Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfadimethoxine

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13-526V) filed by Affiliated Laboratories, Division of Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067, proposing the safe and effective use of sulfadimethoxine tablets for the treatment of dogs and cats. The supplemental application is approved.

To facilitate referencing, Affiliated Laboratories is being assigned a code number and is being placed in the list of firms in § 135.501 (21 CFR 135.501).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135c are amended as follows:

1. Section 135.501 is amended in paragraph (c) by adding a new code number 069 as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	*Firm name and address*
* * *	* * *
069	Affiliated Laboratories, Division Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067

2. Section 135c.13 is amended by revising paragraph (b) and by adding a new item 2 to table 2 in paragraph (e) as follows:

§ 135c.13 Sulfadimethoxine.

* * * * *

(b) *Sponsor.* (1) For items 1 and 2 in table 1 and item 1 in table 2, paragraph (e), see code No. 020 in § 135.501(c) of this chapter.

(2) For item 2 in table 2, paragraph (e), see code No. 069 in § 135.501(c) of this chapter.

* * * * *

(e) *Conditions of use.* It is used as follows:

* * * * *

TABLE 2—IN TABLETS

	Amount	Limitations	Indications for use
* * *	* * *	* * *	* * *
2. Sulfadimethoxine.	12.5 to 25 milligrams per pound body weight.	For dogs and cats; administer 25 milligrams per pound of body weight followed by 12.5 milligrams per pound of body weight daily thereafter for 3 to 5 days; in most cases 3 to 5 days of treatment is adequate; however, treatment should be continued until the patient is without clinical signs for 48 hours; animals must maintain adequate water intake during treatment; for use by or on the order of a licensed veterinarian.	For the treatment of respiratory infections, genitourinary tract infections, enteritis and soft tissue infections in dogs and cats when caused by streptococci, staphylococci, escherichia, salmonella or shigella organisms sensitive to sulfadimethoxine and for the treatment of canine bacterial enteritis associated with coccidiosis and canine salmonellosis.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (2-16-72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: February 7, 1972.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.72-2219 Filed 2-15-72;8:45 am]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Revocation of Exemption From Certification for Certain Penicillin and Bacitracin Drugs

In a notice published in the FEDERAL REGISTER of August 6, 1971 (36 F.R. 14477), the Commissioner of Food and Drugs proposed to revoke the blanket exemptions from certification of crystalline penicillin G for injection, buffered crystalline penicillin G for injection and bacitracin ointment by amending the antibiotic drug regulations. The grounds for this proposal were stated in the notice.

The proposal provided interested persons 30 days in which to submit written comments. Upon receipt by the Commissioner of requests and good reason appearing therefore, the time for filing comments on the subject proposal was extended to October 5, 1971. Comments were received from three respondents: The Pharmaceutical Manufacturers Association and two pharmaceutical companies.

The Pharmaceutical Manufacturers Association, on behalf of its 112 member companies, opposed the proposal contending that there appeared to be a lack of evidence to indicate the development of a continuing pattern necessitating the deletion of an industrywide exemption from certification. The Pharmaceutical Manufacturers Association further contended, in keeping with section 507(c) of the Food, Drug, and Cosmetic Act, that a more equitable policy would be the revocation of exemption privileges on a manufacturer-by-manufacturer basis.

One firm commented favorably on the proposal acknowledging the existence of a previously approved antibiotic Form 6 exemption.

A second firm commented that section 507(c) of the Act provides for the conditions whereby antibiotic drug products may be exempt from certification for either all manufacturers or for individual manufacturers and that its long history of production of batches in compliance with the antibiotic regulations entitled it to a continuation of the exemption from certification.

Having considered the comments received and other relevant information, the Commissioner concludes that sufficient data have been accumulated representing a significant cross section of the industry concerned, to establish that the problems of nonsterile, subpotent, and otherwise defective batches of these antibiotic drugs are such that in order to insure the safety and effectiveness of their intended use they should be subject to certification procedures unless adequate grounds are shown for the exemption of individual drugs.

