

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Staff Assistant to the Special Assistant, Congressional Affairs, is excepted under Schedule C.

Effective February 12, 1975, § 213.3388 (d) (3) is added as set out below.

§ 213.3388 Federal Energy Administration.

(d) Office of Congressional Affairs.

(3) One Staff Assistant to the Special Assistant, Congressional Affairs.

(5 U.S.C. secs. 3301, 3302, E.O. 10577 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-3941 Filed 2-11-75;8:45 am]

**PART 213—EXCEPTED SERVICE
Interior Department**

Section 213.3312 is amended to show that one position of Deputy Director of Communications is excepted under Schedule C.

Effective February 12, 1975, § 213.3312 (a) (43) is added as set out below.

§ 213.3312 Department of the Interior.

(a) Office of the Secretary.

(43) One Deputy Director of Communications.

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.75-3942 Filed 2-11-75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—WAREHOUSE REGULATIONS

PART 106—DRY BEAN WAREHOUSES

Licensing of Inspectors Otherwise Licensed and Exemption From License Fees

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is amending warehouse regulations appearing in Part 106 (dry beans) of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations to issue licenses under the U.S. Warehouse Act to inspectors who hold licenses under an-

other Federal act and to exempt such inspectors from the required license fee.

Under grain warehouse regulations, any person who holds a valid license as a grain inspector under the U.S. Grain Standards Act is granted an inspectors license under the U.S. Warehouse Act and is exempt from payment of the license fee required under such Act. Inspectors (agricultural commodity graders) of dry beans are licensed under the authority of the Agricultural Marketing Act of 1946 rather than under the U.S. Grain Standards Act. Such inspectors have not been granted licenses without show of evidence that they can correctly grade beans and have not been exempt from fee payment under the U.S. Warehouse Act.

The Agricultural Marketing Service is hereby amending the Regulations for Dry Bean Warehouses to grant inspectors' licenses under the U.S. Warehouse Act to applicants who show satisfactory evidence that they hold an effective license under the Agricultural Marketing Act of 1946 and to exempt such inspectors from payment of the specified fee of \$6. These changes follow the precedent set for U.S. Grain Standards Act inspectors under existing regulations. No prior notices or public procedures are being given because they would be impractical, unnecessary and contrary to the public interest and because the amended regulation grants an exemption and relieves a former restriction.

Said regulations therefore are amended to read:

§ 106.55 Warehouse licenses fees.

There shall be charged and collected a fee of \$20 for each original warehouseman's license applied for by a warehouseman, and a fee of \$6 for each license issued to an inspector or weigher except that no fee shall be charged for issuance of a license to an inspector who holds an unsuspended and unrevoked license under the Agricultural Marketing Act of 1946 and regulations thereunder to inspect and grade any beans and to certificate the grade thereof.

Paragraph (e) is added and will read:

§ 106.59 Inspectors and weighers applications.

(e) In lieu of compliance with the requirements of paragraph (b) of this section, the license applied for may be granted whenever such applicant furnishes satisfactory evidence that he holds an effective license under the Agricultural Marketing Act of 1946 and regulations thereunder, to inspect and grade such beans and to certificate the grade thereof.

These amendments shall become effective on February 12, 1975.

Done at Washington, D.C., February 6, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-3898 Filed 2-11-75;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 726—BURLEY TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

BASIS AND PURPOSE

Correction

In FR Doc. 75-2941 in the issue for Friday, January 31, 1975, appearing at page 4633, make the following changes:

1. On page 4633, in the third column, the fifth paragraph should read as follows:

Section 726.11 is revised to read as follows:

DETERMINATIONS AND ANNOUNCEMENTS—1973-74 MARKETING YEAR

§ 726.11 Burley tobacco.

2. On page 4633, the last line of the third column should read "year beginning October 1, 1975, is hereby"

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 981—ALMONDS GROWN IN CALIFORNIA

Administrative Rules and Regulations; Suspension of Certain Provisions

Notice of a proposal to suspend the operation of subparagraphs (5) and (7) of § 981.441(d) of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 981.441-981.482; 39 FR 23239; 39258; 40 FR 3005; 4416) for the 1974-75 crop year was published in the January 14, 1975, issue of the FEDERAL REGISTER (40 FR 2589). That crop year ends June 30, 1975.

The marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulate the handling of almonds grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was based on a unanimous recommendation of the Almond Control Board.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal; none were received.

