Commodity Credit Corporation.

SEPTEMBER 26, 1947.

[F. R. Doc. 47-8909; Filed, Oct. 1, 1947; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

By virtue of the authority vested in the Secretary of Agriculture by the Federal Insecticide, Fungicide, and Rodenticide Act, approved June 25, 1947 (Pub. Law 104, 80th Cong.) and the Administrative Procedure Act (60 Stat. 237), the following regulations are hereby promulgated:

- Sec.
- 162.1 Words in singular form.
 - 162.2 Terms defined and construed.
 - 162.3 Administration.
 - 162.4 Language to be used.
 - 162.5 Omission of label or labeling.
 - 162.6 Label.
 - 162.7 Ingredient statement.
 - 162.8 Economic poisons highly toxic to man.
 - 162.9 Warning or caution statement.
 - 162.10 Registration.
 - 162.11 Guarantee of economic poisons.
 - 162.12 Coloration and discoloration.
 - 162.13 Adulteration; valuable constituent.
 - 162.14 Misbranding.
 - 162.15 Enforcement.
 - 162.16 Notice of judgment.
 - 162.17 Shipments for experimental use.
 - 162.18 Exemption.

AUTHORITY: §§ 162.1 to 162.18, inclusive, issued under Pub. Law 104, 80th Cong., 60 Stat. 237.

§ 162.1 *Words in singular form.* Words used in the singular form in the regulations in this part shall include the plural, and vice versa, as the case may require.

§ 162.2 *Terms defined and construed.* All terms used in these regulations in this part shall have the meaning set forth for such terms in the act. In addition, such terms shall be construed as follows:

- (a) *Act.* "Act" means the Federal Insecticide, Fungicide, and Rodenticide Act.
- (b) *Director.* "Director" means the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, or any officer or employee to whom he has heretofore lawfully delegated or to whom he may hereafter lawfully delegate the authority to act in his stead.

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A limited sales stock of the 1945 Supplement (4 books) is still available at \$3 a book.

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(c) *Economic poison.* "Economic poison" includes insecticides, fungicides, rodenticides and herbicides. A product shall be deemed to be an economic poison regardless of whether intended for use as packed or after dilution or mixture with other substances, such as carriers or baits. Products intended only for use after further processing or manufacturing, such as grinding to dust form or more extensive operations, shall not be deemed to be economic poisons. Substances which have recognized commercial uses other than uses as economic poisons shall not be deemed to be economic poisons unless such substances are (1) specially prepared for use as economic poisons, or (2) labeled, represented, or intended for use as economic poisons, or (3) marketed in channels of trade where they will presumably be purchased as economic poisons.

(d) *Fungicide.* "Fungicide" includes but is not limited to:

(1) Plant fungicides, seed fungicides, fungicidal wood preservatives, and mildew and mold preventatives,

(2) Disinfectants, antiseptics and sterilizers, except those for use only on or in living man or other animals.

The term "fungicide" shall not include algaeicides.

(e) *Active ingredient.* An "active ingredient" is an ingredient which:

(1) Is capable in itself, and when used in the same manner and for the same purposes as directed for use of the product, of preventing, destroying, repelling, or mitigating insects, fungi, rodents, weeds or other pests; and

(2) Is present in the product in an amount sufficient to add materially to its effectiveness; and

(3) Is not antagonistic to the activity of the principal active ingredient;

Provided, however, That the Director may require an ingredient to be designated as an active ingredient if, in his opinion, it sufficiently increases the effectiveness of the economic poison to warrant such action.

(f) *Rodent.* "Rodent" means any animal of the order Rodentia, including, but not limited to, rats, mice, rabbits, gophers, prairie dogs and squirrels.

(g) *Official investigator.* "Official investigator" means any employee or agent of the Department of Agriculture or the Treasury Department authorized by the Director or by the Secretary of the Treasury to make investigations in connection with enforcement of the act.

§ 162.3 *Administration.* The Director is authorized to take such action as, in his discretion, may be necessary in the administration and enforcement of the act and the regulations in this part.

