are the agents, representatives or other intermediaries acting for, or in behalf of, or subject to the direct or indirect control of such buyer.

It is further ordered, That the complaint be, and it hereby is, dismissed as to William F. Smith as President of Heard-Kinard-Smith, Inc. (now known as Heard-Kinard Sales Company, Inc.).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That all of the respondents herein, except William F. Smith as President of Heard-Kinard-Smith, Inc. (now known as Heard-Kinard Sales Company, Inc.), shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 7, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7084; Filed, July 27, 1961; 8:47 a.m.]

[Docket 8314 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Valmeline Imports, Ltd., et al.

Subpart—Misbranding or mislabeling: § 13.1185 Composition: § 13.1185–90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended, Secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68) [Cease and desist order, Valmeline Imports, Ltd., et al., New York, N.Y., Docket 8314, June 13, 1961]

In the Matter of Valmeline Imports, Ltd., a Corporation, and Walter Bauer, Curt Speer, Eugene J. Nelkens, and Werner Galleski, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors to cease violating the Wool Products Labeling Act by tagging as "1 side 100 percent Wool", ladies' and men's reversible coats which contained substantially less wool than was thus represented; and by failing in other respects to comply with labeling requirements.

The order to cease and desist is as follows:

It is ordered, That Valmeline Imports, Ltd., a corporation, and its officers, and Walter Bauer, Curt Speer, Eugene J. Nelkens and Werner Galleski, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment in commerce, as "commerce" is defined in the Federal Trade Commission Act and in the Wool Products Labeling Act of 1939, of woolen coats or other "wool products," as such products are defined in and subject to said Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein.

2. Failing to affix labels to such products showing each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 13, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 61-7085; Filed, July 27, 1961; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55436]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 6—AIR COMMERCE REGULATIONS

Correction of Manifest

Customs Form 5931, Report of Discrepancies in Inward Foreign Manifest as Shown by Discharging Inspectors' Return, has been revised to consolidate therein the information presently completed on customs Form 3249, Certificate of Master or Agent of Vessel as to Cargo Short Shipped, etc., and customs Form 3257, Post Entry. Consequently, customs Forms 3249 and 3257 are abolished. To effect the consolidation of the forms involved and the resulting simplification made possible thereby, the Customs Regulations are hereby amended as follows:

1. Section 4.12 is amended to read:

§ 4.12 Correction of manifest.

(a) Collectors of customs shall notify masters or agents of vessels of overages or shortages of merchandise on customs Form 5931. The discrepancies shall be resolved promptly by the master or agent and the customs Form 5931 shall be returned to the collector with the completion thereon of a shortage certificate,[23] a post entry,[24] or other suitable explanation of the corrective action taken (see § 4.34). Unless the collector is satisfied that the discrepancies were the result of clerical error or other mistake and that there has been no loss to the revenue, applicable penalties under section 584, Tariff Act of 1930, as amended, shall be assessed, and the facts shall be reported to the collector for the port where the vessel's bond was filed for any necessary action against the bond. For the purpose of assessing such penalties, the value of the merchandise shall be computed as prescribed in § 23.12 of this chapter. The fact that the master or owner had no knowledge of a discrepancy shall not relieve him from the penalty.

(b) A correction in the manifest shall not be required in the case of bulk merchandise if the collector is satisfied that the difference between the manifested quantity and the quantity unladen, whether the difference constitutes an overage or a shortage, is an ordinary and usual difference properly attributable to absorption of moisture, temperature, faulty weighing at the port of lading, or other similar reason. A correction in the manifest shall not be required because of discrepancies between marks or numbers on packages of merchandise and the marks or numbers for the same packages as shown on the manifest of the importing vessel when the quantity and description of the merchandise in such packages are correctly given.

(Secs. 440, 584, 46 Stat. 712, as amended, 748, as amended; 19 U.S.C. 1440, 1584)

(R.S. 161, as amended, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 3)

§ 6.7 [Amendment]

2. Because of the consolidation of customs Forms 3249 and 3257 with customs Form 5931, it is necessary to amend § 6.7(h) of the Customs Regulations.