Section 981.441(d) (5) allows a handler credit for his paid media advertising that promotes almonds and almond products through his own retail store. The credit, however, is limited to the percentage which his sales of almonds and

almond products were to the total sales through the retail store in the previous crop year. Paragraph (d) (5) has been operative since July 1, 1974 (39 FR 23239). It now appears that the subparagraph will sharply reduce the credits some handlers formerly received for promoting almonds and almond products sold through their retail stores for more than anticipated at the time the regulation was made effective, and therefore may serve to reduce local promotions of almonds and almond products. Any reduction in the number of these promotions would be inconsistent with the intent of paragraph (d) (5). The Control Board has indicated that a thorough review of this matter is necessary before any changes in the provisions of paragraph (d) (5) can be proposed.

Section 981.441(d) (7) also has been operative since July 1, 1974. It allows a handler credit for his paid media advertising that promotes almonds and almond products through the handler's mail order offer which also mentions the handler's retail store selling almonds and almond products and the handler's catalog. Credit for that promotion expense is based, in part, on the percentage calculated for the handler pursuant to paragraph (d) (5). Since paid media advertising under paragraph (d) (7) must mention the handler's retail store selling almonds and almond products, and since suspension of paragraph (d) (5) affects the method of computing the credit allowable pursuant to paragraph (d) (7), it was also proposed that paragraph (d) (7) be suspended for the 1974-75 crop year.

Therefore, after consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, and other available information, it is found that to suspend the operation of paragraphs (d) (5) and (7) of § 981.441(d) of the administrative rules and regulations for the 1974-75 crop year will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making it effective at the time hereinafter provided in that: (1) This action relieves restrictions on handlers; (2) this action should be made effective as soon as possible so as to enable handlers to obtain maximum benefit from it; (3) handlers are aware of this action and require no advance preparation to comply therewith; and (4) no useful purpose would be served by postponing its effective time beyond that hereinafter provided.

It is therefore, ordered, That the operation of paragraphs (d) (5) and (7) of § 981.441 of the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 981.441—981.482; 39 FR 23239; 39258; 40 FR 3005; 4416) be suspended for the 1974-75 crop year.

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

Dated: February 6, 1975, to become effective February 14, 1975.

CHARLES R. BRADER,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.75-3899 Filed 2-11-75; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS, ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

Correction

In FR Doc. 74-30055, appearing at page 44712 in the issue for Friday, December 27, 1974, make the following changes:

On page 44721 in paragraph (d) of § 113.145, the reference to "(c) (1)" in line seven should read: "(d) (1)". Also on page 44721 in paragraph (d) of § 113.145 the reference to "(c) (1)" in line eight should read "(d) (1)".

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Grant and Loan Program

Part 309 of Chapter III of Title 13 of the Code of Federal Regulations is hereby amended.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provision of the Administrative Procedure Act (5 U.S.C. 533) requiring notice of proposed rulemaking and opportunity for public participation are inapplicable.

The purpose of this amendment is to make a technical change concerning the employment of expeditors.

1. Section 309.7 is revised by amending paragraph (a) to read as follows:

§ 309.7 Employment of expeditors or administrative employees; compensation of persons engaged by or on behalf of applicants.

(a) No application or plan for financial assistance shall be approved by EDA under sections 101, 201, 202, 301, 302, 403, or 903 of the Act unless the applicant:

(Sec. 701, Pub. L. 89-136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 870 and Department of Commerce Organization Order 10-4, April 1, 1970 (35 FR 5870))

Effective date: This amendment becomes effective on March 7, 1975.

Dated: February 5, 1975.

D. JEFF CAHILL,
Acting Assistant Secretary
for Economic Development.

[FR Doc.75-3919 Filed 2-11-75; 8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2577]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE ACTIONS

American Roofing and Remodeling Co.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements*; 13.73-92 *Truth in Lending Act*; § 13.155 *Prices*; 13.155-95 *Terms and conditions*; 13.155-95(a) *Truth in Lending Act*. Subpart—Misrepresenting oneself and goods—*Prices*: § 13.1823 *Terms and conditions*; 13.1823-20 *Truth in Lending Act*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-75 *Truth in Lending Act*; § 13.1892 *Sales contract, right-to-cancel provision*; § 13.1905 *Terms and conditions*; 13.1905-60 *Truth in Lending Act*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, American Roofing and Remodeling Co., Newark, Calif., Docket C-2577, Oct. 16, 1974]

In the matter of Richard A. Edson, an individual trading and doing business as American Roofing and Remodeling Company.

