

Individual or private business being: § 13.15-125(a) Association; § 13.15-125 (u) Nonprofit organization. Subpart—Using misleading name—Vendor: § 13.2395 Individual or private business being association or guild.

(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, Dennis Hartman doing business as National Poetry Association, etc., West Los Angeles, Calif., Docket C-153, June 22, 1962]

In the Matter of Dennis Hartman, an Individual, Doing Business as National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society and National Art Association

Consent order requiring an individual in West Los Angeles, Calif., engaged under various trade names in soliciting original manuscripts for publication largely through competitions in educational institutions and in publishing anthologies of poetry, essays, drawings, etc., to cease representing falsely by use of his trade names and his designation as secretary in his promotional materials that the organizations sponsoring the competitions and publishing the anthologies were nonprofit institutions or groups of persons associated together to promote interest in literary or artistic works, and that he was acting in the name of such a group.

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

It is ordered, That Dennis Hartman, an individual, doing business as National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society, National Art Association, or under any other trade name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the solicitation of literary or artistic manuscripts for publication, or with the offering for sale, sale or distribution of published anthologies or other literary or artistic works, or of any other publications, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the names National Poetry Association, National Essay Association, National High School Poetry Association, American Poetry Society, National Art Association or any other words or names of similar import or meaning to designate, describe or refer to the respondent's business; or from otherwise representing, directly or by implication, that any business organized or operated for profit is composed of persons who are associated together for the purpose of promoting interest in poetry, essays, drawings, or other literary or artistic works;

2. Representing, directly or by implication, that any business organized or operated for profit is an eleemosynary or nonprofit institution;

3. Using the title of Secretary or any other title commonly used by officers of

associations or eleemosynary organizations;

4. Representing, directly or by implication, that respondent is acting in the name of or with the approval of or is sponsored by any eleemosynary organization.

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

Issued: June 22, 1962.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8589; Filed, Aug. 27, 1962; 8:47 a.m.]

[Docket C-152]

PART 13—PROHIBITED TRADE PRACTICES

Novel Manufacturing Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections; § 13.15-55 Direct dealing advantages; § 13.15-235 Producer status of dealer or seller; § 13.15-235(m) Manufacturer; § 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service; § 13.170-30 Durability or permanence; § 13.170-40 Fire-extinguishing or fire-resistant; § 13.195 Safety; § 13.195-60 Product; § 13.230 Size or weight; § 13.250 Success, use or standing.

(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, Novel Manufacturing Corp. et al., New York, N.Y., Docket C-152, June 22, 1962]

In the Matter of Novel Manufacturing Corp., a Corporation, and Russell Weith and Alan Weston, Individually and as Officers of Said Corporation

Consent order requiring New York City distributors of toy playhouses to cease making misrepresentations in advertising concerning safety and flameproof features of the playhouses and other products, as well as the material, construction, size, pricing, etc., as in the order below indicated.

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

It is ordered, That respondents Novel Manufacturing Corp., a corporation, and its officers, and Russell Weith and Alan Weston, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of playhouse toy products, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication,

(a) By use of the terms flameproof, fireproof, fire-resistant, fire-retardant, or any other terms or descriptions, that the product is noncombustible or free from the hazard of fire.

(b) That the type of material and manner of construction employed by respondents results in a product of such durability, sturdiness and stability as to afford safe shelter for children from the elements of the weather year round.

(c) By or through the use of any pictorial illustration or textual description that the product is larger or more commodious than is actually the fact.

(d) That their product is of a value comparable to any other product retailing at a higher price unless the merchandise to which their product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area, or areas, where the claim is made.

(e) That any saving is afforded in the purchase of respondents' product as compared to the purchase of another product unless the merchandise to which respondents' product is compared is at least of like grade and quality in all material respects and is generally available for purchase at the comparative price in the same trade area, or areas, in which the claim is made.

(f) That the purchaser is buying the product direct from the factory.

(g) That the respondents are manufacturers of the product.

(h) That respondents have any particular number of satisfied customers, unless such claim is based upon affirmative proof of customer satisfaction exclusive of the number of sales.

2. Failing to disclose clearly and conspicuously that there is danger to children of fire or asphyxiation from the use of the product.

3. Failing to disclose clearly and conspicuously that the product is not complete or ready for use.

4. Failing to disclose clearly and conspicuously that the product is not inherently or independently rigid without the addition of, or necessity for, substantial interior structural support.

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: June 22, 1962.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8591; Filed, Aug. 27, 1962; 8:48 a.m.]

