From Marshall, Mo., VORTAC; to Columbia, Mo., VOR; MEA 2,400.
From Kansas City, Mo., VOR via N alter.; to Excelsior INT, Mo., via N alter.; MEA 2,400.
From Excelsior INT, Mo., via N alter.; to *Tina INT, Mo., via N alter.; MEA 3,000. *3,000—MRA.
From Tina INT, Mo., via N alter.; to Dalton INT, Mo., via N alter.; MEA *4,900. *2,400—MOCA.
From Dalton INT, Mo., via N alter.; to Columbia, Mo., VOR via N alter.; MEA 2,400.
From Columbia, Mo., VOR; to Monroe INT, Mo.; MEA 2,100.
From Monroe INT, Mo.; to St. Louis, Mo., VOR; MEA 2,000.
From Columbia, Mo., VOR via N alter.; to St. Louis, Mo., VOR via N alter.; MEA 2,100.
From St. Louis, Mo., VOR; to Vandalia, Ill., VOR; MEA 2,000.
From Vandalia Ill., VOR; to *Union Center INT, Mo.; MEA 2,000. *2,400—MRA.
From Union Center INT, Mo.; to Terre Haute, Ind., VOR; MEA 2,000.
From Terre Haute, Ind., VOR; to Indianapolis, Ind., VOR; MEA 2,200.
From Terre Haute, Ind., VOR via S alter.; to Cloverdale INT, Ind., via S alter.; MEA 2,300.
From Cloverdale INT, Ind., via S alter.; to Indianapolis, Ind., VOR via S alter.; MEA 2,200.
From Indianapolis, Ind., VOR; to *Cowan INT, Ohio; MEA 2,800. *3,000—MRA.

Section 610.6214 *VOR civil airway 214* is amended to delete:

From Troy, Ill., VOR; to Mound INT, Ill.; MEA 1,900.
From Mound INT, Ill.; to Bible Grove, Ill., VOR; MEA 2,000.
From Bible Grove, Ill., VOR; to Lewis, Ind., VOR; MEA 2,000.
From Lewis, Ind., VOR; to Banta INT, Ind.; MEA 2,200.
From Banta INT, Ind.; to Shelbyville, Ind., VOR; MEA 2,000.
From Shelbyville, Ind., VOR; to *Camden INT, Ohio; MEA **3,700. *3,700—MCA Camden INT, westbound. **2,300—MOCA.

Section 610.6220 *VOR civil airway 220* is amended to read in part:

From Ward INT, Colo.; to *Longmont INT, Colo.; MEA 16,500. *14,000—MCA Longmont INT, westbound.
From Longmont INT, Colo.; to *Hudson INT, Colo; westbound, MEA 13,000; eastbound, MEA 10,500. *9,000—MRA.
From Hudson INT, Colo.; to Roggen INT, Colo.; MEA 9,000.

Section 610.6220 *VOR civil airway 220* is amended by adding:

From Akron, Colo., VOR; to Imperial, Nebr., VOR; MEA 5,600.
From Imperial, Nebr., VOR; to Lexington INT, Nebr.; MEA *6,000. *4,300—MOCA.
From Lexington INT, Nebr.; to Loup INT, Nebr.; MEA *7,000. *4,100—MOCA.
From Loup INT, Nebr.; to Wolbach, Nebr., VOR; MEA *5,400. *3,500—MOCA.

Section 610.6230 *VOR civil airway 230* is amended to read in part:

From Salinas, Calif., VOR; to Panoche, Calif., VOR; MEA 6,000.
From Panoche, Calif., VOR; to Fresno, Calif., VOR; eastbound, MEA 2,000; westbound, MEA 4,500.

Section 610.6242 *VOR civil airway 242* is amended to read:

From Mobile, Ala., VOR; to Brookley, Ala., TVOR; MEA 1,600.

Section 610.6248 *VOR civil airway 248* is amended to read:

From Paso Robles, Calif., VOR; to *Avenal, Calif., VOR; MEA 4,500. *4,000—MCA Avenal VOR, westbound.
From Avenal, Calif., VOR; to Bakersfield, Calif., VOR; MEA 2,000.

