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now being adopted; and (4) no advance, or special, preparation for operations hereunder will be needed.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 10th day of September 1953, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-7982; Filed, Sept. 14, 1953; 8:51 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

MOVEMENT OF SWINE AND SWINE PRODUCTS FROM A NON-QUARANTINED AREA

Correction

In Federal Register Document 53-7681, published on page 5293 of the issue for Wednesday, September 2, 1953, the word

"quarantined", which appeared in the inferior headnote at the beginning of the document, should read "non-quarantined" as set forth above.

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

RATE OF INTEREST ON LOAN SECURED BY TIME DEPOSIT

§ 217.106 *Rate of interest on loan secured by time deposit.* (a) An inquiry has been received by the Board concerning the permissible rate of interest under paragraph (e) of § 217.4 on a loan by a member bank to its depositor "upon the security of" his time certificate of deposit. The paragraph provides that the rate of interest on such a loan "shall be not less than 2 percent per annum in excess of the rate of interest on" the deposit.

(b) Briefly, the certificate in question provides for payment 3 years after date of issue with interest at a rate of 2½ percent per annum, but provides for earlier withdrawal of the deposit after 90 days' written notice during either of three successive intervals with interest at a rate progressing from 1 to 1½ to 2 percent per annum, respectively.

(c) As indicated by the interpretation contained in § 217.105 (18 F. R. 4005), such a certificate complies with the provisions of Part 217. The rate of interest payable to the depositor under the terms of the certificate depends upon which of the withdrawal privileges may be elected by him. Accordingly, the Board is of the view that the rate of interest on a loan upon the security of such a certificate of deposit should be no less than 2 per cent per annum in excess of the rate of interest to which the depositor would be entitled if he should exercise the particular withdrawal privilege of the certificate available to him at the time of the maturity of the loan.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U. S. C. 264 (c) (7), 371, 371a, 371b, 461)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 53-7965; Filed, Sept. 14, 1953; 8:47 a. m.]

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS, AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

ARRANGING FOR EXTENSIONS OF CREDIT TO BE MADE BY BANK

Section 220.111 is added to read as follows:

§ 220.111 *Arranging for extensions of credit to be made by a bank.* (a) The Board has recently had occasion to express opinions regarding the requirements which apply when a person subject to Part 220 (for convenience, called here simply a broker) arranges for a bank to extend credit.

(b) The matter is treated generally in paragraph (a) of § 220.7 and is also subject to the general rule of law that any person who aids or abets a violation of law by another is himself guilty of a violation. It may be stated as a general principle that any person who arranges for credit to be extended by someone else has a responsibility so to conduct his activities as not to be a participant in a violation of Part 220 which applies to brokers, or Part 221 of this subchapter, which applies to banks.

(c) More specifically, in arranging an extension of credit that may be subject to Part 221 of this subchapter, a broker must act in good faith and, therefore, must question the accuracy of any non-purpose statement (i. e., a statement that the loan is not for the purpose of purchasing or carrying registered stocks) given in connection with the loan where the circumstances are such that the broker from any source knows or has reason to know that the statement is incomplete or otherwise inaccurate as to the true purpose of the credit. The requirement of "good faith" is of vital importance. While the application of the requirement will necessarily vary with the facts of the particular case, the broker, like the bank for whom the loan is arranged to be made, must be alert to the circumstances surrounding the loan. Thus, for example, if a broker or dealer is to deliver registered stocks to secure the loan or is to receive the proceeds of the loan, the broker arranging the loan and the bank making it would be put on notice that the loan would probably be subject to Part 221 of this subchapter. In any such circumstances they could not in good faith accept or rely upon a statement to the contrary without obtaining a reliable and satisfactory explanation of the situation. The foregoing, of course, applies the principles contained in § 221.101 of this subchapter.

(d) In addition, when a broker is approached by another broker to arrange extensions of credit for customers of the approaching broker, the broker approached has a responsibility not to arrange any extension of credit which the approaching broker could not himself arrange. Accordingly, in such cases the statutes and regulations forbid the approached broker to arrange extensions of credit on unregistered securities for the purpose of purchasing or carrying either registered or unregistered securities. The approaching broker would also be violating the applicable requirements if he initiated or otherwise participated in any such forbidden transactions.

(e) The expression of views, set forth in this section, to the effect that certain specific transactions are forbidden, of course, should not in any way be understood to indicate approval of any other transactions which are not mentioned.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interprets or applies secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78h (a), 78g (b), 78w)

BOARD OF GOVERNORS OF THE

FEDERAL RESERVE SYSTEM,

[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 53-7967; Filed, Sept. 14, 1953; 8:48 a. m.]

[Reg. U]

PART 221—LOANS BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING REGISTERED STOCKS

ARRANGING FOR EXTENSIONS OF CREDIT TO BE MADE BY A BANK; RELIANCE IN "GOOD FAITH" ON STATEMENT OF PURPOSE OF LOAN

1. Section 221.105 is added as follows:

§ 221.105 *Arranging for extensions of credit to be made by a bank.* For text of this interpretation, see § 220.111 of this subchapter.