[Docket 71210.]

PART 13—PROHIBITED TRADE PRACTICES

National Retailer-Owned Grocers, Inc., et al.

Subpart—Discriminating in price under section 2, Clayton Act—Payment or

acceptance of commission, brokerage or other compensation under 2(c): § 13.805 Buyers' association.

(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, Central Retailer-Owned Grocers, Inc. (Chicago, Ill.), et. al., Docket 7121, May 14, 1962]

In the Matter of National Retailer-Owned Grocers, Inc., a Corporation, Central Retailer-Owned Grocers, Inc., a Corporation, A. G. Tick Tock Stores, Inc., a Corporation, Allied Grocers of Indiana, Inc., a Corporation, Associated Grocers Co., Inc., a Corporation, Associated Grocers, Inc. (Wis.), a Corporation, Associated Grocers, Inc. (Mo.), a Corporation, Associated Grocers, Inc. (Kans.), a Corporation, Associated Grocers of Alabama, Inc., a Corporation, Associated Grocers of Colorado, Inc., a Corporation, Associated Grocers Coop., Inc., a Corporation, Associated Grocers of East Michigan, Inc., a Corporation, Associated Grocers of Oklahoma, Inc., a Corporation, Associated Grocers of Port Arthur, Inc., a Corporation, Associated Grocers Wholesale Co., a Corporation, Associated Wholesale Grocers Co., Inc., a Corporation, Associated Wholesale Grocers of Dallas, Inc., a Corporation, Bibb Grocery Co., Inc., a Corporation, Central Grocers Coop., Inc., a Corporation, Dixie Saving Stores, Inc., a Corporation, Grand Rapids Wholesale Grocery Co., a Corporation, Grocers Wholesale Coop., Inc., a Corporation, Kansas Service Grocers, Inc., a Corporation, Lake Erie Coop. Grocers Company, a Corporation, Miami Retail Grocers, Inc., a Corporation, Muskegon Wholesale Company, Coop., a Corporation, Panhandle Associated Grocers, Inc., a Corporation, Progressive Associated Grocers, Inc., a Corporation, Redman Bros. of Lansing, Inc., a Corporation, South Plain Associated Grocers, Inc., a Corporation, The Sylvester Company, a Corporation, The Tusco Grocers, Inc., a Corporation, United A-G Stores Coop., Inc., a Corporation, United Grocers Coop. Assn., a Corporation, Weona Food Stores, Inc., a Corporation, White Villa Grocers, Inc., a Corporation, and Central Florida Cooperative, Inc., a Corporation

Order requiring a cooperative purchasing organization and its 35 grocery wholesaler members, operating warehouses in 16 midwestern and southern states, to cease accepting unlawful brokerage in violation of section 2(c) of the Clayton Act, such as lower prices, discounts, and promotional allowances received from suppliers of private label merchandise and shared in by such members in the form of patronage dividends; and dismissing the complaint as to National Retailer-Owned Grocers, Inc., the evidence being insufficient to justify an order against it.

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

It is ordered, That respondent Central Retailer-Owned Grocers, Inc., a corporation, its officers, directors, representatives, agents and employees, directly or through any corporate or other device in connection with the purchase of food, grocery and related products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof upon any purchase for its own account or on behalf of its members when it is acting as agent, representative or controlled intermediary of its members.

It is further ordered, That respondents, A. G. Tick Tock Stores, Inc.; Allied Grocers of Indiana, Inc.; Associated Grocers Co., Inc.; Associated Grocers, Inc. (Wis.); Associated Grocers, Inc. (Mo.); Associated Grocers, Inc. (Kans.); Associated Grocers of Alabama, Inc.; Associated Grocers of Colorado, Inc.; Associated Grocers Coop., Inc.; Associated Grocers of East Michigan, Inc.; Associated Grocers of Oklahoma, Inc.; Associated Grocers of Port Arthur, Inc.; Associated Grocers Wholesale Co.; Associated Wholesale Grocers Co., Inc.; Associated Wholesale Grocers of Dallas, Inc.; Bibb Grocery Co., Inc.; Central Grocers Coop., Inc.; Dixie Saving Stores, Inc.; Spartan Stores, Inc. (formerly Grand Rapids Wholesale Grocery Co.); Grocers Wholesale Coop., Inc.; Kansas Service Grocers, Inc.; Spartan Grocers, Inc. (formerly Lake Erie Coop. Grocers Company); Miami Retail Grocers, Inc.; Muskegon Wholesale Company, Coop.; Panhandle Associated Grocers, Inc.; Progressive Associated Grocers, Inc.; Redman Bros. of Lansing, Inc.; South Plains Associated Grocers, Inc. (erroneously named in the complaint as South Plain Associated Grocers, Inc.); The Sylvester Company; The Tusco Grocers, Inc.; United A-G Stores Coop., Inc.; United Grocers Coop. Assn.; Weona Food Stores, Inc.; White Villa Grocers, Inc.; Certified Grocers of Florida, Inc. (formerly Central Florida Cooperative, Inc.), all corporations, and their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food, grocery and related products, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or any allowance or discount in lieu thereof upon any purchase where they are represented by Central Retailer-Owned Grocers, Inc., or any other agent, representative, or intermediary controlled by them.

