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, Marty Newman, Inc., et al., New York, N.Y., Docket C–1677, Jan. 27, 1970]

In the Matter of Marty Newman, Inc., a Corporation, and Martin Newman, Individually and as an Officer of Said Corporation

Consent order requiring a New York City manufacturer of women's and misses' apparel to cease falsely guaranteeing and misbranding its wool products.

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

It is ordered, That respondents Marty Newman, Inc., a corporation, and its officers, and Martin Newman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

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

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to set forth required information on labels attached to wool products consisting of two or more sections of different fiber composition, in such a manner as to show the fiber content of each section in all instances where marking is necessary to avoid deception.

4. Failing to set forth separately the fiber content of interlining as part of the required information on stamps, tags, labels or other marks of identification on such garments.

It is further ordered, That respondents Marty Newman, Inc., a corporation, and its officers, and Martin Newman, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any wool product is not falsely or deceptively stamped, tagged, labeled, or otherwise identified when respondents have reason to believe that such wool product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That 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: January 27, 1970.

By the Commission.

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

[F.R. Doc. 70–2041; Filed, Feb. 18, 1970; 8:45 a.m.]

[Docket C–1678]

PART 13—PROHIBITED TRADE PRACTICES

Handkerchief Craft Co., 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. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Handkerchief Craft Co., Inc., et al., Los Angeles, Calif., Docket C–1678, Jan. 27, 1970]

In the Matter of Handkerchief Craft Co., Inc., a Corporation, and Robert A. Chalme, Individually and as an Officer of Said Corporation

Consent order requiring a Los Angeles, Calif., importer and wholesaler of handkerchiefs and scarves to cease importing and marketing products made of dangerously flammable fabrics.

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

It is ordered, That respondents Handkerchief Craft Co., Inc., a corporation, and its officers, and Robert A. Chalme, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any fabric, product or related material as "commerce," "fabric," "product," and "related material" are defined in the Flammable Fabrics Act as amended, which fails to conform to an applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission an interim special report in writing setting forth the respondents' intention as to compliance with this order. This interim special report shall also advise the Commission fully and specifically concerning the identity of the product which gave rise to the complaint, (1) the amount of such product in inventory, (2) any action taken to notify customers of the flammability of such product and the results thereof, and (3) any disposition of such product since May 7, 1969. Such report shall further inform the Commission whether respondents have in inventory any fabric, product or related material subject to the Flammable Fabrics Act, as amended, which fabric, product or related material has a plain surface and is made of silk, rayon or cotton or combinations thereof in a weight of 2 ounces or less per square yard or with a raised fiber surface or is made of cotton or rayon or combinations thereof. Respondents will submit samples of any such fabric, product or related material with this report. Samples of the fabric, product or related material shall be of no less than 1 square yard of material.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That 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: January 27, 1970.

By the Commission.

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

[F.R. Doc. 70–2042; Filed, Feb. 18, 1970; 8:45 a.m.]

[Docket C–1679]

PART 13—PROHIBITED TRADE PRACTICES

Arm & Goodman, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053–35 Fur Products Labeling Act. § 13.1108 *Invoicing products falsely:* Subpart—Invoicing products falsely: 13.1108–45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling:

§ 13.1185 *Composition:* 13.1185–30 Fur Products Labeling Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–30 Fur Products Labeling Act: § 13.1325 *Source or origin:* 13.1325–70 Place: 13.1325–70(g) Imported product or parts as domestic. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Arm & Goodman, Inc., et al., New York, N.Y., Docket C–1679, Jan. 27, 1970]

In the Matter of Arm & Goodman, Inc., a Corporation, and Harry Goodman and Abraham Sookerman, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturing furrier to cease deceptively guaranteeing, falsely invoicing and misbranding its fur products.

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

It is ordered, That respondents Arm & Goodman, Inc., a corporation, and its officers, and Harry Goodman and Abraham Sookerman, 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, or manufacture for introduction, into commerce, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding any fur product by:

1. Representing, directly or by implication on a label, that the fur contained in such fur product is "color added", when such fur is dyed.

2. Falsely or deceptively labeling or otherwise falsely and deceptively identifying such fur product as to the country of origin of furs contained in such fur product.

3. Failing to affix a label to such fur product showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Representing, directly or by implication on an invoice, that the fur contained in such fur product is "color added" when such fur is dyed.

3. Misrepresenting in any manner on an invoice, directly or by implication, the country of origin of fur contained in such fur product.