Section 610.6258 *VOR civil airway 258* is amended to read in part:

From Beckley, W. Va., VOR; to *Marie INT, Ky; MEA 6,000. *8,000—MRA.
From Marie INT, Ky.; to Roanoke, Va., TVOR; MEA 6,000.

Section 610.6264 *VOR civil airway 264* is amended to read:

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 4,000.
From La Habra, Calif., FM; to Los Angeles, Calif., VOR, westbound only; MEA 3,000.
From *Ontario, Calif., VOR; to Moreno INT, Calif.; westbound, MEA 5,500; eastbound, MEA 13,000.
From Banning, Calif., FM; to Moreno INT, Calif., westbound only; MEA 8,000.
From Moreno INT, Calif.; to *Palm Springs INT, Calif.; MEA 13,000. *13,000—MCA Palm Springs INT, westbound.
From Palm Springs INT, Calif.; to Cones INT, Calif.; MEA 8,000.
From Cones INT, Calif.; to Rice, Calif., VOR; MEA 6,500.
From Rice, Calif., VOR; to Prescott, Ariz., VOR; MEA 10,000.

Section 610.6267 *VOR civil airway 267* is amended to read in part:

From Orlando, Fla., VOR via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA 1,700.
From Daytona Beach, Fla., VOR via E alter.; to *Roy INT, Fla., via E alter.; MEA **3,000. *3,000—MRA. **1,300—MOCA.

Section 610.6278 *VOR civil airway 278* is amended by adding:

From Texarkana, Ark., VOR; to *Waterloo INT, Ark.; MEA 1,700. *4,000—MRA.
From Waterloo INT, Ark.; to *Hampton INT, Ark.; MEA **8,500. *4,500—MRA. **1,600—MOCA.
From Hampton INT, Ark.; to Jerome INT, Ark.; MEA *8,500. *1,600—MOCA.
From Jerome INT, Ark.; to Greenwood, Miss., VOR; MEA *3,000. *1,600—MOCA.

Section 610.6298 *VOR civil airway 298* is added to read:

From *Dubois, Idaho, VOR; to Boysen Reservoir, Wyo., VORTAC; MEA 15,000. *11,000—MCA Dubois VOR, eastbound.
From Boysen Reservoir, Wyo., VORTAC; to Casper, Wyo., VOR; MEA 10,000.

Section 610.6300 *VOR civil airway 300* is added to read:

From Sault Ste. Marie, Mich., VOR via N alter.; to U. S.-Canadian Border via N alter.; MEA 2,200.

Section 610.6425 *VOR civil airway 425* is added to read:

From Brookley, Ala., TVOR; to Axis INT, Ala.; MEA 1,600.

Section 610.6612 *VOR civil airway 1512* is amended to read in part:

From Kansas City, Mo., VOR via S alter.; to Marshall, Mo., VORTAC via S alter.; MEA 2,400.
From Marshall, Mo., VORTAC via S alter.; to Columbia, Mo., VOR via S alter.; MEA 2,400.

Section 610.6614 *VOR civil airway 1514* is amended to read in part:

From Kansas City, Mo., VOR via S alter.; to Marshall, Mo., VORTAC via S alter.; MEA 2,400.
From Marshall, Mo., VORTAC via S alter.; to Columbia, Mo., VOR via S alter.; MEA 2,400.

Section 610.6622 *VOR civil airway 1522* is amended to read in part:

From *Palm Springs INT, Calif.; to Blythe, Calif., VOR; MEA 8,000. *13,000—MCA Palm Springs INT, westbound.
From *Waterloo INT, Ark.; to **Hampton INT, Ark.; MEA ***4,500. *4,000—MRA. **4,500—MRA. ***1,400—MOCA.
From Hampton INT, Ark.; to Jerome INT, Ark.; MEA *8,500. *1,400—MOCA.
From Greensboro, N. C., VOR; to *Reid INT, N. C.; MEA 2,300. *2,500—MRA.

Section 610.6629 *VOR civil airway 1529* is amended by adding:

From Pembina, N. Dak., LFR; to Kenora, Ontario, LFR; MEA *2,500. *For that airspace over U. S. territory.