It is further ordered, That the complaint as to respondent National Retailer-Owned Grocers, Inc., be, and it hereby is, dismissed.

It is further ordered, That respondents, with the exception of National

Retailer-Owned Grocers, 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 above order.

Issued: May 14, 1962.

By the Commission, Commissioner Elman dissenting.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8590; Filed, Aug. 27, 1962; 8:48 a.m.]

[Docket C-147]

PART 13—PROHIBITED TRADE PRACTICES

Sue Brett, Inc., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 Importing, selling, or transporting flammable wear.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Sue Brett, Inc., et al., New York, N.Y., Docket C-147, June 8, 1962]

In the Matter of Sue Brett, Inc., a Corporation, and Jack Baker and Florence Baker, Individually and as Officers of Said Corporation

Consent order requiring New York City manufacturers to cease violating the Flammable Fabrics Act by selling dresses so highly flammable as to be dangerous when worn.

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

It is ordered, That respondent Sue Brett, Inc., a corporation, and its officers, and respondents Jack Baker and Florence Baker, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. (a) Importing into the United States; or

(b) Manufacturing for sale, selling, offering for sale, introducing, delivering for introduction, transporting or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce;

any article of wearing apparel which, under the provisions of section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

2. Manufacturing for sale, selling, or offering for sale any article of wearing apparel made of fabric, which fabric has been shipped or received in commerce, and which, under Section 4 of the Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

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: June 8, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8592; Filed, Aug. 27, 1962;
8:48 a.m.]

[Docket C-146]

PART 13—PROHIBITED TRADE PRACTICES

Wesco Products Co., Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination Under 2(a): § 13.730 Customer classification.

(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, Wesco Products Company, Inc., Chicago, Ill., Docket C-146, May 29, 1962]

Consent order requiring Chicago distributors of automotive repair or replacement parts to cease discriminating in price in violation of section 2(a) of the Clayton Act by classifying some favored jobbers as warehouse distributors and thus allowing them higher discounts than competing jobbers who purchase at the regular jobber prices.

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

It is ordered, That the respondent Wesco Products Company, Inc., a corporation, and said respondent's officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale and distribution of automotive repair or replacement parts, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating in the price of such products of like grade and quality:

By selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price in the resale and distribution of respondent's said products.

It is further ordered, That the 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 this order.

Issued: May 29, 1962.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 62-8593; Filed, Aug. 27, 1962;
8:49 a.m.]

No. 167—3

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

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

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TOLERANCES FOR RESIDUE OF DDT

1. No comments were received on the proposal of the Commissioner of Food and Drugs published in the FEDERAL REGISTER of June 30, 1962 (27 F.R. 6236), with reference to establishing tolerances of 50 parts per million for residues of the insecticide DDT in or on peppermint hay and spearmint hay, and no request was received for referral of the proposal to an advisory committee. After consideration of all available data, the Commissioner has concluded that the tolerances established in this order will protect the public health.

Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 512; 21 U.S.C. 346a(c)), 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 120.147) are amended by adding thereto a new item, reading as set forth below:

§ 120.147 Tolerances for residues of DDT.

50 parts per million in or on peppermint hay and spearmint hay, which are not to be used for feeding livestock.

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

2. The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by Oregon State University, Agricultural Experiment Station, Corvallis, Oregon, and other relevant material, and no comments having been received on the proposed amendment published June 30, 1962 (27 F.R. 6236), has concluded that the following regulation should issue in conformance with section 409 of the Federal Food, Drug, and Cosmetic Act with respect to the food additive DDT in peppermint oil and spearmint oil. Pesticide tolerances are concurrently being established to permit 50 parts per million in the peppermint and spearmint hay from which these oils are to be extracted. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(4), 72 Stat. 1786; 21 U.S.C. 348(c)(4)), 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:

§ 121.1093 DDT.