§ 162.4 *Language to be used.* All statements, words and other information required by the act or the regulations in

this part to appear on the label or labeling of any economic poison shall be in the English language; *Provided,* That in the case of articles intended solely for distribution to points outside the continental United States the appropriate foreign language may be used in lieu of the English language.

§ 162.5 *Omission of label or labeling.* The omission of a label or labeling from any economic poison shall not affect any provision under the act or the regulations in this part with respect to any statement required to appear on such label or labeling.

§ 162.6 *Label—(a) Contents of label.* The label of every economic poison must show, clearly and prominently, the name of the product; the name and address of the manufacturer, the registrant, or person for whom manufactured; the net contents; the ingredient statement; and a warning or caution statement which may be necessary to prevent injury to living man and other vertebrate animals, useful vegetation and useful invertebrate animals. The label of any economic poison which is highly toxic to man must also contain the skull and crossbones, and the word "poison" in red on a contrasting background and the antidote statement in immediate proximity thereto. The antidote statement shall include directions to call a physician immediately. The label of every economic poison, if necessary to prevent injury to living man and other vertebrate animals, useful vegetation and useful invertebrate animals, must contain an appropriate warning or caution statement as required in § 162.9.

(b) *Name and address of manufacturer.* An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, or if the name of the person for whom the economic poison was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for * * *" "Distributed by * * *" or "Sold by * * *" to show that the name is not that of the manufacturer. When a person manufactures an economic poison in two or more places or in a place different from the manufacturer's principal office, the actual place of manufacture of each particular package need not be stated on the label except when, under the special circumstances existing, the failure to name it may be misleading to the public. The address of the manufacturer, registrant or person for whom manufactured shall include the street address, if any, unless the street address is shown in a current city directory or telephone directory.

(c) *Name, brand or trademark of economic poison.* The name, brand or trademark of the economic poison appearing on the label shall be that under which the economic poison is registered.

(d) *Net content.* (1) The net content shall be exclusive of wrappers or other material, and shall be deemed to be average content unless stated as a minimum quantity.

(2) Net content shall be stated in the terms of weight or measure in general

use by consumers and users of the economic poison to give accurate information as to the quantity of the economic poison. If there is no general use, the net content statement shall be in terms of liquid measure if the product is a liquid, and in terms of weight if it is a solid, semi-solid, viscous, or a mixture of liquid and solid. Statements of liquid measure shall be in terms of the United States gallon, quart, pint, and fluid ounce, at 68° F. The statements of weight shall be in terms of avoirdupois pound and ounce. All statements of net content shall be in terms of the largest unit present.

(3) If the contents are stated as a minimum quantity, variation below is not permissible and variation above shall not be unreasonably large.

(4) If the contents are not stated as a minimum quantity, variation shall be permitted only to the extent that it represents deviations unavoidable in good packing practice. The average quantity in the packages in a shipment shall not fall below the average quantity stated, nor shall there be any unreasonable variation from the average in the contents of any package.

§ 162.7 *Ingredient statement—(a) Location of ingredient statement.* The ingredient statement must appear on that part of the label displayed under customary conditions of purchase except in cases where the Director determines that, due to the size or form of the container a statement on that portion of the label is impractical, and permits such statement to appear on another side or panel of the label. When so permitted, the ingredient statement must be in larger type and more prominent than would otherwise be possible. The ingredient statement must run parallel with other printed matter on the panel of the label on which it appears and must be on a clear contrasting background not obscured or crowded.

(b) *Names of ingredients.* The well-known common name of the ingredient must be given or, if the ingredient has no common name, the correct chemical name. If there is no common name and the chemical composition is unknown or complex, the Director may permit the use of a new or coined name which he finds to be appropriate for the information and protection of the user. If the use of a new or coined name is permitted, the Director may prescribe the terms under which it may be used. A trademark or trade name may not be used as the name of an ingredient except when it has become a common name.