Consent order requiring a Newark, Calif., home improvement contracting firm, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondent Richard A. Edson, an individual trading and doing business as American Roofing and Remodeling Co., 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 any extension or arrangement of consumer credit or advertisement to aid, promote, or assist directly or indirectly any arrangement or extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321

¹ Copies of the complaint and decision and order filed with the original document.

(15 U.S.C. 1601 et seq)), do forthwith cease and desist from:

1. Failing to disclose the date on which the finance charge begins to accrue when different from the date of the transaction, as required by § 226.8(b) (1) of Regulation Z.

2. Failing to disclose the term "annual percentage rate", using that term, in credit transactions where finance charges are imposed, as required by § 226.6(b) (2) of Regulation Z.

3. Failing to disclose the sum of all payments required, and describe that sum as the "total of payments," as required by § 226.8(b) (3) of Regulation Z.

4. Failing to provide a description of the type of any security interest held or to be retained or acquired by the creditor in connection with the transaction, as required by § 226.8(b) (5) of Regulation Z.

5. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b) (7) of Regulation Z.

6. Failing to use the term "cash price", as defined in § 226.2(i) of Regulation Z, to describe the purchase price of the transaction, as required by § 226.8(c) (1) of Regulation Z.

7. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the transaction, as required by § 226.8(c) (2) of Regulation Z.

8. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c) (3) of Regulation Z.

9. Failing to disclose all other charges, individually itemized, which are included in the amount financed but which are not part of the finance charge, as required by § 226.8(c) (4) of Regulation Z.

10. Failing to disclose the sum of the unpaid balance of cash price and all other charges and describe that sum as the "unpaid balance", as required by § 226.8(c) (5) of Regulation Z.

11. Failing to use the term "amount financed" to describe the amount of credit extended as required by § 226.8(c) (7) of Regulation Z.

12. Failing to disclose the "finance charge", using that term, as required by § 226.8(c) (8) (i) of Regulation Z.

13. Failing to disclose the sum of the cash price, all charges which are not included in the amount financed but which are not a part of the finance charge, and describe that sum as the "deferred payment price," as required by § 226.8(c) (8) (ii) of Regulation Z.

14. Failing, in any transaction in which respondent retains or acquired a security interest in real property which is used or is expected to be used as the principal residence of the customer, to provide each customer with notice of the right to rescind in the manner and form specified in §§ 226.9(b) and 226.9(f) of Regulation Z, prior to consummation of the transaction.

15. Failing in any consumer credit transaction or advertisement to make

all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form, and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in his business organization such as dissolution, assignment, incorporation, partnership, sale or any other change which may affect compliance obligations arising out of this order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to each of his operating divisions and to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business address 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.

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

The Decision and Order was issued by the Commission, October 16, 1974.

CHARLES A. TOBIN,
Secretary.

[PR Doc.75-3840 Filed 2-11-75;8:45 am]

[Docket C-2557]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Union Carbide Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.20 *Comparative data or merits*; § 13.135 *Nature of product or service*; § 13.170 *Qualities or properties of product or service*; 13.170-46 *Insecticidal or repellent*; § 13.195 *Safety*; 13.195-60 *Product*; § 13.205 *Scientific or other relevant facts*. Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements*; 13.533-20 *Disclosures*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits*; § 13.1685 *Nature*; § 13.1710 *Qualities or properties*; § 13.1740 *Scientific or other relevant facts*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature*; § 13.1890 *Safety*; § 13.1895 *Scientific or other relevant facts*.

(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, Union Carbide Corporation, New York, N.Y., Docket C-2557, Oct. 4, 1974]

In the matter of Union Carbide Corporation, a corporation. Consent order requiring a New York City formulator and distributor of carbaryl insecticide, among other things to cease claiming that its agricultural insecticides are absolutely safe to use or absolutely safe to man or the environment. Further, respondent must place in all promotional material expressing or implying safety claims about agricultural insecticides, a statement reminding users that all pesticides are harmful if misused, and that they should only be used as directed.