Accordingly, in order to prescribe the acceptable, appropriate use of customs Form 5931 in connection with inward cargo manifests for aircraft, and to delete the references to the abolished customs Forms 3249 and 3257, § 6.7(h) is amended to read as follows:

(h) The provisions of section 440[24a] and 584,[24b] Tariff Act of 1930, as amended, relate respectively to post entry for correction of and to penalties for falsity or lack of a manifest. Those provisions are applicable to aircraft arriving from a place outside the United States with merchandise and unaccompanied baggage. An incorrect cargo manifest shall be corrected promptly. Post entry to add to a manifest any merchandise or unaccompanied baggage omitted from or which does not agree with the manifest may be made by the airline on a separate copy of the cargo manifest form marked or stamped "Post Entry." If not made on such a copy, a post entry shall be prepared by the airline on customs Form 5931, appropriately modified including deletion of the application to make post entry. A post entry shall be signed by the aircraft commander or an authorized person. Correction of a manifest to delete merchandise and unaccompanied baggage not on board the aircraft at the time of arrival may be made by submission of a

separate copy of the cargo manifest form listing the merchandise and unaccompanied baggage not found, together with the reasons for the shortage. If not made on such a copy, an appropriately modified Form 5931 shall be used by the airline to make such corrections. The copy of the cargo manifest form or modified Form 5931 shall bear a signed declaration of the aircraft commander or an authorized person reading, "I declare to the best of my knowledge and belief that the shortage of merchandise described herein was not landed at this port for the reasons stated."

(R.S. 161, as amended, 251, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

In order to insure availability of revised customs Form 5931, U.S. Customs Discrepancy Report, the amendments set forth above shall be effective 90 days from date of publication in the FEDERAL REGISTER.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

Approved: July 20, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-7100; Filed, July 27, 1961; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Duty Periods

In § 3.6(c), subparagraph (3) is amended to read as follows:

§ 3.6 Duty periods.

* * * * *

(c) *"Active duty for training."* * * *

(3) Full-time duty performed by members of the National Guard or Air National Guard of any State, under 32 U.S.C. 316, 502, 503, 504, or 505, or the prior corresponding provisions of law (where entitlement to disability benefits arises solely under this subparagraph, benefits may not be paid for any period prior to January 1, 1959); or full-time duty by such members while participating in the reenactment of the Battle of First Manassas in July 1961; and

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective July 28, 1961.

[SEAL] W. J. DRIVER,
Deputy Administrator.

[F.R. Doc. 61-7099; Filed, July 27, 1961; 8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Canned Lima Beans; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (25 F.R. 8625), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of June 15, 1961 (26 F.R. 5369) with regard to the addition of trace amounts of specified calcium salts to lima beans. Accordingly, the amendment promulgated by that order will become effective August 14, 1961.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 21, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7093; Filed, July 27, 1961; 8:48 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerance for Residues of Sodium o-Phenylphenate

A petition was filed with the Food and Drug Administration by The Dow Chemical Company, Midland, Michigan, requesting the establishment of a tolerance for residues from postharvest use of sodium *o*-phenylphenate, expressed as *o*-phenylphenol in or on cherries at 5 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.129; 26 F.R. 5004) are amended by adding cherries to the list of raw agricultural commodities for which tolerances have been established. As amended, the item beginning "5 parts per million" is changed to read as follows:

§ 120.129 Tolerances for residues of sodium *o*-phenylphenate.

* * * * *

5 parts per million in or on cherries, nectarines.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDREAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: July, 21, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7094; Filed, July 27, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

COLLOIDAL SILICON DIOXIDE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Cabot Corporation, 125 High Street, Boston 10, Massachusetts, and other relevant material, has concluded that the following regulation should issue with respect to the food additive colloidal silicon dioxide. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act

(sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8625), the food additive regulations (21 CFR Part 121) are amended by adding to Subpart D the following new section:

§ 121.1058 Colloidal silicon dioxide.

The food additive colloidal silicon dioxide may be safely used in the foods specified in this section in accordance with the following prescribed conditions:

(a) The food additive is manufactured by vapor phase hydrolysis whereby the additive is produced in particles less than one micron in size.

(b) It is used or intended for use as the sole anticaking agent in salt, seasoned salt, and sodium bicarbonate whereby the maximum amount added does not exceed 1 percent by weight.

(c) To assure safe use, the label of the additive shall bear, in addition to the other information required by the act:

(1) The name of the additive, colloidal silicon dioxide.

(2) Adequate directions for use to insure a final product that complies with the limitation prescribed in paragraph (b) of this section.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 21, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-7095; Filed, July 27, 1961; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE-BUTANE-1 COPOLYMER

Correction

In F.R. Doc. 61-6935, appearing at page 6620 of the issue for Tuesday, July 25, 1961, the word "refluing" in § 121.2508(d)(3)(i) should read "refluxing".

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

AIR COMMERCE

Notice of Proposed Rule Making

Provisions relating to permission for foreign aircraft to proceed from the airport of first arrival to one or more airports in the United States do not specifically indicate the requirements for aircraft of foreign origin registered in the United States. It is necessary to include such requirements for arrivals of aircraft of foreign origin registered in the United States on which duty has at one time been paid and which are subsequently used in international traffic and for arrivals of such aircraft on which duty has not been paid.