(c) *Percentages of ingredients.* Percentages of ingredients shall be determined by weight and the sum of the percentages of the ingredients shall be 100. Sliding scale forms of ingredient statements shall not be used.

(d) *Designation of ingredients.* (1) Active ingredients and inert ingredients shall be so designated, and the term "inert ingredients" shall appear in the same size type and be equally as prominent as the term "active ingredients."

(2) If the name but not the percentage of each active ingredient is given, the names of the active and inert ingredients shall, respectively, be shown

in the descending order of the percentage of each present in each classification and the name of each ingredient shall be given equal prominence.

(e) *Active ingredient content.* As long as an economic poison is subject to the act the percentages of active ingredients declared in the ingredient statement shall be the percentages of such ingredients in the economic poison.

§ 162.8 *Economic poisons highly toxic to man.* The Secretary hereby finds that economic poisons which fall within any of the following categories when tested on the laboratory animals, mice, rats and rabbits, are highly toxic to man or contain substances or quantities of substances highly toxic to man within the meaning of the act:

(a) *Oral toxicity.* Those which produce death in half or more than half the animals of any species at a dosage of 50 milligrams at a single dose, or less, per kilogram of body weight when administered orally to ten or more such animals of each species.

(b) *Toxicity on inhalation.* Those which produce death in half or more than half of the animals of any species at a dosage of 200 parts or less by volume of the gas or vapor per million parts by volume of air when administered by continuous inhalation for one hour or less to ten or more animals of each species, provided such concentration is likely to be encountered by man when the economic poison is used in any reasonably foreseeable manner.

(c) *Toxicity by skin absorption.* Those which produce death in half or more than half of the animals (rabbits only) tested at a dosage of 200 milligrams or less per kilogram of body weight when administered by continuous contact with the bare skin for 24 hours or less to ten or more animals.

Provided, however, That the Director may, upon application and after opportunity for hearing, exempt any economic poison which meets the above standard but which is not in fact highly toxic to man, from the requirements of the act and the regulations in this part with respect to economic poisons highly toxic to man.

§ 162.9 *Warning or caution statement.* The warning or caution statement, when necessary to prevent injury to living man and other vertebrate animals, useful vegetation and useful invertebrate animals, must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in non-technical language the particular hazard involved in the use of the economic poison, e. g., ingestion, skin absorption, inhalation, inflammability or explosion, and the precautions to be taken to avoid accident, injury, or damage.

The word "Poison" in red on a contrasting background in immediate proximity to the skull and crossbones and an antidote, including directions to call a physician immediately, shall appear on all economic poisons highly toxic to man.

§ 162.10 *Registration—(a) Eligibility.* Any manufacturer, packer, seller, distributor or shipper of an economic

poison is eligible as a registrant and may register such economic poison.

(b) *Effect of registration.* If an economic poison is registered under the act no further registration under the act is required: *Provided, That,*

(1) The product is in the manufacturer's or registrant's original unbroken immediate container; and

(2) The claims made for it and the directions for its use do not differ in substance from the representations made in connection with registration.

(c) *Procedure for registration.* Applications for registration should be addressed to Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. Application forms will be furnished upon request. Applications should be submitted as far in advance as possible and at least 30 days before the time when it is desired that registration take effect. No fees are charged for registration.

(d) *Effective date of registration.* Registration of an economic poison shall become effective on the date the notice of registration is issued.

(e) *Responsibility of a registrant.* The registrant is responsible for the accuracy and completeness of all information submitted in connection with his application for registration of an economic poison.

(f) *Changes in labeling or formulae.*
(1) Changes in substance in the labeling or changes in the formula of a registered economic poison must be submitted in advance to the Insecticide Division, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The registrant must describe the exact changes desired and the proposed effective date and, upon request, shall submit a description of tests which justify such changes.

(2) After the effective date of a change in labeling or formula the product shall be marketed only under the new claims or formula, except that a reasonable time may be permitted by the Director to dispose of properly labeled stocks of old products.