2. Section 221.106 is added as follows:

§ 221.106 *Reliance in "good faith" on statement of purpose of loan.* (a) Certain situations have arisen from time to time under Part 221 wherein it appeared doubtful that, in the circumstances, the lending banks may have been entitled to rely upon the statements accepted by them in determining whether the purposes of certain loans were such as to cause the loans to be not subject to the part.

(b) The use by a lending bank of a statement in determining the purpose of a particular loan is, of course, provided for by paragraph (a) of § 221.3. However, under that paragraph a lending bank may "rely" upon any such statement only if it is "accepted by the bank in good faith." As the Board stated in the interpretation contained in § 221.101, the "requirement of 'good faith' is of vital importance"; and, to fulfill such requirement, "it is clear that the bank must be alert to the circumstances surrounding the loan".

(c) Obviously, such a statement would not be accepted by the bank in "good faith" if at the time the loan was made the bank had knowledge, from any source, of facts or circumstances which were contrary to the natural purport of the statement, or which were sufficient reasonably to put the bank on notice of the questionable reliability or completeness of the statement.

(d) Furthermore, the same requirement of "good faith" is to be applied whether the statement accepted by the bank is signed by the borrower or by an officer of the bank. In either case, "good faith" requires the exercise of special diligence in any instance in which the borrower is not personally known to the bank or to the officer who processes the loan.

(e) The interpretation set forth in § 221.101 contains an example of the application of the "good faith" test. There it was stated that "if the loan is to be made to a customer who is not a broker or dealer in securities, but such a broker

or dealer is to deliver registered stocks to secure the loan or is to receive the proceeds of the loan, the bank would be put on notice that the loan would probably be subject to this part. It could not accept in good faith a statement to the contrary without obtaining a reliable and satisfactory explanation of the situation.

(f) Moreover, and as also stated by the aforementioned interpretation contained in § 221.101, the "purpose" of a loan, of course, "cannot be altered by some temporary application of the proceeds. For example, if a borrower is to purchase Government securities with the proceeds of a loan, but is soon thereafter to sell such securities and replace them with registered stocks, the loan is clearly for the purpose of purchasing or carrying registered stocks". The purpose of a loan, therefore, should not be determined upon a narrow analysis of the immediate use to which the proceeds of the loan are put. Accordingly, a bank acting in "good faith" should carefully scrutinize cases in which there is any indication that the borrower is concealing the true purpose of the loan, and there would be reason for special vigilance if registered stocks are substituted for bonds or unregistered stocks soon after the loan is made, or on more than one occasion.

(g) Similarly, the fact that a loan made on the borrower's signature only, for example, becomes secured by registered stock shortly after the disbursement of the loan usually would afford reasonable grounds for questioning the bank's apparent reliance upon merely a statement that the purpose of the loan was not to purchase or carry registered stock.

(h) These examples are, of course, by no means exhaustive. They simply illustrate the fundamental fact that no statement accepted by a bank is of any value for the purposes of the regulation unless "accepted by the bank in good faith", and that "good faith" requires, among other things, reasonable diligence to learn the truth.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 3, 7, 17, 23, 48 Stat. 882, 886, 897, 901, as amended; 15 U. S. C. 78e, 78g, 78g (b), 78w)

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 53-7966; Filed, Sept. 14, 1953;
8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-447]

PART 215—PORTRAIT PHOTOGRAPHIC INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914,

as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of September 15, 1953.

Statement by the Commission. Trade practice rules for the Portrait Photographic Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Such rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, the trade, and the public may be protected from the harmful effects of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any unlawful acts or practices which suppress competition or otherwise unreasonably restrain trade.

Industry members are those persons, firms, corporations, or organizations engaged in the business of taking and selling photographs of human beings, except that those engaged solely in taking motion pictures or photographs for use in theaters or on television broadcasts, or in newspapers, magazines, books, sales promotional literature, etc., are not to be considered as members of the industry to which the rules are applicable. Products of the industry to which the rules have application include not only photographs of human beings, but duplicates, enlargements, and reductions thereof, and frames and accessories sold in combination therewith. Aggregate annual sales of industry products approximate \$175,000,000.

Proceedings for the establishment of rules were instituted upon application made by industry members. A general industry conference was held in Chicago, Illinois, at which proposals for rules were submitted for consideration of the Commission. Thereafter, a draft of proposed rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections, as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Chicago, Illinois, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses com-

petition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.

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|--------|--|
| 215.0 | Definitions. |
| 215.1 | Misrepresentation (general). |
| 215.2 | Deception as to character of business. |
| 215.3 | Deception as to business status, training, skill, etc. |
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| 215.6 | Misrepresentation as to "made for exhibit purposes." |
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| 215.11 | Guaranties, warranties, etc. |
| 215.12 | Deceptive use of odd-style frames, etc. |
| 215.13 | Misrepresentation as to samples, etc. |
| 215.14 | Deceptive pricing. |
| 215.15 | Deceptive use and imitation of trade or corporate names, trade-marks, etc. |
| 215.16 | Use of lottery. |
| 215.17 | Defamation of competitors or false disparagement of their products. |
| 215.18 | Selling below cost. |
| 215.19 | Aiding or abetting use of unfair trade practices. |

AUTHORITY: §§ 215.0 to 215.19 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 215.0 *Definitions.* As used in this part the terms "industry member" and "industry product" shall have the following meanings, respectively:

(a) *Industry member.* Any person, firm, corporation, or organization engaged in the business of taking and selling photographs of human beings.