Notice is hereby given that, pursuant to the authority contained in section 161, as amended, and 251 of the Revised Statutes, sections 322 and 624 of the Tariff Act of 1930, as amended, and section 1109 of the Federal Aviation Act of 1958 (5 U.S.C. 22, 19 U.S.C. 66, 1322 and 1624, and 49 U.S.C. 1509), it is proposed to amend §§ 6.2(d)(3) and 6.3(b), Customs Regulations (19 CFR 6.2(d)(3), 6.3(b)), to provide for such requirements.

The terms of the proposed amendment in tentative form, are as follows:

Section 6.2(d)(3) is amended to read as follows:

(3) Civil aircraft of domestic origin registered in the United States and arriving from a foreign country with passengers carried for hire or merchandise, after proper customs treatment of all such passengers and merchandise, may be allowed to proceed upon their identity being established. Civil aircraft of foreign origin registered in the United States and arriving from a foreign country in international traffic shall be subject to the following provisions:

(i) If such aircraft has been entered as an imported article and duty has been paid on a previous arrival, it may be permitted to proceed otherwise than as an imported article upon a declaration by the aircraft commander identifying the port, date, and number of the duty-paid entry filed upon such previous arrival.

(ii) If such aircraft has not been entered as an imported article subject to duty, in addition to any other documents required in connection with a flight in continuation of the international traffic, it shall proceed under a permit on customs Form 4449 which shall specifically identify the aircraft number, country of manufacture, name of the manufacturer, flight number, port, and date of arrival for the flight on which it arrived in the United States, and action shall be taken thereon as specified in subparagraphs (1) and (2) of this paragraph. It shall proceed without being treated as an imported article only if it is in continuous use solely in international traffic or use incidental thereto and will depart from the United States to a destination outside thereof in international traffic or in ballast. If such aircraft which has not been entered as an imported article is withdrawn from international traffic or diverted in the United States to a use other than international traffic or use incidental thereto, it shall be subject to entry as an imported article and dutiable at the rate in effect at the time of withdrawal or diversion.[1]

The following citation of authority for § 6.2 is added:

(Sec. 14, 67 Stat. 516; 19 U.S.C. 1322)

Section 6.3(b) is amended by changing the footnote reference "1" in the first sentence to "1a".

Part 6 is amended by redesignating footnote "1" as "1a" and by adding a new footnote 1 reading as follows:

[1] The Bureau of Customs made the following ruling on the status of foreign aircraft wrecked while engaged in international traffic: "If the accident results in substantial demolition of the aircraft, no entry is required and no duty accrues with respect to any portion of the wreckage. If the accident does not result in substantial demolition of the aircraft, and all salvageable portions and parts of the wrecked aircraft are exported, the aircraft is not considered to have been withdrawn from international traffic so as to subject the aircraft as a whole or any portion or part thereof to regular customs entry and duty as imported merchandise. However, if the accident does not result in substantial demolition of the aircraft and the wrecked aircraft or any salvageable portion or part thereof is not exported, an entry is required for the retained damaged aircraft, or salvageable portion or part, as the case may be, and duties will be assessed thereon in accordance with its condition immediately after the casualty." T.D. 55063(1), March 4, 1960.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Prior to the adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Washington 25, D.C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: July 20, 1961.

A. GILMORE FLUES,
Assistant Secretary of the Treasury.

[F.R. Doc. 61-7101; Filed, July 27, 1961; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 970]

[AO-255 A1]

IRISH POTATOES GROWN IN MAINE

Notice of Hearing With Respect to Amendments to Marketing Agreement Order

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate Marketing Agreements and Marketing Orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Northeastland Hotel, Presque Isle, Maine, beginning at 9:30 a.m., e.d.t., August 4, 1961, with respect to proposed amendments to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish Potatoes grown in the State of Maine. The proposed amendments have not received the approval of the Secretary of Agriculture.

The Maine Potato Administrative Committee has proposed the amendments to said marketing agreement and order and has requested a hearing thereon. The proposed amendment contemplates the addition of labeling, container, and maturity regulating authority, modification of authority to consider special market outlets; a revision of certain operating procedures as well as a revision of certain "definitions," and other incidental revisions all of which are designed to provide flexibility of operation, in accordance with current industry needs.

The public hearing is for the purpose of receiving evidence with respect to the provisions of the proposed amendments.

The proposed amendments to Marketing Order No. 70, are as set forth below.

1. Amend § 970.7 *Ship or handle* to read as follows:

§ 970.7 Ship or handle.

"Ship" or "handle" means to sell or transport potatoes within the production area or between the production area and any one or more points outside thereof.

2. Amend § 970.11 *Marketing committee* to read as follows:

§ 970.11 Committee.

"Committee" means the Maine Potato Marketing Committee established pursuant to §§ 970.25 to 970.27, inclusive.

3. Delete § 970.12 *Administrative committee.*

4. Renumber §§ 970.13 *Fiscal period,* 970.14 *Varieties,* 970.15 *Seed potatoes,*