It is further ordered, That respondents, Oxwall Tool Company, Ltd., Max J. Blum, and Sidney Blum, 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: December 26, 1961.

By the Commission.

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

[F.R. Doc. 62-5575; Filed, June 7, 1962; 8:46 a.m.]

[Docket 8277 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Stern & Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Stern & Co. et al., Philadelphia, Pa., Docket 8277, Dec. 26, 1961]

In the Matter of Stern & Company, a Corporation, and Harris I. Stern, Joseph Shanis, David Solis, Jr., and Leonard Brecher, Individually and as Officers of Said Corporation

Consent order requiring a department store chain with its main office in Philadelphia and operating stores in Pennsylvania, New Jersey, and Delaware, to cease such ficitious pricing practices as advertising "Englander Inner-Spring Mattress and Box Spring" "2 for the Nationally Advertised Price of 1", "69.95 for both. Were 139.90"; and to cease using the words "guaranteed" and "10-year guarantee" in advertising certain merchandise when the guarantees were limited and conditional.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Stern & Company, a corporation, and its officers, and Harris I. Stern and Joseph Shanis, 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 offering for sale, sale or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that:

(a) Any amount is the usual and customary retail price of respondents' merchandise when such amount is in excess of the price at which said merchandise is usually and customarily sold at retail by respondents in the recent regular course of business.

(b) Any saving from respondents' usual and regular retail price is afforded to the purchasers of respondents' merchandise unless the price at which it is offered constitutes a reduction from the price at which said merchandise has been usually and customarily sold by respondents in the recent regular course of their business.

2. Using the words "were" and "formerly", or any other words or terms of the same import, to describe or refer to prices of merchandise unless respondents have sold said merchandise at such prices.

3. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise or the amounts by which the prices of said merchandise are reduced from the prices at which said merchandise is usually and customarily sold by respondents in the recent regular course of their business.

4. Representing, directly or by implication, that merchandise offered for sale or sold by respondents is guaranteed unless the terms and conditions and extent to which such guarantee applies and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

It is further ordered, That the complaint be dismissed as to David Solis, Jr. and Leonard Brecher.

It is further 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 this order.

Issued: December 26, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary*

[F.R. Doc. 62-5576; Filed, June 7, 1962; 8:46 a.m.]

[Docket 8317 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Kimbriel & Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Kimbriel & Co., Inc., Pharr, Tex., Docket 8317, Dec. 27, 1961]

Consent order requiring a packer of citrus fruit in Pharr, Tex., to cease violating section 2(c) of the Clayton Act by granting commissions or brokerage on a large number of sales to direct buyers purchasing for their own accounts for resale.

The order to cease and desist is as follows:

It is ordered, That the respondent, Kimbriel & Co., Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

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

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

Issued: December 27, 1961.

By the Commission.

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

[F.R. Doc. 62-5577; Filed, June 7, 1962; 8:47 a.m.]

[Docket 8359 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Pride O'Texas Citrus Association, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or acceptance of commission, brokerage or other compensation under 2(c): § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1527; 15 U.S.C. 13) [Cease and desist order, Pride O'Texas Citrus Association, Inc., Mission, Tex., Docket 8359, Dec. 27, 1961]

Consent order requiring packers of citrus fruit in Mission, Tex., selling its products both through brokers and direct to customers, to cease paying brokerage or discounts in lieu thereof to direct buyers purchasing for their own accounts for resale.

The order to cease and desist is as follows:

It is ordered, That the respondent, Pride O'Texas Citrus Association, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale of citrus fruit or fruit products in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Paying, granting or allowing, directly or indirectly, to any buyer or to anyone acting for or in behalf of, or who is subject to the direct or indirect control of such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any sale of citrus fruit or fruit products to such buyer for his own account.

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

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

Issued: December 27, 1961.

By the Commission.

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

[F.R. Doc. 62-5578; Filed, June 7, 1962; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Subpart B—Informal Statements of General Policy or Interpretation

EXEMPTION FROM CERTAIN DRUG-LABELING REQUIREMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371) and delegated to the Commissioner by the Secretary (25 F.R. 8625), and pursuant to the Administrative Procedure Act (sec. 3, 60 Stat. 237; 5 U.S.C. 1002), § 3.515 (21 CFR 3.515; 26 F.R. 12563) is amended as set forth below:

1. Section 3.515(b) is amended by revising the introduction to the paragraph; by changing the item "Aminophylline" to read as set forth below; and by adding thereto certain new items. As amended, paragraph (b) reads as follows:

§ 3.515 Exemption from certain drug-labeling requirements.