(b) *Industry products.* Photographs of human beings, whether in black and white or in color, and duplicates, enlargements, and reductions of such photographs. Also, frames and accessories for such photographs when sold in combination therewith.

NOTE: Motion pictures or photographs which are to be used primarily or exclusively in theater exhibition or television broadcasting, or for appearance in newspapers, magazines, books, or some form of commercial advertisement, are not to be considered as industry products and persons, firms, corporations, and organizations engaged exclusively in taking or selling such photographs or pictures are not to be considered as "industry members."

General statement. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 215.1 *Misrepresentation (general).* (a) In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to make any representation concerning the size, quality, kind of finish, workmanship, or price, of

any industry product, or concerning the experience or competency of the industry member or his employees in the taking or processing of portraits, or concerning the equipment and facilities used by the industry member in the taking or processing of portraits, which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.

(b) The inhibitions of this section are applicable to any and all advertising or sales promotional presentations of an industry member, whether appearing in a newspaper or other periodical, in a radio or television broadcast, in a telephone directory listing, as a statement or mark on a portrait or on the frame or wrapping thereof, or otherwise. Such inhibitions also apply to any verbal representation made by an industry member or his employee or agent. [Rule 1]

§ 215.2 *Deception as to character of business.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to deceive purchasers or prospective purchasers as to the nature, type, extent, or volume of his business.

Among the practices to be regarded as inhibited by this section is that of an industry member using a corporate or trade name—

(a) Containing the word "studio," or any word or term of similar import, when the industry member does not own and operate, or directly and absolutely control, a photographic studio; or

(b) Containing the words "art institute," "art association," "art gallery," or any word or term of similar import, when the industry member does not own and operate, or directly and absolutely control, an establishment of the character indicated and comprehended by the said word or words; or

(c) Containing the word "press" or "news," or any word or term of similar import, when no part of, or but an insubstantial portion of, the business of the industry member consists of the taking of photographs for use by a newspaper or other news-gathering or news-disseminating agency and when the business of the industry member is not associated with any newspaper or other news-gathering or news-disseminating agency. [Rule 2]

§ 215.3 *Deception as to business status, training, skill, etc.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to make, or cause to be made, any statement or representation which has the capacity and tendency or effect of deceiving customers or prospective customers with respect to the size or reputation of his business, or as to his business status or affiliation, or as to the training, skill, or reputation of himself or any of his employees.

(a) Among the practices inhibited by this section are:

(1) Representing or implying that portrait photographs will be taken by photographers from, or experienced in photography in, Hollywood, California, when such is not the fact.

(2) Making or causing to be made any false or misleading representation

with respect to the skill, reputation, or training of photographers, as for example, the use of such term as "noted photographer of children" as descriptive of the fitness or ability of a photographer to photograph children when in fact such photographer has not acquired a reputation for the taking of children's pictures.

(3) Making or causing to be made any false or misleading representation with respect to membership in trade associations, photographic associations or clubs, or art associations, or in any other similar group. [Rule 3]

§ 215.4 *Misrepresentation as to equipment and methods used.* It is an unfair trade practice for any member of the industry to make, or cause to be made, any false, misleading, or deceptive statement as to equipment and methods used by the industry member in the taking or processing of photographs.

NOTE: Examples of such statements within the inhibitions of this section are (1) "electronic color camera," when no such camera is being used, and (2) "Hollywood studio lighting," when such lighting is not being used.

[Rule 4]

§ 215.5 *Misrepresentation as to finishing and coloring.* It is an unfair trade practice to make, or cause to be made, any false, misleading, or deceptive statements as to the quality and type of finish or photographic prints being offered. Examples of the type of statements prohibited within the inhibitions of this section are:

(a) Using the terms "oil painting," "portrait painting," or any other word or term of similar import, as a designation for, or descriptive of, a tinted or colored photograph or picture made from a photographic base.

NOTE: Nothing in paragraph (a) of this section should be construed as inhibiting the use of such terms as "oil painted photograph" or "oil colored portrait photograph" as descriptive of a product made from a photographic base and colored in oil.

(b) Using the term "gold-tone," or any other word or term of similar import or meaning, either alone or in combination with other words or terms, to designate, describe, or refer to a photographic reproduction which is not a product resulting from a finishing process involving the use of a toning or developing bath employing salts or chloride of gold.

(c) Using the word "platinum" as descriptive of a photographic product not made by what is known as the Platino-type process involving the use of a platinum salt in the sensitizing solution or developer.