Tolerances of 100 parts per million are established for residues of DDT (a mixture of 1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane and 1,1,1-trichloro-2-(o-chlorophenyl)-2-(p-chlorophenyl)ethane) in or on peppermint oil and spearmint oil, when present therein as a result of the application of this insecticide to the growing peppermint and spearmint crops.

(Sec. 409, 72 Stat. 1786; 21 U.S.C. 348(c)(4))

Any person who will be adversely affected by the foregoing order may at any time within 30 days 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.

(Secs. 408, 409, 68 Stat. 512 as amended; 72 Stat. 1786; 21 U.S.C. 346a, 348)

Dated: August 22, 1962.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 62-8606; Filed, Aug. 27, 1962;
8:51 a.m.]

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

COLORANTS IN FOOD CONTAINERS AND EQUIPMENT; EDITORIAL REVISION

The following amendments to § 121.91 are for the purpose of more accurately identifying the items involved, and no changes are made in extension dates.

1. Section 121.91 is amended by deleting therefrom the following items appearing in the FEDERAL REGISTER of July 21, 1962 (27 F.R. 6928):

Barium sulfate (pigment white 21, 22, 23) * * *
Cadmium mercury sulfide * * *
Cadmium zinc sulfide (pigment yellow 35) * * *
Pigment blue 15 * * *
Pigment green 7 (Monastral GT 710D) * * *

Pigment orange 13 (pyrazolone YB-3) * * *
 Pigment red 108 (cadmium red 598G) * * *
 Pigment yellow 17 (benzidine yellow) * * *
 Quinacridone red * * *
 Chromium oxide green * * *
 Pigment green No. 7 (Zulu green 614G) * * *

Pigment red 108 (cadmium light 1405) * * *
 Pigment yellow 52 (benzidine yellow 12220) * * *

2. Section 121.91 is further amended by adding thereto the following new items:

MISCELLANEOUS

Product	Specified uses or restrictions	Effective date of statute extended to—	Progress report required by—
Pigment white 21 (barium sulfate), Color Index No. 77120.	Colorant in food containers and equipment.	July 1, 1963	Jan. 1, 1963
Pigment orange 23 (cadmium mercury sulfide), Color Index No. 77201.	Colorant in food containers and equipment; no migration of mercury or cadmium.	do	Do.
Pigment red 113 (cadmium mercury sulfide), Color Index No. 77201.	do	do	Do.
Pigment yellow 35 (cadmium zinc sulfide), Color Index No. 77117.	Colorant in food containers and equipment; no migration of cadmium.	do	Do.
Pigment blue 15 (phthalocyanine blue), Color Index No. 74160.	Colorant in food containers and equipment.	do	Do.
Pigment green 7 (phthalocyanine green), Color Index No. 74260.	do	do	Do.
Pigment orange 13 (benzidine orange), Color Index No. 21110.	do	do	Do.
Pigment red 108 (cadmium selenide), Color Index No. 77196.	Colorant in food containers and equipment; no migration of cadmium or selenium.	do	Do.
Pigment yellow 17 (benzidine yellow), Color Index No. 21105.	Colorant in food containers and equipment.	do	Do.
Quinacridone red.	Colorant in polyethylene in food packaging.	do	Do.
Pigment green 17 (chromium oxide green), Color Index No. 77288.	Colorant in food containers and equipment.	do	Do.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the changes made are editorial in nature or within the purview of sec. 2, of Public Law 87-19 (sec. 2, 75 Stat. 42; 21 U.S.C. note).

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

(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. 342, note)

Dated: August 22, 1962.

GEO. P. LARRICK,
 Commissioner of Food and Drugs.

[F.R. Doc. 62-8604; Filed, Aug. 27, 1962;
 8:51 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

FORFEITURE

1. In § 3.900, paragraphs (b) and (d) are amended to read as follows:

§ 3.900 General.

(b)(1) Except as provided in subparagraph (2) of this paragraph, any offense committed prior to January 1, 1959, may cause a forfeiture and any forfeiture in effect prior to January 1, 1959, will continue to be a bar on and after January 1, 1959. (Section 3, Public Law 85-857.)

(2) Effective September 2, 1959, forfeiture of benefits may not be declared

except under the circumstances set forth in §§ 3.901(d), 3.902(d), or 3.903. Forfeitures declared before September 2, 1959, will continue to be a bar on and after that date. (38 U.S.C. 3503(d) and 3505)

(d) When the person primarily entitled has forfeited his rights by reason of fraud or a treasonable act determination as to the rights of any dependents of record to benefits under § 3.901(c) or 3.902(c) may be made upon receipt of an application. (38 U.S.C. 3503(b) and 38 U.S.C. 3504(b))

2. The cross references following § 3.900 are deleted.

3. Section 3.901 is revised to read as follows:

§ 3.901 Fraud.