Manufacturers should submit applications (Form 6) provided for in the Code of Federal Regulations (21 CFR 146.2) under the provisions of section 507(a) or applications to meet exemptions under section 507(c) of the Federal Food, Drug, and Cosmetic Act. One hundred eighty days following the effective date of this

order the shipment of crystalline penicillin G for injection, buffered crystalline penicillin G for injection or bacitracin ointment from a batch for which a certificate, release, or exemption has not been issued will be regarded as in violation of section 502(1) of the Act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 146a and 146e of the antibiotic drug regulations are amended as follows:

§ 146a.24 [Amended]

1. By revoking paragraph (f) from § 146a.24 *Sodium penicillin.*

§ 146a.37 [Amended]

2. By revoking paragraph (f) from § 146a.37 *Buffered crystalline penicillin.*

§ 146e.402 [Amended]

3. By revoking paragraph (f) from § 146e.402 *Bacitracin ointment; zinc bacitracin ointment.*

Effective date. This order shall become effective 30 days after its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: February 4, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2297 Filed 2-15-72;8:52 am]

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Child Protection Packaging Standards for Preparations Containing Aspirin

In the FEDERAL REGISTER of September 1, 1971 (36 F.R. 17512), the Commissioner of Food and Drugs proposed child protection packaging standards for preparations containing aspirin. Thirty days were allowed for comments, and this was extended to January 19, 1972, by subsequent notices (36 F.R. 19703, 21832, 25235). Approximately 50 comments were received from consumers, consumer interest groups, the medical and academic community, trade and professional associations, and the pharmaceutical and packaging industries. Thirteen of the comments supported the standards as proposed. The principal points raised in the other comments and the Commissioner's response to them are as follows:

A. *Unit packaging.* Several comments note the omission of any provision for unit packaging. As adopted November 20, 1971 (36 F.R. 22152) and as revised January 18, 1972 (37 F.R. 741), § 295.10 *Testing procedure for special packaging* provides for the testing of unit packaging, and the standards promulgated below have been appropriately changed to provide for unit packaging. Several comments filed after the testing procedure was adopted request that the unit packaging provision of such procedure be waived and that existing forms of unit packaging be authorized for continued use until more data are available on testing unit packaging. The Commissioner concludes, however, that due to child protection considerations, unit packaging must be tested by the procedure presently required by § 295.10. If experience indicates a need for change, the procedure will be amended or revised.

B. *Nonconsumer packages.* Numerous comments express concern that the packaging standards will apply to bulk shipments of pharmaceuticals, to packages of prescription drugs for multiple dispensing and not of a size to be presented directly to the consumer in filling a prescription, and to shipments of pharmaceuticals in unit packaging for institutional use. The person who places a household substance subject to these standards into a container or package must determine if that container is in fact a package in which the substance may be delivered to the consumer for use or storage in the household. If it is not, then these standards do not apply. However, the responsibility for repackaging prescribed drugs in accordance with this standard rests with the individual dispensing such substances at the retail or user level.

C. *Use by the elderly or handicapped.* Several comments express concern that elderly or handicapped persons may have difficulty using special packaging. Section 4(a) of the act provides that substances subject to special packaging standards may also be packaged in noncomplying packaging within prescribed limitations. Section 4(b) provides that prescribed drugs subject to such standards may be packaged in a noncomplying package either at the direction of the practitioner issuing the prescription or on request of the purchaser.

D. *Effectiveness.* Two comments recommend that the percent of child-resistant effectiveness be increased to from 98 to 100 percent. An effectiveness specification of 100 percent is prohibited by section 2(4) of the act. If experience with special packaging demonstrates a need for changing the effectiveness specifications, such changes may be made if they are technically feasible, practicable, and appropriate.

E. *Technically feasible, practicable, and appropriate.* Several comments from the industry and from trade and professional associations contend that the proposed special packaging is not technically feasible, practicable, and appropriate for aspirin-containing preparations. Section 3(a)(2) of the act provides that a finding must be made that such special packaging is technically feasible, practicable, and appropriate for the subject substance. On the basis of reports and data from industry and other relevant information, the Commissioner finds that the special packaging required herein is:

1. Technically feasible because technology exists to produce special packages conforming to the standard. At least 10 different special packages have been tested in accordance with § 295.10 (21 CFR 295.10) that meet or exceed the child-resistant effectiveness and adult-use effectiveness specifications in § 295.3 (b).

2. Practicable in that it is susceptible to modern mass production and assembly line techniques. Reported production data indicates a capability to adequately meet the needs of the affected industries.

3. Appropriate since special packaging is not detrimental to the integrity of the substance and will not interfere with its storage or use.

F. *Sample packages.* Several comments object to the submission of sample packages. They contend that this may involve an inordinate number of packages from one manufacturer and that the act does not specifically provide for submission of samples. The Commissioner concludes that this requirement is necessary to accomplish the purposes of the act and will assist in determining whether a substance offered by a manufacturer or packer in a noncomplying package is also being supplied by such manufacturer or packer in popular size packages complying with the standards. The Commissioner also concludes, however, that the requirement for submission of sample packages should be modified to reduce the number of packages that must be submitted by each manufacturer or packer and § 295.2(b) has been changed accordingly.

G. *Effective date.* Several manufacturers and trade associations express concern over the effective date of the proposed standards. The principal comments note time factors involved in obtaining suitable special packaging, in conducting stability studies, and in modifying production lines to comply with the standards. Several comments requested specific effective dates. For example, a consumer interest group requested an immediate effective date; a pharmaceutical manufacturer requested a 9-month effective date; and a trade association requested an effective date of 1 year from the date this order is final. Having considered these comments and other relevant information, the Commissioner concludes that a period of 180 days is a necessary, reasonable, and sufficient time to allow affected persons to achieve full compliance with the standard established by this order. A sufficient amount of special packaging for preparations containing aspirin is not presently available to permit promulgating an effective date of less than 180 days and such an effective date would preclude the marketing of some aspirin preparations that are medically needed. An adequate supply of special packaging will be available within 180 days.

H. *Amounts of aspirin.* Several comments from manufacturers request clarification of the phrase "preparations containing significant amounts of aspirin" as used in the preamble to the proposal. The Commissioner concludes that all preparations containing aspirin are subject to these standards.

I. *Conflicting requirements.* Several comments from trade and professional associations express concern that requirements of the Poison Prevention Packaging Act and regulations thereunder will conflict with those of the Federal Food, Drug, and Cosmetic Act, its regulations, and official compendia dealing with packaging. The Commissioner concludes that the standards need appropriate clarification, and a new paragraph (c) has been added to § 295.2 to so provide.

J. *Reuse of special packaging.* A comment from the packaging industry suggests that the reuse of special packaging for drugs subject to special packaging standards should be prohibited. The Commissioner agrees that reuse of special packaging may compromise its effectiveness, and an appropriate prohibition has been incorporated in the standards.

K. *Continued functioning.* The preamble to the document promulgating § 295.10 *Testing procedure for special packaging,* published November 20, 1971 (36 F.R. 22152), contains the statement "The effect of a particular substance on continued functioning of the special packaging under conditions of use will be considered in the individual standards for substances regulated under the act." Accordingly, § 295.3 has been revised to include a provision that special packaging must continue to function with the effectiveness specifications set forth in the regulation when in actual contact with the substance contained therein and must also continue to so function for the number of openings customary for its size and contents. These determinations may be made by appropriate scientific evaluation of the compatibility of the substance with the special packaging and by appropriate mechanical testing to measure such factors as force, wear, and stress.

L. *Flavoring and coloring.* Two consumer interest comments suggest that the flavoring and/or coloring of aspirin should be prohibited because this makes the package unnecessarily attractive to children. In light of the statutory definition of package set forth in section 2(3) of the act, as well as the explicit provision in section 3(d) which prohibits the prescribing of product content, the Commissioner concludes that there is no legal authority under this act to prohibit such a practice. In any event, special packaging is required for such products under this regulation.

M. *Miscellaneous.* One comment suggests that the Commissioner has authority to prohibit noncomplying packages until the manufacturer establishes that noncomplying packages would be appropriate. The Commissioner concludes that there is no such authority in the act. Another comment suggests that a protocol for field tests be developed. The impact of special packaging standards will be continuously monitored by the Food and Drug Administration. No comments were received concerning the finding made by the Commissioner pursuant to section 3(a)(1) of the act, and the finding is hereby confirmed.

N. *Exemptions.* The legislative history of the act indicates that exemptions from special packaging standards may be granted, and the preamble to the document promulgating § 295.10 indicates that the Commissioner is prepared to grant individual exemptions. Several pharmaceutical manufacturers requested exemptions for particular aspirin-containing products: Preparations in powder, suppository and chewing gum form; boluses for veterinary use; effervescent tablets; and cold tablets. Since the Commissioner does not have sufficient information to determine whether any of the requests should be granted, and since none of them has been published for comment in the FEDERAL REGISTER as required by section 5(a) of the act, these requests are hereby denied without prejudice. Any request for an example from a special packaging standard will be considered by the Commissioner. Such a request must be in writing and must furnish reasonable grounds therefor, including, but not limited to, available human experience data, relevant experimental data, toxicity information, product and packaging specifications, labeling, marketing history, and the justification for the exemption. If such request furnishes reasonable grounds therefor, the Commissioner will publish a notice in the FEDERAL REGISTER proposing the amendment of the standard. Following such publication, the proceedings shall be the same as prescribed by section 5 of the act.

Therefore, having evaluated the comments received and other relevant material, the Commissioner concludes that the proposal, with changes, should be adopted as set forth below. Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74) and under authority delegated to the Commissioner (21 CFR 2.120), two new sections are added to Part 295 as follows:

§ 295.2 Substances requiring "special packaging".

(a) *Substances.* The Commissioner of Food and Drugs has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and that the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

(1) *Aspirin.* Any preparation containing aspirin shall be packaged in accordance with the provisions of § 295.3 (a), (b), and (c).

(b) *Sample packages.* (1) The manufacturer or packer of any of the substances listed under paragraph (a) of this section as substances requiring special packaging shall provide the Commissioner with a sample of each type of special packaging, as well as the labeling for each size product that will be packaged in special packaging and the labeling for any noncomplying package. Sample packages and labeling should be sent to the Food and Drug Administration, Attention: Bureau of Product Safety, 5600 Fishers Lane, Rockville, Md. 20852.

(2) Sample packages should be submitted without contents when such contents are unnecessary for demonstrating the effectiveness of the packaging.

(3) Any sample packages containing drugs listed under paragraph (a) of this section shall be sent by registered mail.

(4) As used in subparagraph (1) of this paragraph, the term "manufacturer or packer" does not include pharmacists and other individuals who dispense, at the retail or user level, drugs listed under paragraph (a) of this section as requiring special packaging.

(c) *Applicability.* Special packaging standards for drugs listed under paragraph (a) of this section shall be in addition to any packaging requirements of the Federal Food, Drug, and Cosmetic Act or regulations promulgated thereunder or of any official compendia recognized by that act.

§ 295.3 Poison prevention packaging standards.

To protect children from serious personal injury or serious illness resulting from handling, using, or ingesting household substances, the Commissioner has determined that packaging designed and constructed to meet the following standards shall be regarded as "special packaging" within the meaning of section 2(4) of the act. Specific application of these standards to substances requiring special packaging is in accordance with § 295.2.

(a) *General requirements.* The special packaging must continue to function with the effectiveness specifications set forth in paragraph (b) of this section when in actual contact with the substance contained therein. This requirement may be satisfied by appropriate scientific evaluation of the compatibility of the substance with the special packaging to determine that the chemical and physical characteristics of the substance will not compromise or interfere with the proper functioning of the special packaging. The special packaging must also continue to function with the effectiveness specifications set forth in paragraph (b) of this section for the number of openings and closings customary for its size and contents. This requirement may be satisfied by appropriate technical evaluation based on physical wear and stress factors, force required for activation, and other such relevant factors which establish that, for the duration of normal use, the effectiveness specifications of the packaging would not be expected to lessen.

(b) *Effectiveness specifications.* Special packaging which when tested by the method described in § 295.10, meets the following specifications:

(1) Child-resistant effectiveness of not less than 85 percent without a demonstration and not less than 80 percent after a demonstration of the proper

means of opening such special packaging. In the case of unit packaging, child-resistant effectiveness of not less than 80 percent.

(2) Adult-use effectiveness not less than 90 percent.

(c) *Reuse of special packaging.* Special packaging for substances subject to the provisions of this paragraph shall not be reused.

Effective date. This order shall become effective 180 days after its date of publication in the FEDERAL REGISTER.

(Secs. 2(4), 3, 5; 84 Stat. 1670–72; 15 U.S.C. 1471–74)

Dated: February 11, 1972.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.72-2358 Filed 2-15-72;8:53 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter I—Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development

SUBCHAPTER A—FAIR HOUSING

[Docket No. R-72-165]

PART 110—FAIR HOUSING POSTER

The purpose of this regulation is to require the display of a fair housing poster by persons subject to sections 804–806 of the Civil Rights Act of 1968 and to prescribe the content of this poster.

Notice of a proposed amendment to Title 24 to include a new Part 72 was published in the FEDERAL REGISTER on August 4, 1971 (36 F.R. 14336). (Under the reorganization of Title 24 published in the FEDERAL REGISTER on December 22, 1971 (36 F.R. 24402), the fair housing poster will become new Part 110.) Comments were received from approximately 20 interested persons and organizations and consideration has been given to each comment.

Some comments with respect to proposed § 72.10 criticized the coverage of the proposed regulation as too broad, while other comments objected that the coverage is too narrow, and various suggestions were made for changes in coverage. Comments were directed not only to what dwellings should be included but also to the stage at which the requirement should take effect and the persons to whom it should apply. In response to the comments, § 72.10(a) (now § 110.10 (a) and (b)) has been revised to clarify the extent of coverage, to broaden coverage to the extent appropriate and to eliminate unnecessary burdens where the requirement can appropriately be narrowed or eliminated. Under § 110.10 (a) and (b), display of the prescribed poster at a single-family dwelling is not required unless the dwelling is being offered for sale or rental in conjunction with the sale or rental of other dwellings; however if a real estate broker or agent is handling the sale or rental, he must display the poster at any place of business where the dwelling is being offered for sale or rental. With respect to all other dwellings covered by the Act, the poster must be displayed at any place of business where the dwelling is offered for sale or rental; in addition, the poster must be displayed at the dwelling, except that in the case of a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, e.g., a subdivision, the poster may be displayed at model homes instead of at each of the individual dwellings. Finally, in the case of dwellings other than a single-family dwelling not being offered for sale or rental in conjunction with the sale or rental of other dwellings, the poster must be displayed from the beginning of construction through the end of the sale or rental process.

Several comments suggested revisions in the language of the poster described in proposed § 72.25. Such suggestions included rewriting the poster in terms of the individual's rights rather than the Act's prohibitions, adding additional prohibitions contained in the Act, emphasizing the nature of penalties for failure to post, and listing the HUD area office instead of the regional office as a location to which to send complaints. The new § 110.25 adopts the suggestion with regard to the area offices in that the poster will provide for insertion of the address of the regional or area office as appropriate. It has been decided that instead of lengthening the content of the poster by adding additional prohibitions, the poster should be made shorter and easier to understand by briefly highlighting the major prohibitions. In addition, the Equal Housing Opportunity logotype and slogan have been inserted at the top of the poster.

A comment by the Federal Home Loan Bank Board (FHLBB) recommended exempting from this regulation any person subject to a regulation of the FHLBB requiring that person to post a poster substantially similar in content to the poster described in HUD's regulation. A similar comment was made by the Board of Governors of the Federal Reserve System with respect to entities subject to supervision by any of the four Federal financial regulatory agencies. The Department will authorize a person subject to the jurisdiction of a Federal financial regulatory agency to utilize a poster prescribed in a regulation by such agency, and approved by the Department, instead of the poster prescribed by HUD. However, all of the other requirements of Part 110 will remain fully applicable regardless of whatever sanctions the regulatory agency prescribes for failure to comply with its regulation. This provision is set forth in § 110.25(b). The requirement, set forth in § 110.10(c), that financial institutions post and maintain a fair housing poster will not be effective until May 1, 1972, in order to allow time for the Federal financial regulatory agencies to issue appropriate regulations.

Proposed § 72.30 stated that a failure to display the poster as required would be deemed a discriminatory housing practice, i.e., an act unlawful under sections 804, 805, and 806 of title VIII, and prima facie evidence of a violation of those sections, as applicable. There were comments favoring this provision and a comment stating that such a provision was beyond the Department's authority on the ground that title VIII prescribes the specific acts of discrimination which are unlawful. There was also a comment recommending that failure to comply should subject a person to suspension from eligibility for FHA insurance.

The Department believes that it has the authority to require a fair housing poster, and that proposed § 72.30 does not prescribe a new violation not provided for in title VIII. Rather, the section provides an appropriate evidentiary mechanism for assisting in the determination of whether a violation of title VIII has occurred. For purposes of clarity, the provision has been combined with proposed § 72.35—complaints—into a new § 110.30—Effect of failure to display poster—and the combined text shortened. Under § 110.30, when a person claiming to have been injured by a discriminatory housing practice files a complaint pursuant to Part 105—Fair Housing, a failure to display the required poster shall be deemed prima facie evidence of such practice.

The comment with respect to application of additional sanctions is rejected, since such sanctions as well as others are provided in the Affirmative Fair Housing Marketing Regulations published January 5, 1972 (37 F.R. 75), for failure to make the posting required at FHA project sites by § 200.620(f) of that regulation. Although Part 110 is applicable to some persons who are not covered by the Affirmative Fair Housing Marketing regulations, the Department considers that the insertion in Part 110 of the sanctions proposed in the comment is not appropriate.

Accordingly, a new Part 110 is added to Title 24 to read as follows:

Subpart A—Purpose and Definitions

Sec.
110.1 Purpose.
110.5 Definitions.

Subpart B—Requirements for Display of Posters

110.10 Persons subject.
110.15 Location of posters.
110.20 Availability of posters.
110.25 Description of posters.

Subpart C—Enforcement

110.30 Effect of failure to display poster.

AUTHORITY: The provisions of this Part 110 are issued under section 7(d) of the Department of Housing and Urban Development Act of 1965 (42 U.S.C. 3535(d)).

Subpart A—Purpose and Definitions

§ 110.1 Purpose.

The regulations set forth in this part contain the procedures established by the Secretary of Housing and Urban Development with respect to the display of a fair housing poster by persons subject to sections 804–806 of the Civil Rights Act of 1968, 42 U.S.C. 3604–3606.

§ 110.5 Definitions.

(a) "Department" means the Department of Housing and Urban Development.

(b) "Discriminatory housing practice" means an act that is unlawful under section 804, 805, or 806 of title VIII.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.

(f) "Secretary" means the Secretary of Housing and Urban Development.

(g) "Fair housing poster" means the poster prescribed by the Secretary for display by persons subject to sections 804–806 of the Civil Rights Act of 1968.

(h) "The Act" means title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3601 et seq.

(i) "Person in the business of selling or renting dwellings" means a person as defined in section 803(c) of the Act.

Subpart B—Requirements for Display of Posters

§ 110.10 Persons subject.

(a) Except to the extent that paragraph (b) of this section applies, all persons subject to section 804 of the Act, Discrimination in the Sale or Rental of Housing, shall post and maintain a fair housing poster as follows:

(1) With respect to a single-family dwelling (not being offered for sale or rental in conjunction with the sale or rental of other dwellings) offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings, such person shall post and maintain a fair housing poster at any place of business where the dwelling is offered for sale or rental.

(2) With respect to all other dwellings covered by the Act:

(i) A fair housing poster shall be posted and maintained at any place of business where the dwelling is offered for sale or rental, and

(ii) A fair housing poster shall be posted and maintained at the dwelling, except that with respect to a single-family dwelling being offered for sale or rental in conjunction with the sale or rental of other dwellings, the fair housing poster may be posted and maintained at the model dwellings instead of at each of the individual dwellings.

(3) With respect to those dwellings to which subparagraph (2) of this paragraph applies, the fair housing poster must be posted at the beginning of construction and maintained throughout the period of construction and sale or rental.

(b) This part shall not require posting and maintaining a fair housing poster:

(i) On vacant land, or

(ii) At any single-family dwelling, unless such dwelling

(*a*) Is being offered for sale or rental in conjunction with the sale or rental of other dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(2)(ii) of this section, or

(*b*) Is being offered for sale or rental through a real estate broker, agent, salesman, or person in the business of selling or renting dwellings in which circumstances a fair housing poster shall be posted and maintained as specified in paragraph (a)(1) of this section,

(c) All persons subject to section 805 of the Act, Discrimination in the Financing of Housing, shall post and maintain a fair housing poster at all their places of business which participate in the financing of housing.

(d) All persons subject to section 806 of the Act, Discrimination in the Provision of Brokerage Services, shall post and maintain a fair housing poster at all their places of business.

§ 110.15 Location of posters.

All fair housing posters shall be prominently displayed so as to be readily apparent to all persons seeking housing accommodations or financial assistance or brokerage services in connection therewith as contemplated by sections 804–806 of the Act.

§ 110.20 Availability of posters.

All persons subject to this part may obtain fair housing posters from the Department's regional and area offices. A facsimile may be used if the poster and the lettering are equivalent in size and legibility to the poster available from the Department.

§ 110.25 Description of posters.

(a) The fair housing poster shall be 11 inches by 14 inches and shall bear the following legend:

EQUAL HOUSING OPPORTUNITY

We Do Business in Accordance With the Federal Fair Housing Law

(Title VIII of the Civil Rights Act of 1968)

IT IS ILLEGAL

TO DISCRIMINATE AGAINST

ANY PERSON BECAUSE OF RACE,

COLOR, RELIGION, OR NATIONAL ORIGIN

- In the sale or rental of housing or residential lots.
- In advertising the sale or rental of housing.
- In the financing of housing.
- In the provision of real estate brokerage services.
- Blockbusting is also illegal.

Anyone who feels he has been discriminated against should send a complaint to:

U.S. Department of Housing and Urban Development, Assistant Secretary for Equal Opportunity, Washington, D.C. 20410

or

HUD Region or

[Area Office stamp]

(b) The Assistant Secretary for Equal Opportunity may grant a waiver permitting the substitution of a poster prescribed by a Federal financial regulatory agency for the fair housing poster described in paragraph (a) of this section. While such waiver remains in effect, compliance with the posting requirements of such regulatory agency shall be deemed compliance with the posting requirements of this part. Such waiver shall not affect the applicability of all other provisions of this part.

Subpart C—Enforcement

§ 110.30 Effect of failure to display poster.

Any person who claims to have been injured by a discriminatory housing practice may file a complaint with the Secretary pursuant to Part 105 of this chapter. A failure to display the fair housing poster as required by this part shall be deemed prima facie evidence of a discriminatory housing practice.

Effective date. This part shall be effective February 25, 1972, except for § 110.10(c) which shall be effective May 1, 1972.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

[FR Doc.72-2262 Filed 2-15-72;8:45 am]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS, AND AMERICAN SAMOA

Compensation of Committee Members

Pursuant to authority in section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended; 29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), I hereby amend 29 CFR 511.4 to read as set forth below. The purpose of this amendment is to increase the compensation of each member of an industry committee from $85 to $90 for each day spent in the work of the committee.

As this amendment concerns only a rule of agency practice, and is not substantive, notice of proposed rule making, opportunity for public participation, and delay in effective date are not required by 5 U.S.C. 553. It does not appear that