(d) Using the word "etching," or any other word or term of similar import or meaning, either alone or in combination with other words or terms, as a designation for, or as descriptive of, any picture, print, photograph, or other product not produced from etched plates.

(e) Using the word "silk," or any term containing the word "silk," in any way to describe or refer to pictures which are not in fact printed on silk; or to make any other misleading, false, or deceptive statement as to the material upon which

the photograph or other photographic product is printed. [Rule 5]

§ 215.6 *Misrepresentation as to "made for exhibit purposes."* It is an unfair trade practice to represent or imply that any photograph or miniature, or any other photographic product, has been included in, or made a part of, an exhibit or an exhibition of photographs when such is not the fact, or to represent that any such photograph or photographic product will be exhibited or made a part of an exhibition when it is not contemplated or intended that such products will be exhibited or made a part of an exhibition. [Rule 6]

§ 215.7 *Misrepresentation as to "contests."* It is an unfair trade practice to make, or cause to be made, directly or by implication, through advertising of any kind, or otherwise, any false, misleading, or deceptive statement as to "contests" of any type or description.

(a) Among the practices inhibited by this section are:

(1) Representing or implying that a specified sum of money or monetary amount in awards will be made to winners in a contest unless the specified sum or amount in awards is made in cash.

(2) Failing to disclose in the advertising of any contest the conditions and requirements which govern the selection of contest winners, including the extent to which such selection is controlled or influenced by the purchase of advertiser's merchandise.

(3) Representing, directly or by implication, that awards in a specified number or value will be made in any contest unless such awards are actually conferred. [Rule 7]

§ 215.8 *Deceptive use of coupons.* It is an unfair trade practice to make, or cause to be made, directly or by implication, in advertising or otherwise, any false, misleading, or deceptive statements with regard to subject matter carried on so-called "coupons." Included in the scope of this section are: statements referring to "limited" dates, when there is, in fact, no limit; "one per family" limitations, when, in fact, there are no such limitations; and failing to disclose on such coupons that additional purchases of any type are a prerequisite to receiving the offer made on the coupon itself, if in fact such a prerequisite is imposed. [Rule 8]

§ 215.9 *Misuse of the word "free."* It is an unfair trade practice to use the word "free," or any other word or term of similar import or meaning, to designate, describe, or refer to any article of merchandise which is not in fact a gift or gratuity or which is not given without requiring the purchase of other merchandise or the performance of some service inuring, directly or indirectly, to the benefit of the donor of such so-called gift. [Rule 9]

§ 215.10 *Misuse of the term "you have been selected," etc.* It is an unfair trade practice to represent, directly or indirectly, that photographs sold in the regular course of business at the usual and customary prices therefor are, or

will be, sold only to a limited number of customers, or to "a few lucky persons," or to indicate that the recipient of such offer "has been selected," or to represent in any manner that the purchaser is receiving an advantage in price or other consideration not ordinarily available. [Rule 10]

§ 215.11 *Guaranties, warranties, etc.* (a) It is an unfair trade practice to use any guarantee respecting a photograph or other industry product which does not make reasonable disclosure of the conditions or limitations of such guarantee, or which contains statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any respect, or which are of such form, text, or character as to represent or imply that the guarantee is broader than is in fact true.

(b) It is an unfair trade practice for the guarantor to fail to observe scrupulously his obligation under the guarantee by him used or caused to be used.

(c) This section shall be applicable also to warranties or any writing purported to be a guarantee or warranty. [Rule 11]

§ 215.12 *Deceptive use of odd-style frames, etc.* It is an unfair trade practice deceptively to conceal from or fail to disclose to customers at the time photographs are ordered that the finished picture, when delivered, will be so shaped and designed that it can only be used in a specially designed, odd-style frame which can only be purchased from the producer of the photographs or which is not generally available on the open market or that segment of the market open and convenient to the customer. [Rule 12]

§ 215.13 *Misrepresentation as to samples, etc.* It is an unfair trade practice to exhibit to prospective customers as samples of work any photographs or pictures which are not in fact representative of pictures produced and sold by the exhibitor of such samples; or to represent, directly or by implication, that a photograph to be made and delivered will be equal in type, quality, and workmanship to the samples displayed to the customer, unless the picture delivered is, in fact, equal in type, quality, and workmanship to such samples. [Rule 13]

§ 215.14 *Deceptive pricing.* (a) It is an unfair trade practice for any member of the industry to represent or imply that an industry product may be purchased for a specified price when such is not the fact; or to represent or imply that an industry product is being offered for sale at a reduced price or special price saving when the claimed reduced price or saving is not based on the bona fide usual and customary selling price of the product in effect immediately prior in point of time to such representation; or otherwise to represent the prices or terms of sale of industry products in such manner having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(b) It is an unfair trade practice to sell or offer for sale any industry product at a price less than the cost thereof to

the seller as a "loss leader" used in inducing, and sold only in combination with, the purchase of other merchandise on which the seller recoups such loss, when this practice has the capacity and tendency or effect of misleading or deceiving the purchasing public. [Rule 14]

§ 215.15 *Deceptive use and imitation of trade or corporate names, trade-marks, etc.* It is an unfair trade practice for any member of the industry to—

(a) Imitate or cause to be imitated, or directly or indirectly promote the imitation of, the trade-marks, trade names, or other exclusively owned symbols or marks of identification of competitors in a manner having the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the buying public; or

(b) Use any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any material respect. [Rule 15]

§ 215.16 *Use of lottery.* (a) The offering or giving of prizes, premiums, or gifts in connection with the sale or offering for sale of industry products, or as an inducement thereto, by means of a game of chance or lottery scheme, is an unfair trade practice.