(a) **Definition.** An act committed when a person knowingly makes or causes to be made or conspires, combines, aids, or assists in, agrees to, arranges for, or in any way procures the making or presentation of a false or fraudulent affidavit, declaration, certificate, statement, voucher, or paper, concerning any claim for benefits under any of the laws administered by the Veterans Administration (except laws relating to insurance benefits).

(b) **Effect on claim.** For the purposes of paragraph (d) of this section, any person who commits fraud forfeits all rights to benefits under all laws administered by the Veterans Administration other than laws relating to insurance benefits.

(c) **Forfeiture before September 2, 1959.** Where forfeiture for fraud was declared before September 2, 1959, in the case of a veteran entitled to disability compensation, the compensation payable except for the forfeiture may be paid to his wife, children and parents. The total amount payable will be the lesser of these amounts:

(1) Service-connected death benefit payable.

(2) Amount of compensation payable but for the forfeiture.

No benefits are payable to any person who participated in the fraud causing the forfeiture.

(d) **Forfeiture after September 1, 1959.** After September 1, 1959, forfeiture by reason of fraud may be declared only

(1) Where the person was not residing or domiciled in a State as defined in § 3.1(i) at the time of commission of the fraudulent act; or

(2) Where the person ceased to be a resident of or domiciled in a State as defined in § 3.1(i) before expiration of the period during which criminal prosecution could be instituted; or

(3) The fraudulent act was committed in the Philippine Islands.

Where the veteran's rights have been forfeited, no part of his benefit may be paid to his dependents. (38 U.S.C. 3503 (a), (d), (e))

4. The cross references following § 3.901 are deleted.

5. Section 3.902 is revised to read as follows:

§ 3.902 Treasonable acts.

(a) **Definition.** An act of mutiny, treason, sabotage or rendering assistance to an enemy of the United States or of its allies.

(b) **Effect on claim.** For the purposes of paragraph (d) of this section, any person determined by the Veterans Administration to be guilty of a treasonable act forfeits all gratuitous benefits under laws administered by the Veterans Administration which he may be receiving or would have been entitled to receive in the future.

(c) **Forfeiture before September 2, 1959.** Where forfeiture for treasonable acts was declared before September 2, 1959, the Administrator may pay any part of benefits so forfeited to the dependents of the person except that the amount may not be in excess of that which the dependent would be entitled to as a death benefit.

(1) **Compensation.** Whenever a veteran entitled to disability compensation has forfeited his right, any part of the compensation payable except for the forfeiture may be paid to his wife, children and parents. The total amount payable will be the lesser of these amounts:

(i) Service-connected death benefit payable.

(ii) Amount of compensation payable but for the forfeiture.

No benefits are payable to any person participating in the treasonable act causing the forfeiture.

(2) **Pension.** Whenever a veteran entitled to pension has forfeited his right, any part of the pension payable except for the forfeiture provision may be paid to his wife, and children. The total amount payable will be the lesser of these amounts:

(i) Non-service-connected death benefit payable.

(ii) Amount of pension being paid the veteran at the time of forfeiture.

No benefits are payable to any person who participated in the treasonable act causing the forfeiture.

(d) *Forfeiture after September 1, 1959.* After September 1, 1959, forfeiture by reason of a treasonable act may be declared only

(1) Where the person was not residing or domiciled in a State as defined in § 3.1(i) at the time of commission of the act; or

(2) Where the person ceased to be a resident or domiciled in a State as defined in § 3.1(i) before expiration of the period during which criminal prosecution could be instituted; or

(3) The treasonable act was committed in the Philippine Islands.

No part of the benefits forfeited by the person primarily entitled shall be paid to any dependent. (38 U.S.C. 3503 (d), (e), 3504).

(e) *Children.* A treasonable act committed by a child or children, regardless of age, who are in the widow's custody and included in an award to her will not affect the award to the widow.

6. The cross references following § 3.902 are deleted.

7. Section 3.903 is revised to read as follows:

§ 3.903 Subversive activities.