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

I. It is ordered, That respondent, Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of any insecticide product with precautionary labeling which contains any active insecticidal ingredient(s) presently marketed by respondent or currently being field tested by respondent and which is intended for use by custom applicators and commercial growers to protect animals or food, forage, field or fiber crops by virtue of the capacity of its active ingredient(s) to kill insects (sometimes referred to hereinafter as "such products"), do forthwith cease and desist from:

A. Representing, directly or by implication, by print or broadcast advertising, by other promotional material, or by sales representatives' oral statements, that such products are absolutely or unqualifiedly safe, non-toxic or free of hazard for any use registered under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (hereinafter FIFRA) or any other approved use based upon evidence filed in connection with registration under FIFRA.

B. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are qualifiedly safe, non-toxic or free of hazard for any use registered under FIFRA or any other approved use based upon evidence filed in connection with registration under FIFRA; *Provided however*, That factual statements about such products regarding any use registered under FIFRA, any other approved use based upon evidence filed under FIFRA, the level of hazard or toxicity to products or species treated in accordance with such use(s) or residues resulting from such use(s) shall not be prohibited if:

(1) Respondent prominently and in close conjunction thereto, includes a statement (except in broadcast advertisements not more than 30 seconds in length) denoting the existence of any

¹ Copies of the complaint and decision and order filed with the original document.

specific caution or category thereof, other than directions for use (e.g., "Do not apply within 7 days of harvest"), which appears on such product's labels, including but not limited to limitations on application due to regional or climatic variations; restrictions on subsequent use of treated crops, animals, or lands; and limitations due to consequent injury of specific species, e.g., crop(s), animal(s), fish, bird(s), or beneficial insect(s); where such specific caution is relevant and material and without notice of which said factual statements would be untrue or misleading; and

(2) At the time of such representations, (1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or (2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(3) Such factual statements do not use the word "safe," or any form thereof.

C. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are relatively or comparatively safe, less toxic or freer of hazard, for any use registered under FIFRA, or any other approved use based upon evidence filed in connection with registration under FIFRA: *Provided however*, That comparative factual statements about such products regarding any use registered under FIFRA, any other approved use based upon evidence filed under FIFRA, the level of hazard or toxicity to products or species treated in accordance with such use(s) or residues resulting from such use(s) shall not be prohibited if:

(1) Such factual statements compare the promoted insecticide with a specifically identifiable insecticide product, product form, or product group; and

(2) Respondent prominently and in close conjunction thereto, includes a statement (except in broadcast advertisements not more than 30 seconds in length) denoting the existence of any specific caution or category thereof, other than directions for use (e.g., "Do not apply within 7 days of harvest"), which appears on such product's labels, including but not limited to limitations on application due to regional or climatic variations; restrictions on subsequent use of treated crops, animals, or lands; and limitations due to consequent injury of specific species, e.g., crop(s), animal(s), fish, bird(s), or beneficial insect(s); where such specific caution is relevant and material and without notice of which said factual statements would be untrue or misleading; and

(3) At the time of such representations, (1) such statements do not differ in substance from claims accepted in

connection with registration under FIFRA, or (2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(4) Such factual statements do not use the word "safe," or any form thereof.

II. With respect to representations not covered by the provisions of section I of this Order, *It is ordered*, That Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products, do forthwith cease and desist from:

A. Representing, directly or by implication, by print or broadcast advertising, by other promotional material, or by sales representatives' oral statements, that such products are absolutely safe, non-toxic or free of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment;

B. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are qualifiedly safe, non-toxic or free of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment; *Provided however*, That factual statements which (i) describe physical, chemical, biological or toxicological characteristics of the promoted insecticide, or (ii) discuss the aforesaid characteristics and their effects on the environment, human beings, warm-blooded animals, fish, birds, or beneficial insects shall not be prohibited if:

(1) The label(s) for such product(s) contains no relevant and required general or specific warning or caution regarding such characteristics or any effect caused by such characteristics; *Provided*, That nothing in this subsection shall prohibit:

(a) The dissemination of instructions for the proper use of such product(s); or
(b) Factual statements which reproduce or discuss the substance of or reason(s) for any statement, warning or caution or direction for use found on the label of the promoted product(s) and are consistent with such statements, warnings, cautions, or directions for use; or

(c) Factual statements regarding such characteristics or characteristics and their effects of insecticides in other than toxicity category I or toxicity category II; *Provided further*, that factual statements regarding the effects of any such characteristics, without an accompanying description of such characteristics, shall not be prohibited if: (i) the label(s) for such product(s) contains no relevant and required general or specific

warning or caution regarding such characteristic(s) or effect(s) and (ii) the causal relationship between such characteristic(s) and the described effect(s) has not been substantiated by competent scientific tests or other objective materials known, or which through the exercise of reasonable diligence should be known, to respondent; and