Section 610.6631 *VOR civil airway 1531* is amended to read in part:

From Pocatello, Idaho, VOR; to Billings, Mont., VOR; MEA *16,000. *Continuous navigation signal coverage does not exist over the entire route segment below 18,000 feet.

Section 610.6635 *VOR civil airway 1535* is added to read:

From Lovelock, Nev., VOR; to Sod House, Nev., VOR; MEA 12,000.
From Sod House, Nev., VOR; to Rome, Oreg., VOR; MEA 10,500.
From Rome, Oreg., VOR; to *Reynolds INT, Idaho; MEA 10,000. *13,700—MRA.
From Reynolds INT, Idaho; to Boise, Idaho, VOR; northeastbound, MEA 8,000; southwestbound, MEA 10,000.
From Boise, Idaho, VOR; to Missoula, Mont., VOR; MEA 15,000.
From Missoula, Mont., VOR; to Cut Bank, Mont., VOR; MEA 15,000.
From Cut Bank, Mont., VOR; to Swift Current, Saskatchewan, Canada, LFR; MEA *15,000. *For that airspace over U. S. territory.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective August 28, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JULY 25, 1958.

[F. R. Doc. 58-5915; Filed, Aug. 4, 1958; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[9th Gen. Rev. of Export Regs., Amdt. 3 [1]]

PART 374—PROJECT LICENSES

PART 377—TIME LIMIT (TL) LICENSE

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Part 374—Project Licenses is amended in the following particulars:

[1] This amendment was published in Current Export Bulletin 803, dated July 31, 1958.

a. Section 374.2 *Commodities subject to project license* is amended to read as follows:

§ 374.2 *Commodities subject to project license.* The project licensing procedure is applicable to all Positive List commodities for which a validated license is required.

b. Section 374.5 *Action by Bureau of Foreign Commerce on license applications* paragraph (a) *Approved license application* is amended to read as follows:

(a) *Approved license application*—(1) *Issuance of license.* When an application for a project license is approved by the Bureau of Foreign Commerce, an export license is issued on a separate document (Form FC-628) authorizing, subject to provisions of the Export Regulations and to the terms and provisions of the license, the exportation of Positive List commodities during the validity period shown on the license. A project license shall be used for exportations of Positive List commodities only. The project license will be similar to validated license documents described in § 372.11 of this chapter with the following exceptions:

(i) *Validation.* The license will be validated in the license number space with a stamp which includes a facsimile of the Department of Commerce seal and a series of numbers which identifies the date on which the license was validated. The stamp will include the letter "D" and a series of numbers to indicate the year, month, and day on which the license was validated. A validation stamp in this space which reads "D-8-110" indicates that the license was validated in the year 195(8) in the month of January (1) and on the 10th day of the month (10).

(ii) *License number.* Immediately below the validation stamp the license number assigned to the project will be indicated. This license number will be a four-digit number prefixed by the letter DL and suffixed by a one letter code indicating the Bureau of Foreign Commerce product division to which the project was assigned. (See § 374.4 (b) (1).)

(iii) *Entries.* (*a*) Entries will be made on the license document in the appropriate space but there will be no specific description of quantities, kinds, or values of commodities. Instead, there will appear in the commodity description item on the license the following legend:

PROJECT LICENSE STATEMENT

This license authorizes exportation of commodities requiring a validated license subject to the specific limitations set forth in the Export Regulations and on this license.

(*b*) If any special conditions are imposed with respect to the use of a specific project license more restrictive than the general conditions set forth in the Export Regulations, these conditions will be set forth on the license document at the time of issuance, or the licensee will be advised by other means.

(2) *Notification to Collectors of Customs.* The Bureau of Foreign Commerce will notify all Collectors of Customs of the issuance of the project license.

c. Section 374.6 *Exportations of commodities identified on the Positive List by the symbol "B"* is revoked.

d. Section 374.9 *Export clearance,* paragraph (b) *Presentation of license or other approved action* and paragraph (c) *Shipper's Export Declaration* are amended to read as follows:

(b) *Presentation of license or other approval action.* When clearing shipments for export under a project license, the licensee shall, on demand, show to the Collector of Customs either the original or a photostatic copy of the license or amendment. The license or amendment however is not required to be filed with the Collector of Customs.