(b) Among the practices inhibited by this section is the use of a "draw," "draw contest," or so-called "lucky" blank or any other lottery scheme or game of chance to promote the sale of industry products. [Rule 16]

§ 215.17 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely to disparage competitors' photography in any respect, or their business methods, selling prices, values, credit terms, policies, or services. [Rule 17]

§ 215.18 *Selling below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the intent or purpose, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice.

(b) As used in this section the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery. All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs referred to in this section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise.

(c) This section is not to be construed as prohibiting all sales below cost, but

only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect may be to injure, destroy, or prevent competition, or tend to create a monopoly. [Rule 18]

§ 215.19 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in this part. [Rule 19]

Issued: September 9, 1953.

Promulgated by the Federal Trade Commission September 15, 1953.

[SEAL] ALEX. AKERMAN, Jr.,
Secretary.

[F. R. Doc. 53-7955; Filed, Sept. 14, 1953; 8:46 a. m.]

[File No. 21-250]

PART 216—MILLINERY INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of September 15, 1953.

Statement by the Commission. Trade practice rules for the Millinery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The rules are directed towards maintaining fair competitive conditions in the industry and protecting buyers and prospective buyers of millinery products from deception. They are designed to meet particular needs of the industry and should not be construed as covering all acts or practices prohibited by laws administered by the Commission.

Members of the industry are the persons, firms, corporations, and organizations engaged in the importation, production, or marketing of millinery products. Annual gross sales of millinery at wholesale are estimated to approximate \$200,000,000.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held in Washington, D. C., at which proposals for rules were submitted. Upon request, a second session of this conference was held in New York City at which further suggestions were received. Thereafter, a draft of proposed rules was released by the Commission and public hearing thereon was held in Washington, D. C., at which all interested or affected parties were afforded opportunity to present their views, suggestions, or objections regarding the rules.

Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the trade practice rules hereinafter appearing in Group I and Group II.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.

216.0 Definition.

GROUP I

216.1 Deception (general).

216.2 Deception as to origin of wool felt and fur felt hats and hat bodies (with labeling requirements specified).

216.3 Deceptive concealment of fact that hat bodies, hats, or components thereof, are not new.

216.4 Deceptive sales of sample hats.

216.5 Prohibited use of fictitious price.

216.6 False invoicing.

216.7 Prohibited forms of trade restraints (unlawful price-fixing, etc.)

216.8 Prohibited discrimination.

GROUP II

216.101 Disclosure of terms and conditions of sale.

216.102 Arbitration.

216.103 Return of merchandise.

AUTHORITY: §§ 216.0 to 216.103 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 216.0 Definition. Members of the industry for which these trade practice rules are established are the persons, firms, corporations, and organizations engaged in the importation, production, or marketing of millinery and components thereof.

GROUP I

General statement. The unfair trade practices embraced in §§ 216.1 to 216.8 are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, firm, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 216.1 Deception (general). It is an unfair trade practice to use, or cause or promote to the use of, any trade promotional literature, advertising matter, mark, brand, label, trade name, design, designation, or other type of oral or written representation, however disseminated or published, or to fail to disclose any material fact, when such representa-

tion or failure to disclose has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the quality, style, origin, value, substance, grade, kind, size, production, manufacture, or distribution of any hat body, or hat or component thereof, or has the capacity and tendency or effect of deceiving purchasers in any other material respect. [Rule 1]

§ 216.2 Deception as to origin of wool felt and fur felt hats and hat bodies (with labeling requirements specified).

(a) It is an unfair trade practice to offer for sale, sell, or distribute any wool felt or fur felt hat body which has been manufactured in a foreign country, or any hat made in the United States of such imported hat body, without clearly and conspicuously disclosing the foreign country of origin of such imported hat body in the inside center tip of the crown of such hat body and hat by a stamp or mark which cannot readily be hidden or obliterated.

NOTE: The stamp or mark required by paragraph (a) of this section must contain the word "body" and show that the hat body has been manufactured in the foreign country, as for example: "body made in _____"

Country
The word "body" shall be used in marking all imported bodies, crowns, hoods, and other fur felt and wool felt products designed for use as the basic material and foundation of millinery regardless of their size or shape, as for example, an imported wool felt hood should be marked "body made in _____"

(b) It is an unfair trade practice to remove, cover, or otherwise destroy any stamp or mark required by paragraph (a) of this section unless the person removing, covering, or destroying such stamp or mark shall re-stamp or re-mark the hat body or hat as required by said paragraph (a): *Provided, however,* Where the inside center tip of the crown of said imported hat body is removed in the manufacture of a hat, the required stamp or mark disclosing country of foreign origin may be placed on some other conspicuous part of the hat.

