area regularly sell said merchandise at the compared price or some higher price.

(6) Misrepresents, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' merchandise at retail.

(7) Misrepresents that any hearing aid is a new invention or involves a new mechanical or scientific principle through use of the word "miracle" or in any other manner.

(8) Represents that a hearing aid is guaranteed, whether expressed in terms of "guarantee" or "warranty", unless in immediate conjunction therewith the nature and extent of the guarantee, the manner in which the guarantor will perform under the guarantee, and the identity of the guarantor, are clearly and conspicuously disclosed.

(9) Represents that any hearing aid will benefit persons suffering from any hearing disability unless in immediate conjunction with such representation a clear and conspicuous disclosure is made that in some cases of hearing loss, a hearing aid will not be beneficial.

(10) Represents, directly or by implication that respondents can determine the nature or degree of hearing loss upon written information furnished by the purchaser by mail or that the information furnished and the evaluation thereof by respondents or their agents or employees is an adequate, effective or reliable procedure or method to select a hearing aid suited to the individual's hearing loss.

B. Disseminating or causing the dissemination of, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said products in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations or misrepresentations prohibited in paragraph "A." hereof.

It is further ordered, That respondents Lloyd Hearing Aid Corp., a corporation, and Lloyd D. Kling and Marvin Palmquist, 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 any hearing aid device or any component thereof, or any device represented as aiding defective hearing, or services in connection with the offering for sale, sale or distribution of said products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Failing to clearly and conspicuously disclose to purchasers and prospective purchasers prior to acceptance of an order to purchase a hearing aid that furnishing information by mail and the evaluation thereof by respondents or their agents or employees is not an adequate, effective or reliable procedure or method to determine the nature or degree of hearing loss or to select a hearing aid suited to the individual's hearing loss.

(2) Failing to clearly and conspicuously disclose on any questionnaire sent to a prospective purchaser or purchaser of a hearing aid to obtain information concerning the hearing ability or disability of any individual or regarding any hearing aid he or she has worn or is currently wearing, that furnishing such information by mail and the evaluation thereof by respondents is not an adequate, effective or reliable procdure or method to determine the nature or extent of hearing loss or to select a hearing aid suited to the individual's hearing loss.

It is further ordered, That respondents shall maintain full and adequate records which disclose the facts upon which any savings claims, including former price, retail price and comparable value claims are based and from which the validity of such claims can be determined.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this Order to Cease and Desist to all subsidiaries, affiliates, offices, employees and agents which are now or hereafter created, elected, employed or appointed.

It is further ordered, That the respondents Lloyd Hearing Aid Corp., a corporation, and Lloyd D. Kling and Marvin Palmquist, individually and as officers of said corporations 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 compiled with the order to cease and desist, and in addition such other reports as may thereafter be directed.

Issued: December 28, 1970.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary*.

[FR Doc.71-2209 Filed 2-17-71;8:48 am]

[Docket No. C-1840]

PART 13—PROHIBITED TRADE PRACTICES

Muriel's, Inc., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties*: 13.1053-80 Textile Fiber Products Identification Act. Subpart — Misbranding or mislabeling: § 13.1185 *Composition*: 13.1185-80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1845 *Composition*: 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Muriel's, Inc., et al, Miami Beach, Fla., Docket No. C-1840, Jan. 4, 1971]

In the Matter of Muriel's, Inc., a Corporation, Doing Business Under Its Own Name and Under the Trade Name Tropic Ties, and Paul Turner, Individually and as an Officer of Said Corporation.

Consent order requiring a Miami Beach, Fla., manufacturer and retailer of men's neckties to cease and desist from misbranding and furnishing false guaranties on its textile fiber products.

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

It is ordered, That respondents Muriel's Inc., a corporation, doing business under its own name and under the trade name Tropic Ties, or any other name, and its officers, and Paul Turner, 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, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

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

2. Failing to affix a stamp, tag, label, or other means of identification to each such product showing in a clear, legible, and conspicuous manner each element of information required to be dislosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using a fiber trademark on labels affixed to such textile fiber products without the generic name of the fiber appearing on the said label.

4. Using a generic name or fiber trademark on any label, whether required or nonrequired, without making a full and complete fiber content disclosure in accordance with the Act and Regulations the first time such generic name or fiber trademark appears on the label.