(c) *Shipper's Export Declaration.* The Shipper's Export Declaration covering an exportation made under a project license shall be prepared in accordance with standard instructions covering the preparation of declarations except as modified by the following special instructions:

(1) *Project license number.* The declaration shall include the project license number.

(2) *Additional copy of declaration.* When clearing shipments under a project license, the licensee shall file with the Collector of Customs an additional copy of the declaration. The licensee shall enter the symbol "DL" on the declaration in the upper right corner.

NOTE: Although the project license and extensions thereto describe the commodities only in broad descriptive categories, the description of the commodity on the declaration shall conform to the Positive List description in sufficient detail to identify precisely the commodity being exported.

2. Part 377—Time Limit (TL) license is amended in the following particulars:

a. Section 377.2 *Commodities subject to TL License* is amended to read as follows:

§ 377.2 *Commodities subject to TL license.* The commodities which may be exported under the Time Limit (TL) license procedure are all RO commodities on the Positive List of Commodities (§ 399.1 of this chapter).

b. Section 377.6 *Issuance of licenses,* paragraph (b) *Validity period* is amended to read as follows:

(b) *Validity period.* A TL license will be valid for a period of one year from date of issuance, and the expiration date will be indicated on the license form.

3. Section 382.51 *Supplement 1; Table of denial and probation orders currently in effect,* paragraph (b) *Table of denial and probation orders* is amended in the following respects:

a. The following entries are added to the list:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Ban-Ling, Chang, 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oversea Trading Co. (H. K.) Ltd., which see.)	23 F. R. 5400, 7-16-58.
Elimex, Aposteinkloster 21-25, Cologne, Germany.	7-9-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Richard Fleschner which see.)	23 F. R. 5310, 7-12-58.
Firma Leo Savelsberg, Feldsaaten-Grosshandlung, 21 Durenerstrasse, Julich, Rhineland, Germany.	7-16-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 5549, 7-22-58.
Kastenhuber & Lehrfeld, Inc. 21 West 46th St., New York, N. Y.	7-10-58	1-10-59	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 5400, 7-16-58.
Kaufmann, Alfred, 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Oversea Trading Co. (H. K.) Ltd., which see.)	23 F. R. 5400, 7-16-58.
Lippig, F. O., d. b. a. Elimex, Aposteinkloster 21-25, Cologne, Germany.	7-9-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Richard Fleschner, which see.)	23 F. R. 5310, 7-12-58.
Oversea Trading Co., (H. K.) Ltd., 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 5400, 7-16-58.
Savelsberg, Leo, d. b. a. Firma Leo Savelsberg, Feldsaaten-Grosshandlung, 21 Durenerstrasse, Julich, Rhineland, Germany.	7-16-58	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 5549, 7-22-58.
Tsong, C. S., 806 Bank of East Asia Bldg., Hong Kong.	7-10-58	Duration	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 5400, 7-16-58.
Woodward, John, 21 West 46th St., New York, N. Y.	7-10-58	1-10-59	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 5400, 7-16-58.

b. The following entries are amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Fleschner, Richard, d. b. a., Richard Fleschner Import-Export, Detmolder Str. 46, Berlin-Wilmersdorf, West Germany.	7-9-58	Duration...	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 5310, 7-12-58.
Hanke-Chemie, Hochstrasse 19, Frankfurt, Goldfinkweg 46, Berlin-Dahlem, West Germany, and/or Postplatz 26, Vaduz, Lichtenstein.	4-21-54	Duration..	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Hanke, Franz a/k/a Hanke, Gunther, Goldfinkweg 46, Berlin-Dahlem, West Germany, and/or Hegelgasse 5, Vienna 1, Austria.	4-21-54	Duration..	General and validated licenses, all commodities, any destination, also exports to Canada.	19 F. R. 2432, 4-24-54.
Hanke, Franz Gunther (Chemikalien-Grosshandel), Goldfinkweg 46, Berlin-Dahlem, West Germany and/or Hegelgasse 5, Vienna 1, Austria.	4-21-54	Duration..	General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.)	19 F. R. 2432, 4-24-54.