* * * * *

(b) The Commissioner of Food and Drugs has considered submitted material covering a number of drug products and has offered the opinion that the following drugs, when intended for those human uses for which they are now generally employed by the medical profession, should be exempt from the requirements of § 1.106(b)(3) of this chapter, provided that they meet the conditions prescribed in this paragraph. Preparations that are not in dosage unit form (for example, solutions) will be regarded as meeting the conditions with respect to the maximum quantity of drug per dosage unit if they are prepared in a manner that enables accurate and ready administration of a quantity of drug not in excess of the stated maximum per dosage unit:

Aminophylline. For oral use, not in excess of 200 milligrams per dosage unit, with or without not in excess of 33 milligrams of phenobarbital.

Atropine methyl nitrate. For oral use, not in excess of 1.0 milligram per dosage unit.

Atropine sulfate. For oral use, not in excess of 0.54 milligram per dosage unit; for injection, not in excess of 0.54 milligram (1/120-grain) per dosage unit.

Barbiturates. For oral use, not in excess of 100 milligrams per dosage unit; for use as suppositories, not in excess of 130 milligrams per suppository.

Chloral hydrate. For oral use, not in excess of 500 milligrams per dosage unit; for use as suppositories, not in excess of 1.0 gram per suppository.

Codeine phosphate. For oral use, not in excess of 65 milligrams per dosage unit; for injection, not in excess of 65 milligrams per dosage unit.

Codeine sulfate. For oral use, not in excess of 65 milligrams per dosage unit; for injection, not in excess of 65 milligrams per dosage unit.

Digitalis. Preparations of whole leaf digitalis including forms such as digitalis tincture. For oral use, containing the equivalent of not more than 1 U.S.P. digitalis unit per dosage unit.

Dihydrocodeinone bitartrate. For oral use, not in excess of 10 milligrams per dosage unit.

Dihydromorphinone hydrochloride. For oral use, not in excess of 4 milligrams per dosage unit.

Epinephrine injection, 1: 1,000.

Erythrityl tetranitrate. For oral use, not in excess of 30 milligrams per dosage unit.

Homatropine methylbromide. For oral use, not in excess of 5 milligrams per dosage unit.

Hyoscyamine hydrobromide. For oral use, not in excess of 1 milligram per dosage unit.

Hyoscyamine sulfate. For oral use, not in excess of 1 milligram per dosage unit.

Hyoscyamus tincture. For oral use, not in excess of 2 milliliters per dosage unit.

Mannitol hexanitrate. For oral use, not in excess of 32 milligrams per dosage unit.

Methenamine. For oral use, not in excess of 1 gram per dosage unit.

Morphine phosphate. For oral use, not in excess of 33 milligrams per dosage unit; for injection, not in excess of 33 milligrams per dosage unit.

Morphine sulfate. For oral use, not in excess of 33 milligrams per dosage unit; for injection, not in excess of 33 milligrams per dosage unit.

Nitroglycerin. For oral use, not in excess of 0.65 milligram per dosage unit.

Pentaerythritol tetranitrate. For oral use, not in excess of 20 milligrams per dosage unit.

Pentaerythritol tetranitrate with phenobarbital. For oral use, not in excess of 20 milligrams of pentaerythritol tetranitrate and 35 milligrams of phenobarbital.

Quinidine sulfate. For oral use, not in excess of 325 milligrams per dosage unit.

Scopolamine methylbromide. For oral use, not in excess of 2.5 milligrams per dosage unit.

Sodium chloride injection.

Sodium nitrite. For oral use, not in excess of 60 milligrams per dosage unit.

Theobromine. For oral use, not in excess of 325 milligrams per dosage unit.

Thyroid. For oral use, not in excess of 220 milligrams per dosage unit.

Water for injection, sterile.

2. Section 3.515 is further amended by adding thereto a new paragraph (c), incorporating veterinary drugs.

(c) The Commissioner of Food and Drugs has considered submitted material covering a number of drug products and has offered the opinion that the following drugs, when intended for those veterinary uses for which they are now generally employed by the veterinary medical profession, should be exempt from the requirements of § 1.106(c)(3) of this chapter, provided that they meet the conditions prescribed in this paragraph. Preparations that are not in dosage unit form (for example, solutions) will be regarded as meeting the conditions with respect to the maximum quantity of drug per dosage unit if they are prepared in a manner that enables accurate and ready administration of a quantity of drug not in excess of the stated maximum per dosage unit:

Atropine sulfate. As an injectable for cattle, goats, horses, pigs, and sheep, not in excess of 15 milligrams per dosage unit; as an injectable for cats and dogs, not in excess of 0.6 milligram per dosage unit.