(g) *Claims must conform to registration.* Claims made for an economic poison must not differ in substance from representations made in connection with registration, including representations with respect to effectiveness, ingredients, directions for use, or pests against which the product is recommended.

§ 162.11 *Guarantee of economic poisons—(a) By whom given.* Any manufacturer, distributor, wholesaler, or other person residing in the United States may furnish to any person to whom he sells an economic poison a guarantee that the economic poison was lawfully registered at the time of sale and delivery to such person, and that the economic poison complies with all the requirements of the act and of the regulations in this part.

(b) *Reference to guarantee.* No reference to or suggestion that a guarantee of registration has been given shall be made in the labeling of any economic poison.

(c) *Contents of guarantee.* In order to afford effective protection, each guarantee must:

(1) Be signed by and contain the name and address of the person giving it; and

(2) State that the economic poison was lawfully registered at the time of sale and delivery and that it complies with all other requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

(d) *Scope of guarantee.* A guarantee may be (1) limited to a specific shipment or other delivery of a product, in which case it may be a part of or attached to the invoice or bill of sale covering such shipment or delivery, or (2) general and continuing, in which case, in its application to any shipment or other delivery of a product, it shall be considered to have been given at the date when such product was shipped or delivered by the person giving the guarantee.

(e) *Expiration of guarantee.* Any guarantee shall expire when the product is repacked or relabeled by the purchaser or when it becomes otherwise in violation of the act or the regulations in this part after shipment or other delivery by the person who gave such guarantee.

(f) *Forms of guarantee.* The following are suggested forms of guarantee:

(1) Limited form for use on invoice or bill of sale.

----- hereby guarantees
Name of guarantor
that the economic poison herein listed is lawfully registered with the Secretary of Agriculture and that the same complies with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act.

Signature and postoffice address
of guarantor

Date

(2) General and continuing form.

The economic poisons comprising each shipment or other delivery hereafter made by -----, to or on the

Name of guarantor
order of -----
Name and address of person receiving guarantee

are hereby guaranteed to be lawfully registered with the Secretary of Agriculture and to comply with all requirements of the Federal Insecticide, Fungicide, and Rodenticide Act, as of the date of such shipment or delivery.

Signature and postoffice address
of guarantor

Date

§ 162.12 *Coloration and discoloration.* The white economic poisons hereinafter named shall be colored or discolored in accordance with this section. The hues, values, and chromas specified are those contained in the Munsell Book of Color, Munsell Color Company, 10 East Franklin Street, Baltimore, Maryland.

(a) *Coloring agent.* The coloring agent must produce a uniformly colored product not subject to change in color beyond the minimum requirements specified in the regulations in this part during ordinary conditions of marketing or storage, and must not cause the product

to be ineffective or result in its causing damage when used as directed.

(b) *Arsenicals and barium fluosilicate.* Standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, and barium fluosilicate shall be colored any hue, except the yellow-reds and yellows, having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(c) *Sodium fluoride and sodium fluosilicate.* Sodium fluoride and sodium fluosilicate shall be colored blue or green having a value of not more than 8 and a chroma of not less than 4, or shall be discolored to a neutral lightness value not over 7.

(d) *Exception.* Notwithstanding the provisions of paragraphs (b) and (c) of this section the Director, after opportunity for hearing, may permit other hues to be used for any particular purpose if the prescribed hues are not feasible for such purpose and if such action will not be injurious to the public.

§ 162.13 *Adulteration; valuable constituent.* (a) A valuable constituent will be considered as wholly abstracted whenever the designation or representation of the product imports its presence therein and such constituent has been wholly omitted therefrom in the preparation of the product or has been wholly removed from the completed product.

(b) A valuable constituent will be considered as partly abstracted whenever the designation or representation of the product imports its presence therein, and such constituent is not present in the usual or customary amount or in the amount indicated in the labeling.

§ 162.14 *Misbranding—(a) False or misleading statements.* Among representations in the labeling of an economic poison which render it misbranded are the following:

(1) A false or misleading statement concerning composition of the product.

(2) A false or misleading statement concerning the effectiveness of the product as an economic poison or device.