c. The following entries are deleted from the list:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	FEDERAL REGISTER citation
Soc. Generale d'Entreprises, Maritimes "Sogemar" S. A., 14 Rue du Margrave, Antwerp, Belgium.	5-15-58	Indefinite.	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 3417, 5-20-58.
Sogemar, S. A., 14 Rue du Margrave, Antwerp, Belgium.	5-15-58	Indefinite.	General and validated licenses, all commodities, any destination, also exports to Canada.	23 F. R. 3417, 5-20-58.

This amendment shall become effective as of July 31, 1958, unless otherwise indicated.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58-5934; Filed, Aug. 4, 1958; 8:45 a. m.]

[9th Gen. Rev. of Export Regs., Amdt. P. L. 3[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodity is deleted from the Positive List:

Dept. of Commerce Schedule B No.	Commodity
	URANIUM AND THORIUM, ALL FORMS, AND SPECIAL NUCLEAR MATERIAL
62570	Thoriated tungsten wire. (Formerly 664583.)[1]

[1] All outstanding licenses for this commodity issued by the Department of Commerce prior to July 31, 1958 remain valid until they expire or are revoked.

2. The letter symbol "B" in the column headed "Commodity lists" is deleted wherever it appears in that column.

This amendment shall become effective as of July 31, 1958.

[1] This amendment was published in Current Export Bulletin 803, dated July 31, 1958.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

NATHANIEL KNOWLES,
Acting Director,
Bureau of Foreign Commerce.

[F. R. Doc. 58-5935; Filed, Aug. 4, 1958; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7004]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SURPLUS TIRE CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.140 *Old, reclaimed, or reused as new;* § 13.155 *Prices:* Retail or selling as wholesale, jobbing, factory distributors', etc., or discounted; § 13.185 *Refunds, repairs, and replacements.* Subpart—*Delaying or withholding corrections, adjustments or action owed:* § 13.675 *Delaying or withholding corrections, adjustments or action owed.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Surplus Tire Co., Inc., et al., Chicago, Ill., Docket 7004, June 11, 1958]

In the Matter of Surplus Tire Co., Inc., a Corporation, and Jacob (Jack) Roth and Seymour Roth, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers of automotive tires in Chicago, largely by use of post cards offering "Factory surplus", to cease selling cleaned, repainted, and, in some instances, used tires as new ones—frequently not of the brand or size ordered but concealing that fact by wrappings until after delivery by the carrier—and with failing to make guaranteed shipments and refunds to dissatisfied customers and offering instead an unprofitable exchange deal.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Surplus Tire Co., Inc., a corporation, and its officers, and Jacob (Jack) Roth and Seymour Roth, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of tires or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That merchandise which has been used, in any respect, is new.
2. That respondents will ship the brand or size of merchandise ordered, unless such is the fact.
3. That a refund of the purchase price of merchandise will be made in case the merchandise is not as represented, unless refunds are in fact made.
4. That merchandise is guaranteed unless the extent of the guarantee and the manner in which the guarantor will perform are clearly and conspicuously disclosed.

By "Decision of the Commission", etc., report of compliance was required as follows:

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

Issued: June 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 58-5985; Filed, Aug. 4, 1958; 8:48 a. m.]

[Docket 7048]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LA FLORIDANA CIGAR FACTORY, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition;* § 13.1865 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, La Floridana Cigar Factory, Inc., et al., Tampa, Fla., Docket 7048, June 11, 1958]

In the Matter of La Floridana Cigar Factory, Inc., a Corporation, and Faustino Casares, William E. Diaz and Violet C. Diaz, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers of cigars in Tampa, Fla., with representing falsely, by using the words "Havana" and "Habana" on boxes and bands of cigars containing large amounts of non-Cuban tobacco, that the cigars were composed entirely of tobacco grown in Cuba; and with failing to disclose to the purchasing public their practice of using a processed paper as the binder for certain of their cigars.