(2) Such factual statements are true and not misleading under normal circumstances and conditions under which the product could be expected to be used, *Provided further*, That, if, circumstances and conditions of normal use exist in which said factual statements are untrue or misleading, respondent must describe, prominently and in close conjunction with said factual statements, specific circumstances and conditions for use in which said factual statements are true and not misleading; and

(3) At the time of such representations, (1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or (2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(4) Respondent discloses, prominently and in close conjunction with any such factual statements concerning human safety (except in broadcast advertisements not more than 30 seconds in length), any toxicological characteristics relating to human safety which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(5) Respondent discloses, prominently and in close conjunction with any other such factual statements (except in broadcast advertisements not more than 30 seconds in length), any hazardous collateral effects which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(6) Such factual statements do not use the word "safe," or any form thereof.

C. Representing, directly or by implication, by print or broadcast advertising or by other promotional material, that such products are relatively or comparatively more safe, less toxic or freer of hazard to human beings, warm-blooded animals, birds, fish, beneficial insects, or the environment than any other insecticide product(s); *Provided however*, That comparative factual statements which (i) describe physical, chemical, biological or toxicological characteristics of the promoted insecticide or (ii) in the case of insecticides in toxicity category I or toxicity category II, discuss the aforesaid characteristics and their effect on the environment, human beings, warm-blooded animals, fish, birds, or beneficial

insects or (iii) in the case of insecticides in other than toxicity category I or toxicity category II, discuss the effect of such products on the environment, human beings, warm-blooded animals, fish, birds, or beneficial insects shall not be prohibited if:

(1) Such factual statements compare the promoted insecticide with a specifically identifiable insecticide product, product form, or product group; and

(2) Such factual statements are true and not misleading under normal circumstances and conditions under which the product could be expected to be used. *Provided further*, That if circumstances and conditions of normal use exist in which said factual statements are untrue or misleading, respondent must describe, prominently and in close conjunction with said factual statements, specific circumstances and conditions of use in which said factual statements are true and not misleading; and

(3) At the time of such representations, (1) such statements do not differ in substance from claims accepted in connection with registration under FIFRA, or (2) in the case of other statements not currently rejected as unsubstantiated in connection with registration under FIFRA, such other statements are substantiated by competent scientific tests or other objective materials which provide a reasonable basis for the representation(s) made, and the substantiation materials are either (i) available for public inspection or (ii) otherwise available to the FTC to determine compliance with this Order; and

(4) Respondent discloses, prominently and in close conjunction with any such factual statements concerning human safety (except in broadcast advertisements not more than 30 seconds in length), any toxicological characteristics relating to human safety in regard to which the promoted product is the more toxic and which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(5) Respondent discloses, prominently and in close conjunction with any other such factual statement (except in broadcast advertisements not more than 30 seconds in length), any hazardous collateral effects in regard to which the promoted product is the more hazardous and which are relevant and material and without the disclosure of which said factual statements would be untrue or misleading; and

(6) Such factual statements do not use the word "safe," or any form thereof.

III. *It is further ordered*, That respondent Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products do forthwith cease and desist from making any representations, directly or by implication, or omitting any representations, by

print or broadcast advertising or by other promotional material, which contradict, are inconsistent with, or detract from the effectiveness of any warning, caution or direction for use required to be set forth on the label of such product. *Provided*, That if any representations directly or by implication, made by respondent, or the omission of representations by respondent, are in accord with the provisions of Sections I, II, and IV of this Order, they shall be considered as being in compliance with this Section of the Order.

IV. *It is further ordered*, That respondent, Union Carbide Corporation, a corporation, its successors and assigns and respondent's officers, representatives, agents, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale or distribution of such products do forthwith cease and desist from disseminating or causing the dissemination of:

A. Any print advertising or print promotional material which contains claims covered by Section I or II for any such product unless it clearly and conspicuously includes in such print advertisement or print promotional material the following statement:

Stop! All pesticides can be harmful to health and the environment if misused. Read the label carefully and use only as directed.

B. Any broadcast advertisement more than 30 seconds in length for any such product which contains claims covered by Sections I or II unless it clearly and conspicuously includes the following statement:

All pesticides can be harmful to health and the environment if misused. Read the label carefully and use only as directed.