(a) *Definition.* Any offense for which punishment is prescribed:

(1) In title 18, United States Code, sections 792, 793, 794, 798, 2381 through 2385, 2387 through 2390, and chapter 105;

(2) In the Uniform Code of Military Justice, Articles 94, 104 and 106 (10 U.S.C. 894, 904, and 906);

(3) In the following sections of the Atomic Energy Act of 1954: Sections 222 through 226 (42 U.S.C. 2272-2276); and

(4) In the following sections of the Internal Security Act of 1950: Sections 4, 112, and 113 (50 U.S.C. 783, 822, and 823).

(b) *Effect on claim.* (1) Any person who is convicted after September 1, 1959, of subversive activities shall from and after the date of commission of such offense have no right to gratuitous benefits under laws administered by the Veterans Administration based on periods of military, naval, or air service commencing before the date of the commission of such offense and no other person shall be entitled to such benefits on account of such person.

(2) The Attorney General will notify the Veterans Administration in each case in which a person is indicted or convicted of an offense listed in paragraph (a) (1), (3), and (4) of this section. The Secretary of Defense or the Secretary of the Treasury, as may be appropriate, will notify the Veterans Administration in each case in which a person is convicted of an offense listed in paragraph (a) (2) of this section.

(c) *Presidential pardon.* Where any person whose right to benefits has been so terminated is granted a pardon of the offense by the President of the United States, the right to such benefits shall be restored as of the date of such pardon, if otherwise eligible. (38 U.S.C. 3505)

8. The cross reference following § 3.903 is deleted.

9. Former § 3.903 has been revised and redesignated § 3.904 to read as follows:

§ 3.904 Effect of forfeiture after veteran's death.

(a) *Fraud.* Whenever a veteran has forfeited his right by reason of fraud his surviving dependents upon proper application may be paid pension, compensation, or dependency and indemnity compensation, if otherwise eligible. No benefits are payable to any person who participated in the fraud causing the forfeiture. (38 U.S.C. 3503(c))

(b) *Treasonable acts.* Death benefits may be authorized as provided in paragraph (a) of this section where forfeiture by reason of a treasonable act was declared before September 2, 1959. Otherwise, no award of gratuitous benefits may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture. (38 U.S.C. 3504(c))

(c) *Subversive activities.* Where the veteran was convicted of subversive activities after September 1, 1959, no award of gratuitous benefits may be made to any person based on any period of service commencing before the date of commission of the offense which resulted in the forfeiture unless the veteran had been granted a pardon of the offense by the President of the United States. If pardoned, his surviving dependents upon proper application may be paid pension, compensation or dependency and indemnity compensation if otherwise eligible. (38 U.S.C. 3505(a))

10. Immediately following § 3.904, the following cross references are added to read as follows:

CROSS REFERENCES: Effective dates; forfeiture. See § 3.400(m).

Reductions and discontinuances; fraud. See § 3.500(k).

Reductions and discontinuances; treasonable acts or subversive activities. See § 3.500(t).

Adjustments and resumptions. See § 3.669.

Burial benefits. See § 3.1609.

Servicemen's indemnity. See § 3.1816.

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

These regulations are effective August 28, 1962.

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

[F.R. Doc. 62-8619; Filed, Aug. 27, 1962; 8:53 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2757]

[Utah 060709]

UTAH

Withdrawing Lands for Fish Hatchery and Other Uses

Subject to valid existing rights, the following-described public lands are

hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and reserved under jurisdiction of the Bureau of Sport Fisheries and Wildlife for establishment and operation of the Jones Hole National Fish Hatchery and for the development, conservation, utilization and maintenance of recreational resources, and the surface and subsurface water resources thereof (Executive Order No. 10355 of May 26, 1952):

SALT LAKE MERIDIAN

T. 3 S., R. 25 E.,
Sec. 1, lots 2, 3, SW¼NE¼, SE¼NW¼, and W¼SE¼.

Containing 263.23 acres.

Management plans of the Bureau of Sport Fisheries and Wildlife for the utilization or development of the lands or any portions thereof for the preservation of recreational resources and the development of recreational facilities shall be coordinated with the National Park Service to assure that all resource values are given full consideration. Management plans may provide for cooperation with the State of Utah and its appropriate agencies for the protection, development, and propagation of fish and wildlife resources.

JOHN A. CARVER, JR.,
Assistant Secretary of the Interior.

AUGUST 22, 1962.

[F.R. Doc. 62-8597; Filed, Aug. 27, 1962; 8:50 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Miscellaneous Amendments

The regulations of the Post Office Department in § 168.5 *Individual country regulations* are amended as follows:

I. In country "Guatemala", under Postal Union Mail, amend the item *Prohibitions* to read as follows:

Prohibitions. Money in cash, banknotes, and values payable to the bearer. Such articles found in letters received in Guatemala are not delivered unless the addressees comply with special formalities and pay domestic insurance fees.