Following acceptance of an agreement containing consent order, the hearing examiner made his initial decision including order to cease and desist which became on June 11 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent La Floridana Cigar Factory, Inc., a corporation, and its officers, and respondents Faustino Casares, William E. Diaz and Violet C. Diaz, individually and as officers of said corporation and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of cigars in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the terms "Havana" or "Habana" or any other term or terms indicative of tobacco grown on the island of Cuba, either alone or in conjunction with any other terms, to describe, designate or refer to cigars not made entirely from tobacco grown on the island of Cuba; except that cigars containing a substantial amount of tobacco grown on the island of Cuba may be described, designated or referred to as "blended with Havana" or by any term of similar import or meaning, provided that the qualifying words are clearly and conspicuously set out in immediate connection with the word "Havana" or other term indicative of tobacco grown on the island of Cuba.

2. Failing to disclose in the labeling and advertising that their cigars contain a paper binder, when such is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 11, 1958.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 58-5986; Filed, Aug. 4, 1958; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54649]

PART 80—IMPORTATION OF ARTICLES IN CONNECTION WITH THE CALIFORNIA INTERNATIONAL TRADE FAIR AND INDUSTRIAL EXPOSITION AT LOS ANGELES, CALIFORNIA

The following regulations under Public Law No. 85-402, 85th Congress,[1] approved May 16, 1958, relate to the entry of articles in connection with the California International Trade Fair and Industrial Exposition to be held at Los Angeles, California, April 1 to April 12, 1959, inclusive.

AUTHORITY: §§ 80.1 to 80.5 issued under Pub. Law No. 85-402.

§ 80.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 85-402, 85th Congress, and valued at over $500, are subject to the usual special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The invoices shall be on either customs Form 5515 or on foreign service Form 138 and shall contain the information prescribed under section 481 of the Tariff Act of 1930 (19 U. S. C. 1481).

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The California International Trade Fair and Industrial Exposition shall give to the collector of customs at Los Angeles, California, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 85-402, 85th Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 80.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Los Angeles, California, in the name of the California International Trade Fair and Industrial Exposition which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due to the United States on account of such

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[1] * * * That any article which is imported from a foreign country for the purpose of exhibition at the California International Trade Fair and Industrial Exposition (hereinafter in this joint resolution referred to as the "exposition") to be held at Los Angeles, California, from April 1 to April 12, 1959, inclusive, by the Sixth Agricultural District, agency of the State of California, or for use in constructing, installing, or maintaining foreign exhibits at the exposition, upon which article there is a tariff or customs duty, shall be admitted without payment of such tariff or customs duty or any fees or charges under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 2. It shall be lawful at any time during or within three months after the close of the exposition to sell within the area of the exposition any articles provided for in this joint resolution, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe. All such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry under this joint resolution for consumption or entry under the general tariff law.

SEC. 3. Imported articles provided for in this joint resolution shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duties shall be assessed because such articles were not sufficiently marked when imported into the United States.

SEC. 4. At any time during or within three months after the close of the exposition, any article entered under this joint resolution may be abandoned to the United States or destroyed under customs supervision, whereupon any duties on such articles shall be remitted.

SEC. 5. Articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the exposition, under such regulations as the Secretary of the Treasury shall prescribe.

SEC. 6. The California International Trade Fair and Industrial Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under this joint resolution. The actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported under this joint resolution, shall be reimbursed by the California International Trade Fair and Industrial Exposition, to the United States under regulations to be prescribed by the Secretary of the Treasury. Receipts from such reimbursement shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524 of the Tariff Act of 1930, as amended (19 U. S. C. 1524). (P. L. No. 85-402) entries; but, in the case of merchandise withdrawn from entry under the regulations in this part, an entry under the general tariff law in the name of any person duly authorized in writing by the California International Trade Fair and Industrial Exposition to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Los Angeles shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Los Angeles of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. ....

Entry at the port of Los Angeles of articles consigned or transferred to the California International Trade Fair and Industrial Exposition under.. I. T. No. .... ex S. S. ...... from .... on the .... day of .... 19.., for exhibition purposes under Public Law No. 85-402 of the 85th Congress, approved May 16, 1958.