C. Any broadcast advertisement not more than 30 seconds in length for any such product which contains claims covered by Sections I or II unless it clearly and conspicuously includes the following statement:

All pesticides can be harmful. Read the label. Use as directed.

Provided, That in television advertisements not more than 10 seconds in length which contain no direct representations concerning product safety, the requirements of the term "clearly and conspicuously" shall in all cases be met by including the above statement in the video portion of the advertisement.

V. Nothing in this Order shall be construed to apply to scientific articles published in recognized scientific or agricultural journals or government publications, or reprints thereof, or representations (other than print advertising or other promotional material) before public or governmental forums such as public hearings, scientific meetings, or to governmental agencies, agents, or employees responsible for the regulation or dissemination of information concerning insecticide products covered by this Order.

VI. *It is further ordered*, That nothing in this Order shall prohibit the dissemination of product labels (as defined by

section 2(p)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended), or reproductions thereof.

VII. For purposes of determining compliance with sections I.B.(1), I.C.(2), II.B.(1), and III of this Order, the term "label" shall include all written, printed, or graphic matter on, or attached to, an insecticide product subject to this Order. In the event general or specific warnings or cautions or directions for use required pursuant to registration under FIFRA do not appear on the label as defined in the preceding sentence, the term "label" shall also include the other "labeling" as defined by section 2(p)(2) of FIFRA where said required general or specific warnings or cautions or directions for use do in fact appear. It is recognized that other matter, typically promotional material, will on occasion constitute "labeling" as defined by section 2(p)(2) of FIFRA. Although such material may be subject to various Sections of this Order, it shall not be deemed to be "label" as used in sections I.B.(1), I.C.(2), II.B.(1), and III of this Order.

VIII. *It is further ordered*, That for purposes of Section II.B. and section I.C. of this Order the terms "toxicity category I" and "toxicity category II" shall mean respectively the most toxic and next most toxic categories defined by Environmental Protection Agency Interpretation 18 of the regulations for the enforcement of FIFRA, 40 CFR 162.116 (b), in effect on April 1, 1973.

IX. *It is further ordered*, That this Order shall become effective upon service, except that sections I.B., I.C., II.B., II.C., and III of this Order shall become effective at such time as and to the extent that a Trade Regulation Rule covering the advertising and promotion of products subject to this Order, and containing terms at least as onerous as this Order, becomes final and effective. *Provided*, That at all times subsequent to the date this Order is served, claims which would be governed by Sections I.B., I.C., II.B., or II.C., if said sections were in effect, shall be deemed to be "claims covered by sections I or II" for purposes of section IV of this Order.

X. *It is further ordered*, That should the Federal Trade Commission promulgate a Trade Regulation Rule or Industry Guide governing the advertising or promotion of products subject to this Order, then any pertinent less comprehensive or less restrictive provisions of such Rule or Guide shall automatically replace any comparable provisions set forth herein which are effective on the date that such Rule or Guide becomes effective.

XI. *It is further ordered*, That the respondent forthwith distribute a copy of this Order to each of its operating divisions engaged in the manufacture, sale, advertising, promotion or distribution of products subject to this Order, and to all present and future employees of respondent responsible for the advertising, promotion, distribution or sale of such products.

XII. *It is further ordered*, That the respondent 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 changes in the corporation which may affect compliance obligations arising out of this Order.

XIII. It is further ordered. That respondent corporation shall, within sixty (60) days after service upon it of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this Order, except that such report shall in the case of sections I.B., I.C., I.D., I.E., and III be filed within sixty (60) days after their becoming effective against respondent corporation.

The Decision and Order was issued by the Commission, October 4, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-3844 Filed 2-11-75; 8:45 am]

[Docket C-2570]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Turkey Mountain Estates, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; 13.10-1 Availability of merchandise, services and/or facilities; § 13.73 *Formal regulatory and statutory requirements*; 13.73-92 Truth in Lending Act; § 13.155 *Prices*; 13.155-10 Bait; 13.155-25 Coupon, certificate, check, credit voucher, etc., values; 13.155-35 Discount savings; 13.155-80 Retail as cost, wholesale, discounted, etc. 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; § 13.160 *Promotional sales plans*; § 13.205 *Scientific or other relevant facts*. Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 *Availability of advertised merchandise, services and/or facilities*; § 13.1740 *Scientific or other relevant facts*; § 13.1760 *Terms and conditions*; 13.1760-50 Sales contract.