Is is further ordered, That respondents Arm & Goodman, Inc., a corporation, and its officers, and Harry Goodman and Abraham Sookerman, 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 furnishing a false guaranty that any fur product is not misbranded, falsely invoiced or falsely advertised when the respondents have reason to believe that such fur product may be introduced, sold, transported, or distributed in commerce.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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: January 27, 1970.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 70-2043; Filed, Feb. 18, 1970; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 26]

PART 5—DETERMINATION OF PARITY PRICES

Substitution of Term "Milk Sold to Plants" for "Wholesale Milk"

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended; 7 CFR 5.1–5.6) are amended as hereinafter specified, effective February 27, 1970, in order to substitute the term "Milk sold to plants" for "Milk, wholesale" in the list of commodities for which parity prices shall be calculated.

In § 5.4, the paragraph under the centerhead "Designated Nonbasic Commodities" is amended to read as follows:

§ 5.4 Commodities for which parity prices shall be calculated.

* * * * *

DESIGNATED NONBASIC COMMODITIES

Milk sold to plants; milkfat in cream; tung nuts; honey, wholesale extracted.

* * * * *

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 14th day of February 1970.

CLIFFORD M. HARDIN,
Secretary.

[F.R. Doc. 70-2119; Filed, Feb. 18, 1970; 8:50 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 197]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.497 Navel Orange Regulation 197.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907, 33 F.R. 15471), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this

meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 17, 1970.

(b) *Order*. (1) The respective quantities of Naval oranges grown in Arizona and deignated part of California which may be handled during the period February 20, 1970, through February 26, 1970, are hereby fixed as follows:

(i) District 1: 902,000 cartons;

(ii) District 2: 187,000 cartons;

(iii) District 3: 11,000 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 18, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-2215; Filed, Feb. 18, 1970; 11:50 a.m.]

[Valencia Orange Reg. 299]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.599 Valencia Orange Regulation 299.

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 17, 1970.

(b) *Order*. (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period February 20, 1970, through February 26, 1970, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 74,661 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: February 18, 1970.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 70-2216; Filed, Feb. 18, 1970; 11:50 a.m.]

[966.307 Amdt. 2]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Notice of rule making with respect to a proposed amendment to the limitation of shipments regulation, to be made effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the Florida production area, was published in the FEDERAL REGISTER January 3, 1970 (35 F.R. 105). An amendment to the notice was published in the FEDERAL REGISTER January 13, 1970 (35 F.R. 435) extending the time for filing data, views, or arguments pertaining thereto through January 16, 1970. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Within the period specified, written comments were filed with the Hearing Clerk by Walter Holm & Co., William Wright, Inc., and the West Mexico Vegetable Distributors Association, Nogales, Ariz.; also, by Union National de Productores de Hortalizas, Culiacan, Sinaloa, Mexico; the New York Tomato Repackers, Receivers and Brokers Association, Inc., Bronx, N.Y., and the New England Tomato Repackers and Brokers Association, Cambridge, Mass.; Smith Produce Co., Fairmont, W. Va.; Twin Packing Co., Miami, Fla.; and the Arizona Consumers Council, Tucson, Ariz. In addition, comments were received by the Department from five individuals and firms.

Certain of those filing comments on the proposal requested a full hearing before the Secretary of Agriculture and asked that they be given subpena powers to compel the attendance of witnesses with full rights of cross-examination. Proceedings such as involved herein are legislative or fact finding type proceedings wherein the Secretary is seeking information from the public which will be utilized in making his determination as to the appropriate regulation. Such rule making proceedings are governed by 5 U.S.C. 553(b). This section specifies that after notice, interested persons shall have an opportunity to participate in the rule making through submission of written data, views, or arguments, with or without opportunity for oral presentation. Frequently time is of the essence in amending regulations under fruit and vegetable marketing orders because of the rapid fluctuations in the supply and demand of these commodities and resultant effect on returns to producers. Rule making procedure providing for the submission of written data, views, or arguments is the most appropriate type of proceeding for such regulations since it requires less time to go through the proceeding than an oral hearing but nevertheless provides all interested persons a convenient opportunity to submit to the Secretary their data, views, or arguments on the proposal. In any event, however, subpenas would not be available for an oral hearing since the Secretary does not have subpena power in this type of proceeding. Accordingly the request for oral hearing is denied.

Other comments filed stated that since Florida produces and markets mostly mature green tomatoes while Mexico produces and markets mostly vine-ripe