Mark	Number	Package and contents	Quantity	Invoice value
......	......	......	......	......
......	......	......	......	......
......	......	......	......	......
......	......	......	......	......
......	......	......	......	......

CALIFORNIA INTERNATIONAL TRADE FAIR AND INDUSTRIAL EXPOSITION

By ....

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under these regulations shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 80.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 80.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of this chapter.

§ 80.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151-164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agriculture Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 80.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Los Angeles, California, shall detail an officer to act as his representative at the fair and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(b) All actual and necessary charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the California International Trade Fair and Industrial Exposition to the Government, payment to be made monthly to the collector of customs, Los Angeles, California, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Salaries and Expenses, Bureau of Customs."

§ 80.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any article entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed form the date of withdrawal from entry under the provisions of Public Law No. 85-402, 85th Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of this chapter.

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: July 29, 1958.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F. R. Doc. 58-5936; Filed, Aug. 4, 1958; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

Subchapter B—Statements of General Policy or Interpretation Not Directly Related to Regulations

PART 791—JOINT EMPLOYMENT RELATIONSHIP UNDER FAIR LABOR STANDARDS ACT OF 1938

In accordance with section 3 of the Administrative Procedure Act and pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), Title 29 of the Code of Federal Regulations is hereby amended by adding a new Part 791 to read as follows:

Sec.
791.1 Introductory statement.
791.2 Joint employment.

AUTHORITY: §§ 791.1 and 791.2 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201-219.

§ 791.1 *Introductory statement.* The purpose of this part is to make available in one place the general interpretations of the Department of Labor pertaining to the joint employment relationship under the Fair Labor Standards Act of

1938.[1] It is intended that the petitions stated will serve as "a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it."[2] These interpretations contain the construction of the law which the Administrator believes to be correct and which will guide him in the performance of his duties under the act, unless and until he is otherwise directed by authoritative decisions of the courts or he concludes upon reexamination of an interpretation that it is incorrect. To the extent that prior administrative rulings, interpretations, practices, and enforcement policies relating to sections 3 (d), (e), and (g) of the act, which define the terms "employer", "employee", and "employ", are inconsistent or in conflict with the principles stated in this part, they are hereby rescinded. The interpretations contained herein may be relied upon in accordance with section 10 of the Portal to Portal Act,[3] so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect.

§ 791.2 *Joint employment.* (a) A single individual may stand in the relation of an employee to two or more employers at the same time under the Fair Labor Standards Act of 1938, since there is nothing in the act which prevents an individual employed by one employer from also entering into an employment relationship with a different employer. A determination of whether the employment by the employers is to be considered joint employment or separate and distinct employment for purposes of the act depends upon all the facts in the particular case. If all the relevant facts establish that two or more employers are acting entirely independently of each other and are completely disassociated with respect to the employment of a particular employee, who during the same workweek performs work for more than one employer, each employer may disregard all work performed by the employee for the other employer (or employers) in determining his own responsibilities under the act.[4] On the other hand, if the facts establish that the employee is employed jointly by two or more employers, i. e., that employment by one employer is not completely disassociated from employment by the other employer(s), all of the employee's work for all of the joint employers during the workweek is considered as one employment for purposes of the act. In this event, all joint employers are responsible, both individually and jointly, for compliance with all of the applicable provisions of the act, including the overtime provisions, with respect to the entire employment for the particular workweek.[5] In discharging the joint obligation each employer may, of course, take credit toward minimum wage and overtime requirements for all payments made to the employee by the other joint employer or employers.

(b) Where the employee performs work which simultaneously benefits two or more employers, or works for two or more employers at different times during the workweek, a joint employment relationship generally will be considered to exist in situations such as:

(1) Where there is an arrangement between the employers to share the employee's services, as, for example, to interchange employees;[6] or,

(2) Where one employer is acting directly or indirectly in the interest of the other employer (or employers) in relation to the employee;[7] or,

(3) Where the employers are not completely disassociated with respect to the employment of a particular employee and may be deemed to share control of the employee, directly or indirectly, by reason of the fact that one employer controls, is controlled by, or is under common control with the other employer.[8]

Signed at Washington, D. C., this 28th day of July 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 58-5931; Filed, Aug. 4, 1958; 8:45 a. m.]