(c) With respect to hat bodies made in the United States of imported wool or fur, or American-made hats composed of such hat bodies or composed of imported hat bodies or of any other component grown or made in a foreign country, it is an unfair trade practice to offer for sale, sell, or distribute any such American-made hat bodies or hats under any representations or circumstances which have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the erroneous belief that such American-made hat bodies or hats are imported. [Rule 2]

§ 216.3 Deceptive concealment of fact that hat bodies, hats, or components thereof, are not new. (a) It is an unfair trade practice to offer for sale, sell, or distribute any hat body or hat which previously has been used, or any hat made of a previously-used hat body or other component, without clearly and conspicuously disclosing the second-

hand condition of said hat body, hat, or component thereof, as the case may be—

(1) In the inside center tip of the crown of such hat body and hat by a stamp or mark which cannot readily be hidden or obliterated; or

(2) In all advertisements made with respect to said hat body, hat, or component thereof.

NOTE: Designation of such hat bodies and hats as "re-worked," "used," "made-over," "re-used," or "re-processed," or by a similar term, is not deemed to be adequately informative under this section. However, nothing in this section is intended to prohibit a disclosure that the hat body or other component has been renovated where such is the fact, and provided its second-hand condition is also disclosed. Where new components have been added to a second-hand hat body, nothing in this section shall prevent such components from being represented as new, as for example, a hat made of a second-hand hat body with new ribbon and feathers may be described as "second-hand body, decorations new."

(b) It is an unfair trade practice to remove, cover, or otherwise destroy any stamp or mark required by paragraph (a) of this section unless the person removing, covering, or destroying such stamp or mark shall re-stamp or re-mark the hat body or hat as required by said paragraph (a): *Provided, however,* Where the inside center tip of the crown of said hat body is removed in the manufacture of a hat, the required stamp or mark disclosing its second-hand condition may be placed on some other conspicuous part of the hat. [Rule 3]

§ 216.4 Deceptive sales of sample hats. It is an unfair trade practice to advertise or offer for sale as "sample hats" any hats which are not invoiced or otherwise certified by the manufacturer or jobber to the retailer as such and which have not been used specifically and solely for display or order-taking purposes by the manufacturer or jobber. [Rule 4]

§ 216.5 Prohibited use of fictitious price. It is an unfair trade practice for any member of the industry to advertise, offer, or sell a product (a) at a price purported to be reduced from what is in fact a fictitious price, or (b) at a purported reduction in price which is in fact a fictitious one. [Rule 5]

§ 216.6 False invoicing. It is an unfair trade practice to withhold from or insert in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public. [Rule 6]

§ 216.7 Prohibited forms of trade restraints (unlawful price-fixing, etc.).¹

¹ The prohibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open com-

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 7]

§ 216.8 *Prohibited discrimination*—
(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, either directly or indirectly, to discriminate in price between different purchasers of commodities of like grade and quality, where either or any of the purchases involved in such discrimination are in commerce, where such commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and where the effect of such discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided*, That nothing

petition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

*The term "commerce," as used in this section, is to be construed as it is defined in section 1 of the Clayton Act, which definition is as follows:

"Commerce" * * * means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States, * * *

contained in this paragraph (a) shall prevent—

(1) Differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered; or

(2) Price changes from time to time where in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned; or

(3) Persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided*, however, That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See (Sec. 2-b, Clayton Act.)

[Rule 8]

GROUP II

General statement. Compliance with trade practice provisions embraced in §§ 216.101 to 216.103 is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of §§ 216.101 to 216.103 does not per se constitute violation of law. Where, however, the practice of not complying with such rules is followed in a manner as to result in unfair methods of competition or unfair or deceptive acts or practices, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of §§ 216.1 to 216.8.

§ 216.101 *Disclosure of terms and conditions of sale.* The industry disapproves the practice by individual members of the industry of issuing orders or invoices which do not accurately and completely set forth the conditions of sale, including the quantity and price of goods sold, the discount, and all other pertinent terms. The use of such terms as "as had" in the invoice is not considered to be in accord with the provisions of this section. [Rule A]

§ 216.102 *Arbitration.* The industry approves the practice of handling business disputes between members of the industry, or between members of the industry and their customers or suppliers, in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to impartial arbitration. [Rule B]

§ 216.103 *Return of merchandise.* The practice, by members of the industry, of selling merchandise and later permitting the purchaser to return it for credit or refund of purchase price, without just cause, creates waste and loss, increases the cost of doing business to the detriment of both the industry and the public, and is condemned by the industry. If merchandise is returnable for just cause, such return should be made promptly. [Rule C]

Issued: September 9, 1953.
Promulgated by the Federal Trade Commission September 15, 1953.

ALEX. AKERMAN, Jr.,
Secretary.