(3) A false or misleading statement about the value of the product for purposes other than as an economic poison or device.

(4) A false or misleading comparison with other economic poisons or devices.

(5) A false or misleading representation as to the safety of the economic poison or of its ingredients including a statement such as "non-poisonous", "non-injurious", or "non-hazardous" unless the product is in fact safe under all conditions.

(6) Any statement directly or indirectly implying that the economic poison or device is recommended or endorsed by any agency of the Federal Government.

(7) The name of an economic poison which contains two or more ingredients if it suggests the name of one or more but not all such ingredients, even though the names of the other ingredients are stated elsewhere in the labeling: *Provided, however,* That it is permissible, when the percentage of each active in-

redient is given in the name, to omit reference in the name to the inert ingredients.

(8) Prominent reference in the labeling to one or more active ingredients without giving their percentages in immediate proximity thereto or without giving equal prominence to the other active ingredients or to the presence of inert ingredients.

(9) A true statement used in such a way as to give a false or misleading impression to the purchaser.

(b) *Justification of false and misleading statements not permitted.* (1) The use of any false or misleading statement on any part of the labeling, given as the statement or opinion of any person or based upon such statement or opinion shall not be justified, nor may such statement be justified by the fact that the statement or opinion is actually that of such person.

(2) The use of a false or misleading statement in the labeling cannot be justified by an explanatory statement.

§ 162.15 *Enforcement—(a) Collection of samples.* Samples of economic poisons and devices shall be collected by official investigators or by any employee of the Federal Government, or of a State, territory, or political subdivision who has been duly designated by the Director.

(b) *Examination of samples.* Methods of examination of samples shall be those adopted and published by the Association of Official Agricultural Chemists, where applicable, and such other methods as may be necessary to determine whether the product complies with the law.

(c) *Notice of apparent violation.* (1) If from an examination or analysis an economic poison or device appears to be in violation of the act, a notice in writing shall be sent to the person against whom criminal proceedings are contemplated, giving him an opportunity to offer such written explanation as he may desire. The notice shall state the manner in which the sample fails to meet the requirements of the act and the regulations.

(2) Any such person may, in addition to his reply to such notice, file within 20 days of its receipt a written request for an opportunity to present his views orally in connection therewith.

(3) No notice or hearing shall be required prior to the seizure of any economic poison or device.

§ 162.16 *Notice of judgment.* Publication of judgments of the courts in cases arising under the criminal or seizure provisions of the act shall be made in the form of notices, circulars, or bulletins as the Director may direct.

§ 162.17 *Shipments for experimental use—(a) Articles for which no permit is required.* (1) A substance or mixture of substances being put through tests in which the purpose is only to determine its value for economic poison purposes or to determine its toxicity or other properties, and where the user does not expect to receive any benefit in pest control from its use is not considered an economic poison within the meaning of section 2a of the act and § 162.2 (c). There-

fore, no permit under the act is required for its shipment.

(2) An economic poison shipped or delivered for experimental use by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons shall not be subject to the provisions of the act and the regulations in this part.

(b) *Articles for which permit is required.* (1) An economic poison shipped or delivered for experimental use by other qualified persons but not under the supervision of a Federal or State agency authorized by law to conduct research in the field of economic poisons, shall be exempt from the provisions of the act and of the regulations in this part: *Provided,* That a permit for such shipment or delivery is obtained prior thereto. Permits will be of two types, specific and general. A specific permit will be issued to cover a particular shipment on a specified date to a named person. A general permit will be issued to cover more than one shipment over a period of time to different persons.

(2) All applications for permits covering shipments for experimental use must be signed by the shipper or person making delivery and must contain the following:

(i) Name and address of shipper and place or places from which shipment will be made.

(ii) Proposed date of shipment or proposed shipping period not to exceed one year.

(iii) Identification of material to be covered by permit which should apply to a single material or group of closely allied materials.

(iv) Approximate quantity to be shipped and types of tests such as greenhouse, orchard, or field.