B. Failing to maintain and preserve proper records of fiber content of textile fiber products manufactured by respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It is further ordered, That respondents Muriel's, Inc., a corporation, doing business under its own name and under the trade name Tropic Ties, or any other name, and its officers, and Paul Turner, 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 textile fiber product is not misbranded or falsely or deceptively invoiced or advertised under the provisions of the Textile Fiber Products Identification Act.

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 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary*.

[FR Doc.71-2210 Filed 2-17-71;8:48 am]

[Docket No. C-1839]

PART 13—PROHIBITED TRADE PRACTICES

Pawley Co. et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act: § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1882-70 Textile Fiber Products Identification Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, The Pawley Co. et al., Denver, Colo., Docket No. C-1839, Jan. 4, 1971]

In the Matter of The Pawley Co., a Corporation, and Max Weisbly and Ben Hailpern, Individually and as Officers of Said Corporation

Consent order requiring a Denver, Colo., wholesaler of upholstery and drapery fabrics to cease and desist from misbranding its textile fiber products.

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

It is ordered, That respondents, The Pawley Co., a corporation and its officers, and Max Weisbly and Ben Hailpern, 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, delivery for introduction, sale, advertising, or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

Misbranding textile fiber products by:

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

2. Failing to affix a stamp, tag, label or other means of identification to each such textile fiber product showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Using the generic names of fibers in nonrequired information on any label in such a manner as to be false, deceptive or misleading as to fiber content or to indicate, directly or indirectly, that such textile fiber products are composed wholly or in part of a particular fiber, when such is not the case.

4. Failing to affix labels showing the respective fiber content and other required information to samples, swatches, and specimens of textile fiber products subject to the aforesaid Act which are used to promote or effect sales of such textile fiber products.

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 4, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary*.

[FR Doc.71-2211 Filed 2-17-71;8:48 am]

PART 16—INDUSTRY COMMITTEE UNDER TRADE PRACTICE RULES

Rescission

Section 16.1, entitled, "Industry committee under trade practice rules", has been rescinded by the Commission.

Approved: January 21, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary*.

[FR Doc.71-2225 Filed 2-17-71;8:50 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-60]

PART 174—PROTESTS

Applicability of Protest Procedures

Section 174.2 of the Customs Regulations details the circumstances in which protests against the decision of district directors of Customs must be filed and considered in accordance with the procedures set forth in Part 174 of Title 19, Code of Federal Regulations. Paragraph (a)(3) of § 174.2 provides that Part 174 will be applicable to a protest filed against a decision involving articles for which appraisement has become final prior to October 1, 1970, but with respect to which the entry has not been liquidated prior to that date. This provision does not permit a protest filed after liquidation in accordance with Part 174 of the Customs Regulations to raise issues as to the value of the merchandise, which could have been raised by an appeal to reappraisement. An appraisement which has become final under the law in effect prior to October 1, 1970, cannot be reopened in a protest filed after liquidation under the provisions of the Customs Administrative Act of 1970, Public Law 91-271, and the regulations thereunder (Part 174 of the Customs Regulations).

Accordingly, in order to clarify § 174.2 of the Customs Regulations, paragraph (b) of § 174.2 is amended by redesignating subparagraph (2) as subparagraph (3), and adding a new subparagraph (2) so that paragraph (b) reads as follows:

§ 174.2 Applicability of provisions.

* * * * *

(b) *Limitation*—(1) *Appraisement not final.* When the appraisement of articles entered or withdrawn from warehouse for consumption prior to October 1, 1970, is not final by October 1, 1970, because an appeal for reappraisement was timely filed prior to such date, the provisions of this part relating to protests shall be applicable to a protest filed after the court's decision on the appeal to reappraisement has become final. Such protest shall not include issues which were raised or could have been raised on the appeal for reappraisement.

(2) *Appraisement final.* When the appraisement of articles entered or withdrawn from warehouse for consumption prior to October 1, 1970, has become final prior to October 1, 1970, but the entry has not been liquidated by such date, a protest filed in accordance with the provisions of this part after such liquidation shall not include issues which were raised or could have been raised on an appeal to reappraisement before the appraisement became final.

(3) *Protest not disallowed.* When a protest filed prior to October 1, 1970, has not been disallowed in whole or in part before such date, the provisions of this part shall be applicable to such protests. The time within which any action must be taken under the provisions of this part with respect to such a protest shall commence on the date the protest was in fact filed.