Industry Committee. A Committee on Trade Practices is hereby authorized to

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 37]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing herein after are adopted to become effective when indicated in order to promote safety of the flying public. Compliance in part:

with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 609 is amended as follows:

1. Section 609.3 (f) (1), published on May 14, 1953, in 18 F. R. 2783, is amended by deleting "§ 609.12 (a) (2) through (3) (iii)" and substituting "§ 609.12 (a) (2) through (d) (3) (iii)."

2. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and state; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft	More than 75 m. p. h.	
1	2	3	4	5	6	7	8	9	10	11
ABERDEEN, S. DAK. 1300' Aberdeen. SBRAZ-VDT-ABR Procedure No. 1 Aug. 15, 1953.	MEA, all directions—Aberdeen VOR.	243 3.0	2,400	East side south course: 161' outbound. 341' inbound. 2,400' within 25 miles.	1,900'	311 2.6	T-dn C-dn S-dn 35 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 1/2 500-1 1/2 800-2	Within 2.6 miles, climb to 2,800' on N course within 25 miles.
ALEXANDRIA, MINN. Municipal Airport 1425' BMLZ-VDT-AXN Procedure No. 1 Aug. 15, 1953	MEA, all directions.			West side north course: 065' outbound 185' inbound 2,600' within 25 miles.	2,100'	185 2.4	T-dn C-dn A-dn	300-1 600-1 1/2 800-2	300-1 600-2 800-2	Within 2.4 miles, climb to 2900' on S course (186°) within 10 miles. This procedure not approved for ADF approach. CAUTION: Tank 1,535' MSL located to left of course after passing low cone. Radio tower 1,573' located 1 1/2 miles SW of LFR. Radio tower 1,555' MSL located 1 mile E of airport. Within 2.9 miles, climb to 2,200' on N course (003°) within 10 miles.
BATTLE CREEK, MICH. Kellogg Field 941' SEMLZ-VDT-BTL Procedure No. 1 Aug. 15, 1953.	MEA, all directions.			East side south course: 183' outbound 093' inbound 2,100' within 25 miles.	1,600'	003 2.9	T-dn C-dn S-dn 36 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 1/2 500-1 800-2	Within 2.4 miles, climb to 3,200' on W. course to Judson fan marker. CAUTION: Radio towers 1,800' and 1,750' 2 miles N and 3/4 mile S, respectively, of airport. Radio tower 2,413' 4 miles N and 8 miles E of LFR.
BISMARCK, N. DAK. Municipal 1,633' SBRAZ-VDT-BIS Procedure No. 1 Aug. 15, 1953	MEA all directions.			South side east course: 070' outbound 250' inbound 3,400' within 25 miles	2,900'	255 2.4	T-dn C-dn A-dn	300-1 500-1 1/2 800-2	300-1 500-1 1/2 800-2	Within 2.4 miles, climb to 3,200' on W. course to Judson fan marker. CAUTION: Radio towers 1,800' and 1,750' 2 miles N and 3/4 mile S, respectively, of airport. Radio tower 2,413' 4 miles N and 8 miles E of LFR.

3. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and state; airport name, elevation; facility; class and identification; procedure No., effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (→) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	Condition	Type aircraft 75 m. p. h. or less	More than 75 m. p. h.	11
BISMARCK, N. DAK. Municipal 1,653' B1; LOM Procedure No. 1 Aug. 15, 1953	All directions	-----	MEA	East side of course: 125° outbound 305° inbound 3,000' within 10 miles 3,200' within 25 miles	2,500'	305 4.3	T-dn C-dn S-dn 30 A-dn	300-1 500-1 500-1 800-2	300-1 500-1½ 500-1 800-2	Within 4.3 miles, climb to 3,300' on W course Bismarck LFR to Hudson FM. *500-1½ required if approach lights inoperative. CAUTION: Radio towers 1,800' and 1,755', 2 miles N and ½ mile S, respectively, of airport. Radio tower 2,413' 4 miles N and 8 miles E of LFR.
	Bismarck VOR	189 3.0	3,000							
	Bismarck LFR	153 4.0	3,000							
	Int. W crs. Bismarck and 125° brg. to LOM	125 5.0	3,000							
	Int. E crs. Bismarck and 243° brg. to LOM	243 30.0	3,000							
	Int. 296° crs. to BIS-VOR and 292° brg. to LOM	282 10.0	3,000							
	Int. 82° crs. to BIS-VOR and 125° brg. to LOM	125 3.6	3,000							