Articles prohibited as parcel post are prohibited in the postal union mail.

II. In country "Ireland", under Parcel Post, the item *Insurance* is amended to show that the limit of indemnity is increased to \$1,000. As so amended, the item reads as follows:

Insurance. The following insurance fees and limits of indemnity apply:

Limit of indemnity:	Fee
Not over \$10.....	\$0.20
From \$10.01 to \$25.....	.25
From \$25.01 to \$50.....	.35
From \$50.01 to \$100.....	.55
From \$100.01 to \$200.....	.60
From \$200.01 to \$300.....	.65
From \$300.01 to \$400.....	.70
From \$400.01 to \$500.....	.75
From \$500.01 to \$600.....	.80
From \$600.01 to \$700.....	.85

RULES AND REGULATIONS

Limit of Indemnity—Continued	Fee
From \$700.01 to \$800.....	\$0.90
From \$800.01 to \$900.....	.95
From \$900.01 to \$1,000.....	1.00

Print on the wrapper, near the "insured" endorsement and number, the amount for which the parcel is insured. This amount shall be shown in United States currency and in gold francs. The indication in United States currency shall be in figures and in letters spelled out in full, and the gold franc equivalent in figures only, as shown in the following example:

INSURED VALUE
\$25.75 (U.S.)
TWENTY-FIVE DOLLARS AND
SEVENTY-FIVE CENTS
77.25 GOLD FRANCS

See Part 133 of this chapter for method of converting United States currency into gold francs and for general information on insurance.

Parcels containing coin, bullion, valuable jewelry, or any other precious article must be insured.

III. In country "Laos", under Postal Union Mail the item *Observations* is amended to include additional post offices that are closed. As so amended, the item reads as follows:

Observations. The following post offices are closed: Phongsaly, Samneua, Xiengkhouang, Muongsai, Tchépone, Namtha, Honeisai, and Muongsing.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501, 505)

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 62-8613; Filed, Aug. 27, 1962;
8:52 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO-250-A3]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 474, 864) on proposals to amend the marketing agreement and Order No. 908, as amended (7 CFR Part 908), hereinafter referred to collectively as the "order" regulating the handling of Valencia oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on July 19, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62-7215; 27 F.R. 6982). No exception was filed.

The material issues, findings and conclusions, rulings, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-7215; 27 F.R. 6982) are hereby approved and adopted as the material issues, findings and conclusions, rulings, and the general findings of this decision as if set forth in full herein.

Amendment of the marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California" and "Order Amending the Order, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), it is hereby directed that a referendum be conducted among the producers who, during the period February 1, 1961, through January 31, 1962 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Arizona and in that portion of the State of California that is south of a line drawn due east and west through the Post Office in Turlock, California, in the production of Valencia oranges for market to ascertain whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of Valencia oranges grown in Arizona and designated part of California. Warren C. Noland and E. J. Blaine, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176, except that subparagraph (3) of paragraph (a) thereof is hereby modified for the purpose of this referendum to read as follows:

(3) Any individual casting a ballot in such referendum on behalf of a producer, other than an individual casting the ballot of a cooperative association, shall execute the following certification and submit it with the ballot: "I hereby certify that I am an officer, employee, or agent of the producer, or an administrator or executor of an estate, for whom this ballot is cast, and that I have authority to take such action on behalf of such producer or estate." In the case of a cooperative association, the individual casting the ballot of the cooperative association shall submit with the ballot a certified copy of the resolution of its Board of Directors authorizing such individual to cast such ballot.

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

It is hereby ordered, That all of this decision and referendum order, except the annexed marketing agreement, be

published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: August 23, 1962.

JOHN P. DUNCAN, Jr.,
Acting Secretary.

Order¹ Amending the Order, as Amended, Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California

§ 908.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on February 8, 1962, upon proposed amendments to the marketing agreement and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended, and as hereby further amended, regulates the handling of Valencia oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes,

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of Valencia oranges; and

(5) All handling of Valencia oranges grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of Valencia oranges grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. The provisions of § 908.4 *Production area* are revised to read as follows:

§ 908.4 Production Area.

"Production area" means the State of Arizona and that part of the State of California south of a line drawn due east and west through the post office in Turlock, California.