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[1] 29 U. S. C. 201-219. Under Reorganization Plan No. 6 of 1950 and pursuant to General Order No. 45-A, issued by the Secretary of Labor on May 24, 1950, interpretations of the provisions (other than the child labor provisions) of the act are issued by the Administrator of the Wage and Hour Division on the advice of the Solicitor of Labor. See 15 F. R. 3290.

[2] Skidmore v. Swift and Company, 323 U. S. 134, 138.

[3] 61 Stat. 84; 29 U. S. C. 251-262.

[4] Walling v. Friend, et al., 156 F. 2d 429 (C. A. 8).

[5] Both the statutory language (section 3 (d) defining "employer" to include anyone acting directly or indirectly in the interest of an employer in relation to an employee) and the Congressional purpose as expressed in section 2 of the act, require that employees generally should be paid overtime for working more than 40 hours a week, irrespective of the number of employers they have. Of course, an employer should not be held responsible for an employee's action in seeking, independently, additional part-time employment. But where two or more employers stand in the position of "joint employers" and permit or require the employee to work more than 40 hours a week, both the letter and the spirit of the statute require payment of overtime.

[6] Mid-Continent Pipeline Co., et al. v. Hargrave, 129 F. 2d 655 (C. A. 10); Slover v. Wathen, 140 F. 2d 258 (C. A. 4); Mitchell v. Bowman, 131 F. Supp., 520 (M. D. Ala. 1954); Mitchell v. Thompson Materials & Construction Co., et al., 27 Labor Cases Para. 68, 888; 12 WH Cases 367 (S. D. Calif. 1954).

[7] Sec. 3 (d) of the Act; Greenberg v. Arsenal Building Corp., et al., 144 F. 2d 292 (C. A. 2).

[8] Dolan v. Day & Zimmerman, Inc., et al., 65 F. Supp. 923 (D. Mass. 1946); McComb v. Midwest Rust Proof Co., et al., 16 Labor Cases Para. 64, 927; 8 WH Cases 460 (E. D. Mo. 1948); Durkin v. Waldron, et al., 130 F. Supp., 501 (W. D. La. 1955). See also Wabash Radio Corp. v. Walling, 162 F. 2d 391 (C. A. 6).

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter E—Fellowships, Internships, Training

PART 61—FELLOWSHIPS

APPLICABILITY AND PURPOSE

Correction

In Federal Register Document 58-5933, published on page 5876 in the issue for Saturday, August 2, 1958, the title for E. L. Richardson should read *"Acting Secretary of Health, Education, and Welfare"*.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 111—PRINCE WILLIAM SOUND AREA

ADDITIONAL FISHING TIME

Basis and purpose. Field observations reveal that the pink salmon runs continue strong in Prince William Sound with good escapements already achieved, and it has been determined that additional fishing time can be permitted.

Therefore, notwithstanding the table contained in the proviso of § 111.5, fishing will be permitted until 6 a. m. August 6, 1958.

Since immediate action is necessary in order to permit full utilization of the salmon runs, notice and public procedure on this relaxation of the seasonal closing date are impracticable and not in the public interest. This amendment shall become effective immediately upon publication in the FEDERAL REGISTER. (60 Stat. 237; 5 U. S. C. 1001 et seq.)

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

DONALD L. MCKERNAN,
Director,
Bureau of Commercial Fisheries.

AUGUST 1, 1958.

[F. R. Doc. 58-6114; Filed, Aug. 1, 1958; 2:00 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

INCREASE IN DEATH PENSION RATES TO DEPENDENTS OF DECEASED VETERANS OF MEXICAN, CIVIL, INDIAN, AND SPANISH-AMERICAN WARS

A new § 4.496 is added to read as follows:

§ 4.496 *Increase in death pension rates to dependents of deceased veterans of the Mexican, Civil, Indian, and Spanish-American Wars—(a) Scope.* Section 1 of Public Law 85-425 amends sections 431 through 437 of Public Law 85-56 to increase death pension rates as follows: