

The Final Order, including further order requiring report of compliance therewith is as follows:<sup>1</sup>

The Administrative Law Judge filed his Initial Decision in this matter on January 7, 1974, finding respondent to have engaged in the acts and practices as alleged in the complaint and entering a Cease-and-Desist Order against respondent. A copy of the Initial Decision and Order was served on the respondent on February 7, 1974. No appeal was taken from the Initial Decision; and on March 8, 1974, the Commission entered an order staying the effective date thereof until further order of the Commission.

The Commission having now determined that the matter should not be placed on its own docket for review, and that the Initial Decision should become effective,

*It is ordered*, That the Initial Decision and Order contained therein shall become effective as of the date of service of this Order.

*It is further ordered*, That respondent shall, within sixty (60) days after service 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 the Order contained in the Initial Decision.

The order to cease and desist contained in the initial decision is as follows:

*It is ordered*, That respondent David M. Robertson, an individual, trading and doing business as Robertson Investment Company and Beltway Park Apartments Warehouse, or under any other name or names, and respondent's agents, representatives, and employees, successors and assigns, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Apartment," "Warehouse" or any other word or words of similar import or meaning in or as part of respondent's retail merchandise business or trade name or names; or misrepresenting, orally or in writing, directly or by implication, the nature or status of respondent's business or the size, description or classification of any of respondent's physical facilities.

2. Representing, directly or indirectly, orally or in writing, that any merchandise offered for sale is bankrupt, salvage, distressed, distress or transportation company surplus merchandise; or misrepresenting, in any manner, the source, character or nature of the merchandise being offered for sale.

3. Using the word "Sale", or any other word or words of similar import or meaning not set forth specifically herein un-

less the price of such merchandise being offered for sale constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such merchandise was sold or offered for sale to the public on a regular basis by respondent for a reasonably substantial period of time in the recent, regular course of his business.

4. (a) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondent's stated price and respondent's former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondent for a reasonably substantial period of time in the recent, regular course of his business.

(b) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondent's stated price and a compared price for said merchandise in respondent's trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, orally or in writing, directly or by implication, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondent's stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondent has in good faith conducted a market survey or obtained a similar representative sample of prices in his trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

5. Failing to maintain and produce for inspection or copying for a period of three (3) years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in Paragraphs Three and Four of this order are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

6. Representing, directly or indirectly, orally or in writing, that respondent has all sizes and colors of rugs in stock; or misrepresenting, in any manner, the colors, patterns, size, kind or quantity of carpeting or other merchandise in stock and available for sale, delivery or installation.

*It is further ordered*, That respondent shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any

other such promotional material utilized for the purpose of obtaining leads for the sale of carpeting or floor coverings, or utilized in the advertising, promotion or sale of carpeting or floor coverings and other merchandise.

*It is further ordered*, That respondent, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondent and each newspaper publishing company, television or radio station or other advertising media utilized by respondent to obtain leads for the sale of carpeting, floor coverings and other merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

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

*It is further ordered*, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the offering for sale, sale of any product, or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

*It is further ordered*, That respondent promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

Final Order of the Commission issued on May 20, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc. 74-18489 Filed 8-12-74; 8:45 am]

[Docket No. 8925]

# PART 13—PROHIBITED TRADE PRACTICES

Avalon Industries, Inc., and  
Morton Berman

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception; § 13.1057 Packaging deceptively; 13.1057-40 Oversized containers. Subpart—Misrepresenting oneself and goods—Goods: § 13.1720 Quantity; § 13.1743 Size or weight. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively; 13.2100-10 Packaging.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Avalon Industries Inc., et al., Brooklyn, N.Y., Docket 8925, May 20, 1974]

<sup>1</sup>Copies of the complaint, initial decision, and final order filed with the original document.



*In the Matter of Avalon Industries, Inc., a Corporation, and Morton Berman, Individually and as an Officer of Said Corporation*

Order requiring a Brooklyn, N.Y., seller and distributor of toy, gift, and hobby products to jobbers and retailers, among other things to cease deceptively packaging its products in oversized containers or otherwise misrepresenting their dimensions or quantities.

The Final Order, including further order requiring report of compliance therewith is as follows:<sup>1</sup>

The Administrative Law Judge filed his Initial Decision in this matter on April 3, 1974, finding respondents to have engaged in the acts and practices as alleged in the complaint and entering a Cease-and-Desist Order against respondents. A copy of the Initial Decision and Order was served on the respondents on April 18, 1974. No appeal was taken from the Initial Decision.

The Commission having now determined that the matter should not be placed on its own docket for review, and that the Initial Decision should become effective as provided in § 3.51(a) of the Commission's Rules of Practice,

It is ordered, That the Initial Decision and Order contained therein shall become effective on May 20, 1974.

The order to cease and desist contained in the initial decision is as follows:

It is ordered, That respondent Avalon Industries, Inc., a corporation, and its officers, and Morton R. Berman, individually and as an officer of such corporation, and respondents' agents, representatives, employees, successors, and assigns, directly or through any corporation, subsidiary, division, or other device, in connection with the offering for sale, sale, or distribution of toy, gift, and hobby merchandise or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Packaging such products in oversized boxes or other containers so as to create the appearance or impression that the length, width, or thickness or other dimensions or quantity of products contained in such boxes or containers are appreciably greater than is the fact; or otherwise misrepresenting the dimensions or quantities of such products; *Provided, however,* That nothing in this order shall be construed as forbidding respondents to use oversized containers if respondents justify the use of such containers as necessary for the efficient packaging of the products contained therein and establish that respondents have made all reasonable efforts to prevent any misleading appearance or impression from being created by such containers;

2. Providing wholesalers, retailers, or other distributors of such products with any means or instrumentality with which to deceive the purchasing public in the manner described in Paragraph 1, above.

<sup>1</sup> Copies of the complaint, initial decision, and final order filed with the original document.

It is further ordered, That respondents or their successors or assigns notify the Commission at least thirty (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 corporate respondent which may affect compliance obligations arising out of this Order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include such respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That the respondents distribute a copy of this Order to all operating divisions and subsidiaries of the corporate respondent and to all managerial and supervisory personnel concerned with package design.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of the Final Order herein, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with such Order.

Final Order of the Commission issued on May 20, 1974.

CHARLES A. TOBIN,  
Secretary.

[FR Doc.74-18488 Filed 8-12-74; 8:45 am]

#### Title 49—Transportation

### CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-9; Notice 8]

#### PART 570—VEHICLE IN USE INSPECTION STANDARDS

##### Subpart B—Motor Vehicles With a GVWR of More Than 10,000 Pounds

##### NONAPPLICABILITY TO MOBILE STRUCTURE TRAILERS

This notice amends Part 570, Subpart B, Vehicle in Use Inspection Standards, Motor Vehicles with a GVWR of More Than 10,000 Pounds, in Title 49, Code of Federal Regulations, by making clear that the standard does not apply to mobile structure trailers.

On July 16, 1974, NHTSA promulgated Subpart B to Part 570 which consisted of vehicle in use standards for motor vehicles with a GVWR of more than 10,000 pounds (39 FR 26026). In response to the notice of proposed rulemaking which preceded it (38 FR 28077), the Mobile Homes Manufacturers Association (MHMA) commented that their data indicated that the average mobile home is moved once every 40 months or about 2.3 times during its life, that it spends less

than 12 hours on the public roads during its 18 to 20 year life span, and that it spends 0.055% of its useful life on the highway. NHTSA concluded, therefore, that mobile structure trailers should not fall within the ambit of the standard at this time.

By letter of July 19, 1974, the Mobile Homes Manufacturers Association (MHMA) pointed out that while motor homes and recreational vehicles were specifically made subject to the standard, no reference was made to mobile structure trailers except to reiterate MHMA's comments to the proposed rule. To clarify this ambiguity and the agency's intent, § 570.53 is hereby amended to read as follows:

#### § 570.53 Applicability.

This part does not in itself impose requirements on any person. It is intended to be implemented by States through the highway safety program standards issued under the Highway Safety Act (23 U.S.C. 402) with respect to inspection of motor vehicles with gross vehicle weight rating greater than 10,000 pounds, except mobile structure trailers.

Effective date: August 13, 1974. Since this amendment does not impose requirements on any person and is meant to clarify a preceding rule, it is found for good cause shown that an immediate effective date is in the public interest.

(Secs. 103, 108, 119, Public Law 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1397, 1407); delegation of authority at 49 CFR 1.51.)

Issued on August 7, 1974.

JAMES B. GREGORY,  
Administrator.

[FR Doc.74-18527 Filed 8-12-74; 8:45 am]

[Docket No. 74-28; Notice 1]

#### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

##### New Pneumatic Tires for Passenger Cars; Procedures for Adding New Tire Size Designations

This notice amends the guidelines published May 4, 1971 (36 FR 8298), for the addition of new tire sizes to the Appendix (A) of Motor Vehicle Safety Standard No. 109 (49 CFR 571.109; 571.109a).

Under these guidelines, persons requesting to add new tire size designations to Appendix A of Standard No. 109 must include the following:

(4) A statement that the tire size designation, the European Tyre and Rim Technical coordinated with the Tire and Rim Association, the European Tyre and Rim Technical Organisation, the Society of Manufacturers and Traders Limited, the Japan Automobile Manufacturers Association, the Deutsche Industrie Norm, and the Scandinavian Tire and Rim Organization.

The Michelin Tire Corporation has noted in correspondence with the agency that a literal reading of this provision leaves the approval of new tire size designations in the hands of the private



organizations listed. The NHTSA believes such a procedure to be inconsistent with sound public policy. While according to its records the agency has not denied approval for any requested new tire size designation on the basis of a failure to obtain coordination with a listed tire and rim association, it believes the guidelines should be amended to eliminate the deficiencies in the existing language. Accordingly, paragraph 4 of the guidelines is amended by this notice to require that the request for additional tire size designations indicate whether a new size has been coordinated with any of the associations. The amended language reflects a longstanding agency policy of cooperation with the various associations but clarifies the agency position that prior coordination with them is not considered a prerequisite for inclusion of a new tire size designation in the Appendix.

In light of the above, Appendix A of Section 571.109 (571.109a), Title 49, Code of Federal Regulations, is amended to read:

APPENDIX

(4) A statement as to whether the tire size designation and load inflation schedule has been coordinated with the Tire and Rim Association, the European Tyre and Rim Technical Organization, the Society of Manufacturers and Traders Limited, the Japan Automobile Manufacturers Association, the Deutsche Industrie Norm, and the Scandinavian Tire and Rim Organization.

Effective date: August 13, 1974.

This amendment relates to matters of agency procedure and clarifies what might otherwise be an improper delegation of agency authority. Accordingly, notice and public procedure thereon are unnecessary and good cause is found for an effective date less than 30 days from publication.

(Secs. 103, 119, 201, 202; Pub. L. 89-563, 88 Stat. 718 (15 U.S.C. 1392, 1407, 1421, 1422); delegation of authority at 49 CFR 1.51)

Issued on August 7, 1974.

JAMES B. GREGORY,  
Administrator.

[FR Doc. 74-18526 Filed 8-12-74; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

National Wildlife Refuges in Certain States

The following special regulations are issued and are effective on August 13, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Havasu National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting.

This open area, comprising 24,200 acres, is delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—white-winged doves, from September 1 through September 22, 1974, inclusive; mourning doves, from September 1 through September 22, 1974, inclusive, and from November 30 through December 27, 1974, inclusive. California—mourning and white-winged doves, from September 1 through September 30, 1974, inclusive; and from November 23 through December 8, 1974, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special conditions:

(1) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(2) The use of dogs is allowed for the purpose of spotting, flushing, or retrieving of downed birds only.

(3) Hunters must enter the Topock Marsh and Pintail Slough hunt areas by way of the parking lot only.

(4) Shooting hours are from one-half hour before sunrise to sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 27, 1974.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of doves on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—mourning doves only, from November 30 through December 27, 1974, inclusive. California—mourning and white-winged doves, from November 23 through December 8, 1974, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 27, 1974.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from September 1 through September 30, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,220 acres more or less, is delineated on maps available at refuge headquarters, Roswell, New Mexico, and from the Re-

gional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of doves.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1974.

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of teal ducks on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from September 21 through September 29, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,220 acres more or less, is delineated on maps available at refuge headquarters, Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of teal ducks.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 29, 1974.

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted from September 1 through September 30, 1974, inclusive, and from November 23 through December 22, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 19,020 acres, is delineated on maps available at refuge headquarters, 7 miles south of San Antonio, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves subject to the following special conditions:

(1) Vehicles are permitted only on established roads.

(2) Hunters shall leave the refuge by one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 22, 1974.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of doves and teal on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted on three areas designated by signs as open to hunting. These open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director,