§ 908.20 [Amendment]

2. Section 908.20 is revised by deleting from the second sentence the words "who shall not be handlers, or employees of handlers, or employees of central marketing organizations" and deleting from the fifth sentence the words "and who shall not be handlers, or employees of handlers, or employees of central marketing organizations."

§ 908.31 [Amendment]

3. The amount "\$10" in § 908.31 is replaced by "\$15."

4. A new § 908.33 is added as follows:

§ 908.33 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Valencia oranges, the expense of such projects to be paid from funds collected pursuant to this part.

§ 908.55 [Amendment]

5. The second sentence in § 908.55 is revised to read as follows: "The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week: *Provided, That no such deduction shall apply when such quantity is handled pursuant to early maturity allotment issued under § 908.60.*"

§ 908.56 [Amendment]

6. The following is added to the end of the sentence in § 908.56: "except that the undershipment of early maturity allotment shall not entitle a handler to so handle an additional quantity of oranges."

§ 908.57 [Amendment]

7. The words "early maturity" are deleted from the first sentence of § 908.57.

§ 908.60 [Amendment]

8. The proviso and all subsequent language in § 908.60 are deleted and the following substituted therefor: "Early maturity allotments issued to any handler may be used only during the week for which issued, and the undershipment of any such allotment shall not entitle such handler to handle an additional quantity of oranges due to such undershipment. Upon the reaching of general maturity, the quantity of oranges available for current shipment of any handler who failed to use all of the early maturity allotments issued to him shall be adjusted by deducting therefrom a quantity of oranges equivalent to the total quantity of his oranges for which early maturity allotments were issued but were not used. A person to whom early maturity allotments have been issued may, after approval by the committee, transfer such allotments to other persons to whom such allotments also have been issued: *Provided, That, upon such transfer of allotment, the transferee shall be obligated to use the transferred allotment during the week for which it was issued and if he fails to do so shall have his oranges available for current shipment adjusted in the same manner as if the transferred allotment had been issued to him by the committee. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Early maturity allotments issued, and any transfer thereof, under this section shall be on a prorata district basis.*"

§ 908.66 [Amendment]

9. Paragraphs (a), (b), and (c) of § 908.66 are revised to read as follows:

(a) District 1 shall include that part of the State of California which is south of a line drawn due east and west through the Post Office in Turlock, California, and north of a line drawn due east and west through the Post Office in Gorman, California, but excluding San Luis Obispo and Santa Barbara Counties and that part of San Bernardino County located east of the 115th Meridian.

(b) District 2 shall include that part of the State of California which is south and west of District 1, and west of a line drawn due north and south through the Post Office in White Water, California.

(c) District 3 shall include the State of Arizona and that part of the production area not included in Districts 1 and 2.

§ 908.67 [Amendment]

10. The first sentence in § 908.67 is revised to read as follows: "Except as otherwise provided in this section, nothing contained in this subpart shall be construed to authorize any limitation of the right of the initial handler of oranges to: (a) Handle oranges to charitable institutions for consumption by such institutions or to relief agencies for distribution by such agencies; (b) handle oranges to commercial processors for processing into products, including juice; (c) export oranges or handle oranges to exporters for export pur-

poses; (d) handle oranges by parcel post or by railway express; or (e) handle oranges in such minimum quantities or in such types of shipments as the committee may, with the approval of the Secretary, prescribe."

§ 908.83 [Amendment]

11. Subparagraph (3) of § 908.83(c) is revised to read as follows:

(3) Upon recommendation of the committee, received not later than August 15 of an even numbered year, the Secretary shall conduct a referendum prior to October 15 of such year to ascertain whether continuance of this part is favored by producers.

[F.R. Doc. 62-8263; Filed, Aug. 27, 1962; 8:55 a.m.]

[7 CFR Part 909]

[Docket No. AO-85-A3]

HANDLING OF GRAPEFRUIT GROWN IN ARIZONA, IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Decision and Referendum Order With Respect to Proposed Amendment of Amended Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indio, California, on May 24, 1962, after notice thereof published in the FEDERAL REGISTER (27 F.R. 3858) on proposed amendment of the marketing agreement, as amended, and Order No. 909, as amended (7 CFR Part 909), hereinafter called the "order" regulating the handling of grapefruit grown in Arizona, in Imperial County, California, and in that part of Riverside County, California, situated south and east of White Water, California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

On the basis of the evidence introduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on July 25, 1962, with the Hearing Clerk, United States Department of Agriculture. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 62-7456; 27 F.R. 7436). No exception was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 62-7456; 27 F.R. 7436) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Amendment of the amended marketing agreement and order. Annexed