(Sec. 203, 84 Stat. 283; 19 U.S.C. 1500 (Note)) (R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

The purpose of this amendment is to clarify the Customs Regulations as they relate to the filing of protests after liquidation when the appraisement of articles became final prior to the effective date of the Customs Administrative Act of 1970, October 1, 1970. It is, therefore, found that notice of proposed rule making and public procedure under 5 U.S.C. 553 is unnecessary, and the amendment shall be effective upon publication in the FEDERAL REGISTER (2-18-71).

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: February 5, 1971.

WILLIAM L. DICKEY,
Acting Assistant Secretary of the Treasury.

[FR Doc.71-2257 Filed 2-17-71;8:52 am]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER E—CLAIMS

PART 754—NAVY AFFIRMATIVE SALVAGE CLAIMS

Per Diem Rate for Salvage Ships or Fleet Tugs

In § 754.2, paragraph (a)(1) is amended to read as follows:

§ 754.2 Per diem rates for salvage services.

(a) * * *

(1) * * *

Salvage Ships or Fleet Tugs (ARS, ATF) (3,000 hp.) 5,000

* * * * *

JOSEPH B. MCDEVITT,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

FEBRUARY 9, 1971.

[FR Doc.71-2234 Filed 2-17-71;8:50 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Miscellaneous Amendments

1. In § 17.49(b)(2), subdivision (iii) is amended to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital and domiciliary care.

* * * * *

(b) *Priorities for domiciliary care.* * * *

(2) Priority for admission to domiciliary care (except as noted in subparagraph (1) of this paragraph).

* * * * *

(iii) Group III includes patients eligible under § 17.47(d), who are not absent sick in hospital from domicile status, awaiting admission from Veterans Administration hospitals.

* * * * *

2. In § 17.115b, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 17.115b Invalid lifts for recipients of aid and attendance allowance or special monthly compensation.

An invalid lift may be furnished if:

* * * * *

3. In § 17.115c, the introductory portion preceding paragraph (a) and paragraph (b) are amended to read as follows:

§ 17.115c Therapeutic and rehabilitative devices for recipients of aid and attendance allowance or special monthly compensation.

Therapeutic and rehabilitative devices, including medical equipment and supplies (excluding medicines) may be furnished, if:

* * * * *

(b) The device, equipment or item supplied is medically determined necessary and is of a type or category of devices or supplies determined to be available under this section.

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

These VA regulations are effective the date of approval.

Approved: February 6, 1971.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.71-2226 Filed 2-17-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-1—GENERAL

Subpart 1-1.7—Small Business Concerns

SMALL BUSINESS PROCUREMENT SOURCES AND SUBCONTRACTING PROGRAM EVALUATION

This amendment establishes policies and procedures to expand small business procurement sources, bring available Small Business Administration (SBA) assistance to the attention of small business concerns, and improve techniques relating to the review and evaluation of the small business subcontracting program.

1. Section 1-1.702 is amended by the revision of paragraph (b)(2) and the addition of paragraph (b)(14), as follows:

§ 1-1.702 Small business policies.

* * * * *

(b) * * *

(2) Bidders mailing lists (see § 1-2.205 of this chapter) shall include all established and potential small business suppliers who have made acceptable application for inclusion or who appear from other information (including recommendations by the SBA representative) to be qualified for inclusion therein. Prior to the issuance of invitations for bids and within the framework of the time available, contracting officers should make every reasonable effort to find additional small business sources (including notification to SBA where there is no local SBA representative), except where bidders lists are already excessively long and not all bidders thereon will be solicited as provided in subparagraph (3) of this paragraph and § 1-2.205-4 of this chapter.

* * * * *

(14) Small business firms seeking Government contracts, but found to lack qualifications as prime contractors, should be referred to the nearest SBA office for management assistance, counseling, financial assistance, and other programs of assistance as may be appropriate.

2. Section 1-1.710-1 is amended by the addition of a new paragraph (d), as follows:

§ 1-1.710-1 General.

* * * * *

(d) To carry out more effectively the Government's policy objectives stated in paragraph (a) of this section, prime contractors and subcontractors having small business subcontracting programs must be informed of (1) the Government's evaluation of their efforts in carrying out an effective small business subcontracting program, (2) any specifically noted deficiencies in their small business subcontracting programs, and (3) any areas of outstanding achievement where