—Prices: § 13.1779 *Bait*; § 13.1790 *Coupons, credit vouchers, etc., of specified value*; § 13.1823 *Terms and conditions*; 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-75 Truth in Lending Act; § 13.1892 *Sales contract, right-to-cancel provision*. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1925 *Coupon, certificate, check, credit voucher, etc., deductions in price*; § 13.2063 *Scientific or other relevant facts*; § 13.2070 *Special or trial offers, savings and discounts*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605))

[Cease and desist order, Turkey Mountain Estates, Inc., et al. Shell Knob, Mo., Docket C-2570, Oct. 8, 1974.]

In the matter of Turkey Mountain Estates, Inc., a corporation; Central Crossing Developers, Inc., a corporation; Lakeside Investment Company, Inc., a corporation; Tomahawk Developers, Inc., a corporation; and E. C. Shafer, individually and as an officer of said corporations; and J. B. Gum, individually and as an officer of said corporations, with the exception of Central Crossing Developers, Inc.

Consent order requiring four affiliated Shell Knob, Mo., developers of recreational or retirement home sites, among other things to cease using bait advertising and other deceptive selling practices, and violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

I. *It is ordered*, That respondents Turkey Mountain Estates, Inc., a corporation; Central Crossing Developers, Inc., a corporation; Lakeside Investment Company, Inc., a corporation; and Tomahawk Developers, Inc., a corporation; and their successors and assigns and their officers and E. C. Shafer, individually and as an officer of said corporations; and J. B. Gum, individually and as an officer of said corporations, with the exception of Central Crossing Developers, Inc., respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with the extension of consumer credit or advertisements to aid, promote or assist, directly or indirectly, in the extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to accurately disclose the date on which the finance charge begins to accrue, as required by § 226.8(b) (1) of Regulation Z.

2. Failing to disclose the "total of payments", as required by § 226.8(b) (3) of Regulation Z.

3. Failing to accurately disclose the number, amount and due dates or periods of payment scheduled to repay the indebtedness, as required by § 226.8(b) (3) of Regulation Z.

4. Failing to state the "cash price", and failing to state the "cash downpayment", and failing to state the "unpaid balance of cash price", as required by §§ 226.8(c) (1), 226.8(c) (2), and 226.8(c) (3) of Regulation Z.

5. Failing to use the term "unpaid balance of cash price" to describe the difference between cash price and the total downpayment, and failing to use the terms "cash price" and "cash downpay-

ment", as required by §§ 226.8(c) (1), 226.8(c) (2), and 226.8(c) (3).

6. Failing to disclose the "finance charge", as required by § 226.8(c) (8) (i) of Regulation Z.

7. Failing to disclose the "deferred payment price", as required by § 226.8(c) (8) (ii) of Regulation Z.

8. Failing to use the term "deferred payment price", as required by § 226.8(c) (8) (ii) of Regulation Z.

9. Failing, in any transaction arising in the future in which a customer has the right to rescind, as provided in § 226.9 of Regulation Z, to provide the customer with the notice of right to rescind, in the form and manner provided in that Section prior to consummation of the transaction, and in connection therewith to provide a question seeking a statement in writing, on a separate form, designating whether or not said customer expects to use the lot as his principal place of residence, at that time or in the future.

10. Failing to describe the amount on any "balloon payment" and failing to use the term "balloon payment", as required by § 226.8(b) (3) of Regulation Z.

11. Failing to disclose the identity of the creditor on the instrument or statement on which required disclosures are made, as required by Section 226.8(a) of Regulation Z.

12. Failing to disclose the annual percentage rate and the period in which payment must be made to avoid late charges on any periodic statement and failing to transmit such a statement in a form which the customer may retain, as required by § 226.8(n) of Regulation Z.

13. Failing to disclose discount for prompt payment and related disclosures, as required by § 226.8(o) of Regulation Z.

14. Failing in any consumer credit transaction or advertising to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

15. Stating in any advertisement the amount of monthly installment payments which can be arranged in connection with a consumer credit transaction, without also stating all of the following items, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10 (d) (2) thereof.

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount and due dates or periods of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

II. *It is ordered*, That respondents Turkey Mountain Estates, Inc., a corporation; Central Crossing Developers, Inc., a corporation; Lakeside Investment Company, Inc., a corporation; and Tomahawk Developers, Inc., a corporation, and

¹ Copies of the complaint and decision and order filed with the original document.