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearing, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and state; airport name, elevation; Facility; Class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums		If visual contact not established upon descent to authorized landing minimums or if landing not accomplished	
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	Type aircraft		
1	2	3	4	5	6	7	8	9	10	11	12	13
BISMARCK, N. DAK. Municipal 1,653' ILS-BIS Procedure No. 1 Aug. 15, 1953	Bismarck LFR	LOM	123 4.0	3,000'	East side southeast course, 3,000' 125 outbound 335 inbound Within 5 miles of LOM	2,700'	2,660' 4.3	1,835' .7	T-dn C-dn S-dn 30 A-dn	300-1 300-1 300-1 400-34 800-2	300-1 300-1 300-1 400-34 800-2	Climb to 3,300' on W course Bismarck LFR or on a 202° course from BIS-VOR to Judson FM. CAUTION: Radio towers 1,800' and 1,756' 2 miles N and 3/4 mile S, respectively, of airport. Radio tower 2,413' 4 miles N and 8 miles E of LFR.
	Driscoll-FM	LOM	243 30.0	3,000'								
	Int. W crs. BIS and SE ILS crs.	LOM	125 5.0	3,000'								
	Int. 82° crs. to BIS-VOR and 125° brg. to LOM	LOM	125 3.6	3,000'								
	Int. 206° crs. to BIS-VOR and 232° brg. on LOM	LOM	232 10.0	3,000'								
	Bismarck VOR	LOM	189 3.0	3,000'								

5. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and state; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums			If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
							Condition	Type aircraft	75 m. p. h. or less	
1	2	3	4	5	6	7	8	9	10	11
ABERDEEN, S. DAK. Aberdeen 1,300' BVR-ABR Procedure No. 1 Aug. 15, 1953	All directions—Aberdeen LFR	065 3.0	MEA 2,400'	North side of course: 120 outbound 300 inbound 2,400' within 25 miles	1,900'	300 3.3	T-dn	300-1	300-1	Within 3.3 miles, climb to 3,500' on course of 300° within 25 miles.
							C-dn S-dn 30 A-dn	500-1 500-1 800-2	500-1 500-1 800-2	
ALEXANDRIA, MINN. Municipal 1,425' BVR-AXN Procedure No. 1 Aug. 15, 1953.	All directions—Alexandria LFR	53 8.5	MEA 2,600'	North side of course: 043 outbound 223 inbound 2,600' within 25 miles	2,000'	223 9.6	T-dn	300-1	300-1	Within 9.6 miles, climb to 2,600' within 25 miles make left turn and return to VOR Sta. CAUTION: Tank 1,585' MSL located 1 mile N of airport. Radio tower 1,573' MSL located 1½ miles NW of airport. Radio tower 1,555' MSL located 1 mile E of airport.
							C-dn A-dn	600-2 800-2	600-2 800-2	
BISMARCK, N. DAK. Municipal 1,653' BVR-BIS Procedure No. 1 Aug. 15, 1953	All directions—Bismarck LFR	110 2.0	MEA 3,000'	North side of course: 3,000' within 10 miles 3,200' within 25 miles 091 outbound 271 inbound	2,500'	271 4.4	T-dn	300-1	300-1	Within 4.4 miles, climb to 3,300' on 270° course from BIS-VOR within 25 miles. CAUTION: Radio towers 1,800' and 1,756' 2 miles N and ½ mile S, respectively, of airport. Radio tower 2,413' 4 miles N and 8 miles E of LFR.
							C-dn S-dn 30 A-dn	500-1 500-1 800-2	500-1 500-1 800-2	

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE, Administrator of Civil Aeronautics.

[F. R. Doc. 53-7896; Filed, Sept. 14, 1953; 8:45 a. m.]

[Amdt. 3]

PART 617—AIR TRAFFIC CONTROL RULES

MISCELLANEOUS AMENDMENTS

Air traffic control rules were adopted as Part 617 for the purpose of implementing § 26.26 of this title. They were published on April 21, 1951, in 16 F. R. 3460 and were amended on May 24, 1952, in 17 F. R. 4743, and on March 24, 1953, in 18 F. R. 1652, and are amended herewith. This amendment revises certain tower operators issue clearances to aircraft. These revised rules should be made effective without delay in order to promote safety of the flying public. The amendment has been coordinated with interested persons through the Airspace

Subcommittee of the Air Coordinating Committee. Therefore, compliance with the notice, procedures, and effective dates provisions of section 4 of the Administrative Procedure Act is impracticable and unnecessary.

1. Section 617.7 (c) (1) is revised to read:

§ 617.7 Coordination between centers and towers. * * *

(c) Division of control. (1) The center shall retain control of arriving aircraft until such aircraft have been cleared for approach and are in communication with the tower. Not more than one arrival shall be cleared for approach during IFR conditions.

2. Section 617.25 (b) (7) (ii) (h) is revised to read:

§ 617.25 Standard traffic clearances and phraseologies. * * *

(b) Standard phraseologies for traffic clearances. * * *

(7) * * *

(i) * * *

(h) When it is desired that a taxing aircraft hold at a specific position, the following phraseology will be used: "Hold short of (position)" or "Hold on taxi strip".

3. In § 617.28, paragraphs (b), (c), (d), and (e) are redesignated paragraphs (d), (e), (b), and (c) respectively. 4. Section 617.29 (a) (4) is revised to read:

§ 617.29 Special VFR operations within a control zone. (a) * * *

(4) Before landing on, taking off from, or entering the traffic pattern of, an airport within a control zone when the ground visibility is less than 3 miles.

Note: The official weather observation for the airport about which the control zone is centered should be used to determine ground visibility.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL]

J. B. LEE,

Administrator of Civil Aeronautics.

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