Barbital sodium. For oral use in cats and dogs, not in excess of 300 milligrams per dosage unit.

Epinephrine injection, 1:1,000. For cats, dogs, cattle, goats, horses, pigs, and sheep.

Morphine sulfate. As an injectable for dogs, not in excess of 15 milligrams per dosage unit.

Pentobarbital sodium. For oral use in cats, and dogs, not in excess of 100 milligrams per dosage unit.

Phenobarbital sodium. For oral use in cats and dogs, not in excess of 100 milligrams per dosage unit.

Procaine hydrochloride injection. Containing not in excess of 2 percent procaine hydrochloride, with or without epinephrine up to a concentration of 1:50,000. For use in cats, dogs, cattle, goats, horses, pigs, and sheep.

Thyroid. For oral use in dogs, not in excess of 60 milligrams per dosage unit.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: May 31, 1962.

JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F.R. Doc. 62-5590; Filed, June 7, 1962; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 18—MILK AND CREAM; DEFINITIONS AND STANDARDS OF IDENTITY

Evaporated Milk; 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 April 5, 1962 (27 F.R. 3253), amending the standard of identity for evaporated milk. Accordingly, the amendment promulgated by that order will become effective June 4, 1962.

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

Dated May 31, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5591; Filed, June 7, 1962; 8:48 a.m.]

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Cream Cheese; 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 April 5, 1962 (27 F.R. 3254), amending the standard of identity for cream cheese to add guar gum to the list of permitted stabilizing ingredients. Accordingly, the definition and standard of identity promulgated by that order will become effective June 4, 1962.

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

Dated: May 31, 1962.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F.R. Doc. 62-5592; Filed, June 7, 1962; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

FURTHER EXTENSION OF EFFECTIVE DATE OF STATUTE FOR CERTAIN SPECIFIED FOOD ADDITIVES

The Commission of Food and Drugs, pursuant to the authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 6(c), Public Law 85-929, as amended sec. 2, Public Law 87-19; 72 Stat. 1788, as amended 75 Stat. 42; 21 U.S.C., note under sec. 342) and delegated to him by the Secretary of Health, Education, and Welfare (25 F.R. 8625), hereby orders that §§ 121.90 and 121.91 of the food additive regulations be amended as set forth below:

1. Section 121.90 (21 CFR 121.90) is amended as follows:

a. By changing the item "Butylated hydroxyanisole" to read:

§ 121.90 Further extensions of effective date of statute for certain specified food additives as direct additives to food.

* * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
Butylated hydroxyanisole (26 F.R. 5502)	Antioxidant in mixed dried glaceed fruit; limit 0.0032%.	[1] July 1, 1963

[1] Progress report required by Jan. 1, 1963.

b. By adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
Petrolatum N.F. and U.S.P.: Ultraviolet absorptivity (as defined in ASTM E-131) at 290 mμ/liters per gram centimeter: 2.0 maximum.	Component of protective coating for cheese.	Jan. 1, 1963	----------
Polysorbate 80	Emulsifier in flavors and essential oils; limit 9 parts emulsifier to 1 part flavor or essential oil.	do	----------
* * *	* * *	* * *	* * *

SYNTHETIC FLAVORING SUBSTANCES AND ADJUNCTS

Dihydroanethol (para-propyl anisole)	Flavoring substance	Jan. 1, 1963	----------

2. Section 121.91 (21 CFR 121.91) is amended as follows:

a. By changing the item "*N*-Octylbicycloheptene dicarboximide" to read:

§ 121.91 Further extensions of effective date of statute for certain specified food additives as indirect additives to food.

* * * * * * *

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—
* * *	* * *	* * *
N-Octylbicycloheptene dicarboximide (26 F.R. 7963).	Component of insecticide for control of infestation in food-storage areas; limit 20 p.p.m. on food.	[2] July 1, 1963

[2] Progress report due Jan. 1, 1963.

b. By adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
* * *	* * *	* * *	* * *
n-Butyl acetate	Solvent for coatings for polyolefin films for food packaging; limit 0.1% residue on film.	Jan. 1, 1963	----------
n-Butyl alcohol	do	do	----------
Methyl ethyl ketone	do	do	----------
Stearyl palmitate and/or palmityl stearate.	Plasticizers and/or lubricants employed in the manufacture of food-packaging materials.	do	----------
Toluene	Solvent for coatings for polyolefin films for food packaging; limit 0.1% residue on film.	do	----------