(v) A signed statement whether the product is sold or is delivered without cost.

(vi) A signed statement that the economic poison is intended for experimental use only.

(vii) Proposed labeling which, in addition to other statements, must state that the product is for experimental use only.

(c) *Cancellation of permits.* Any permit for shipment for experimental use may be cancelled at any time for any violation of the terms thereof.

§ 162.18 *Exemption.* An economic poison specified in § 162.12 which is intended solely for use by a textile manufacturer or commercial laundry, cleaner or dyer as a mothproofing agent, which would not be suitable for such use if colored and which will not come into the hands of the public except when incorporated into a fabric, shall be exempt from the requirements of section 3 (a) (4) of the act and § 162.12.

The regulations in this part shall become effective thirty days after publication thereof in the FEDERAL REGISTER.

Issued this 26th day of September 1947.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-8893; Filed, Oct. 1, 1947; 8:45 a. m.]

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[Rev. Quarantine 70]

PART 319—FOREIGN QUARANTINE NOTICES SUBPART—DUTCH ELM DISEASE QUARANTINE

Introductory note. Discovery of the Dutch elm disease in the Province of Quebec, Canada has necessitated extension of the quarantine on account of this disease to include the Dominion of Canada and other foreign areas north of the United States. Surveys of elm utilization in the United States disclosed that elm logs are annually shipped to certain localities in this country from Canadian points, principally for use in veneer manufacturing. Such unrestricted importations constitute an additional threat to the elms in the extensive sections of the United States where the disease does not occur.

Importations of elm material from the continent of Europe have been prohibited or restricted since October 21, 1933.

In regulations supplemental to the revised quarantine, provisions are made for the importation of quarantined products under certain precautions to prevent introduction of the disease fungus.

Notice of determination of the Secretary of Agriculture. The Secretary of Agriculture has determined that it is necessary further to revise the Dutch elm disease quarantine which was last revised December 20, 1934, effective January 1, 1935 (7 CFR 319.70), in order to extend the quarantined area to include the Dominion of Canada and other foreign areas north of the United States, and to issue regulations supplemental to the revised quarantine to allow the importation under prescribed conditions of certain quarantined products. The quarantine is therefore hereby revised as follows and the following regulations established:

QUARANTINE

Sec.	
319.70	Notice of quarantine.
	RULES AND REGULATIONS
319.70-1	Definitions.
319.70-2	Conditions governing the entry of elm and related plants from Europe.
319.70-3	Conditions governing the entry of elm and related plants from Canada and other foreign areas north of the United States.
319.70-4	Procedure for obtaining permits.
319.70-5	Notice of arrival.
319.70-6	Shipments for experimental or scientific purposes.

AUTHORITY: §§ 319.70 to 319.70-6, inclusive, issued under secs. 5 and 7 of the Plant Quarantine Act, Aug. 20, 1912, 37 Stat. 316 and 317; 7 U. S. C. 159 and 160.

QUARANTINE

§ 319.70 *Notice of quarantine.* The Secretary of Agriculture, having given the public hearing required by law, has determined that an injurious plant disease known as the Dutch elm disease, caused by the fungus *Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz), not heretofore widely prevalent or distributed within and throughout the United States, exists in various

countries of the continent of Europe as well as certain foreign areas north of the United States. Therefore, pursuant to the provisions of the Plant Quarantine Act of August 20, 1912 (37 Stat. 316 and 317; 7 U. S. C. 159 and 160), the Secretary of Agriculture forbids the importation into the United States from the continent of Europe, and the Dominion of Canada and other foreign areas north of the United States, including Newfoundland, Labrador, St. Pierre, Miquelon and islands adjacent thereto of (a) seeds, leaves, plants, cuttings, and scions of elm and related plants; (b) logs of elm and related plants; (c) lumber, timber, and veneer of such plants if bark is present on them; and (d) crates, boxes, barrels, packing cases, and other containers, and other articles manufactured in whole or in part of the wood of elm or related plants, if such wood is not free from bark, except as provided in the regulations supplemental to this quarantine.

RULES AND REGULATIONS

§ 319.70-1 *Definitions.* For the purposes of the regulations in this part, the following words, names, and terms shall be construed respectively, to mean:

(a) *Dutch elm disease.* The fungus disease of elms caused by *Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz), in any stage of development.

(b) *Elm and related plants.* Plants of the botanical family Ulmaceae, comprising all species of the following genera: *Ampelocera*, *Aphananthe*, *Barbeya*, *Celtis*, *Chaetachne*, *Chaetoptelca*, *Gironniera*, *Holoptelea*, *Lozanella*, *Parasponia*, *Phyllostylon*, *Planera*, *Pteroceltis*, *Trema*, *Ulmus* and *Zelkova*.

(c) *Certificate of origin.* A certificate issued and signed by an authorized governmental official of the country of origin stating that the products in the shipment were grown in a country, territory, or province where the Dutch elm disease is not known to occur.

(d) *Inspector.* An inspector of the United States Department of Agriculture.

§ 319.70-2 *Conditions governing the entry of elm and related plants from Europe.* (a) Products designated in § 319.70 may not be imported into the United States from the Continent of Europe: *Provided, however,* That under unusual circumstances an exception to this prohibition may be authorized by the Secretary of Agriculture for entry of such products under permit, under such conditions and regulations as he may prescribe, or when the particular products have been or are to be so treated, prepared, or processed that, in his judgment, their entry involves no risk of pest introduction.

§ 319.70-3 *Conditions governing the entry of elm and related plants from Canada and other foreign areas north of the United States.* (a) Products designated in § 319.70 (other than seeds) may not be imported into the United States from the Province of Quebec, Canada.

(b) Logs, lumber, and any other parts of elm and related plants incapable of propagation may be imported into the United States under permit issued in accordance with § 319.70-4 and notice of

arrival executed in accordance with § 319.70-5 when they have originated in either the Dominion of Canada (other than the Province of Quebec) or the other foreign areas north of the United States designated in § 319.70. Permit and notice of arrival requirements for such importations may be waived by the inspector when the products are accompanied by a certificate of origin.

(c) Clean seeds from any of the designated foreign areas north of the United States and other propagative materials of elm and related plants from these same areas (other than the Province of Quebec) are hereby exempted from the provisions of § 319.70. Admission of these products, however, is subject to the provisions of the Nursery Stock, Plant, and Seed Quarantine, No. 37 (7 CFR 319.37 (B. E. P. Q.-Q.37)).

§ 319.70-4 *Procedure for obtaining permits.* Persons desiring to import products of elm or related plants incapable of propagation, the entry of which is regulated by the regulations in this part, shall submit to the Bureau of Entomology and Plant Quarantine an application stating the name and address of the importer, the country, and, in the case of Canada, the province, from which the material is to be imported, the approximate quantity of the commodity for which a permit is desired, and the proposed United States port of entry. Upon receipt and approval of such application by the Bureau of Entomology and Plant Quarantine, a permit will be issued authorizing the importation and specifying the authorized port of entry and the pertinent conditions and requirements for entry.

§ 319.70-5 *Notice of arrival.* Immediately upon the arrival at a port of entry of any material, the entry of which is permissible only under permit, the permittee shall submit to the Bureau of Entomology and Plant Quarantine, through the Collector of Customs, duplicate copies of a notice of arrival. Forms for this purpose are available from either the Bureau of Entomology and Plant Quarantine or the Collector of Customs.

§ 319.70-6 *Shipments for experimental or scientific purposes.* Articles governed by § 319.70 may be imported for experimental or scientific purposes by the United States Department of Agriculture upon such conditions and restrictions as the Chief of the Bureau of Entomology and Plant Quarantine may prescribe.

This quarantine and the regulations in this part shall be effective on and after October 31, 1947.

Done at the city of Washington this 26th day of September 1947.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 47-8890; Filed, Oct. 1, 1947; 8:45 a. m.]

¹ Address applications to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, New Jersey.