This amendment shall become effective 30 days after publication in the Federal Register.


Note: The record keeping and/or reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D.C., this 14th day of August 1961.

M. R. Clarkson,
Acting Administrator.

[FR Doc. 61-7030; Filed, Aug. 17, 1961; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61–NY–32]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

Designation

On June 24, 1961, a notice of proposed rule making was published in the Federal Register (26 F.R. 5688) stating that the Federal Aviation Agency proposed to designate intermediate altitude VOR Federal airway No. 1693 from Riverhead, N.Y., to St. Johns, Quebec, Canada, excluding the portion over Canadian Territory.

No adverse comments were received regarding the proposed amendments.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant comments presented.

The substance of the proposed amendment having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated in the notice, Part 600 (14 CFR 600) is amended by adding the following section:

§ 600.1693 VOR Federal airway No. 1693 (Riverhead, N.Y., to St. Johns, Quebec, Canada).

From the Riverhead, N.Y., VORTAC via the INT of the Riverhead VOR 293° and the Poughkeepsie, N.Y., VOR 169° radial; to the Poughkeepsie VOR; thence 10-mile wide airway via the Cambridge, N.Y., VOR; Burlington, VT, VOR; to the St. Johns, Quebec, Ontario, VOR, excluding the portion over Canadian Territory.

This amendment shall become effective 0001 e.s.t., September 21, 1961.

(See 307(a); 72 Stat. 749; 49 U.S.C. 1946)

Issued in Washington, D.C., on August 14, 1961.

D. D. Thomas,
Director, Air Traffic Service.

[FR Doc. 61-7916; Filed, Aug. 17, 1961; 8:45 a.m.]

RULES AND REGULATIONS

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[DoCKET 8256 e.o.]

PART 13—PROHIBITED TRADE PRACTICES

Hernia Control, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections; § 13.15–278 Time in business; § 13.170 Qualities or properties of product or service; § 13.170–22 Corrective, orthopedic, etc.


Consent order requiring Boston, Mass., distributors to cease misrepresenting the effectiveness of their "Muscle-Spension" devices in the control of ruptures and hernias, and their time in business, in advertisements in newspapers and by means of brochures, circulars, match covers, and other media.

The order to cease and desist is as follows:

It is ordered, That the respondents Hernia Control, Inc., a corporation, and its officers, and Robert A. Sykes and Ann H. Sykes, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of devices known as "Muscle-Spension," or any device of substantially similar construction or design, whether sold under said name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication that:

(a) Said devices are not trusses;
(b) Said devices will cure ruptures or hernias;
(c) Said devices will prevent the development or enlargement of ruptures or hernias;
(d) Said devices will be of value in holding or retaining a rupture or hernia unless limited to reducible ruptures or hernias;
(e) Said devices will free the wearer thereof of the problems of reducible rupture or hernia;
(f) Said devices will retain ruptures under all conditions of activity or strain;
(g) The use of said devices will provide an adequate remedy for ruptures or hernia without surgery;
(h) Respondents, or any of them, have been in the business of rupture control since 1916, or misrepresenting the period of time that they, or any of them, have been in such business.

2. Disseminating, or causing to be disseminated, such advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said devices in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited by Paragraph 1 of this order.

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

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


By the Commission.

[SEAL]

Joseph W. Sera,
Secretary.

[FR Doc. 61-7919; Filed, Aug. 17, 1961; 8:45 a.m.]

[Docket 8180 e.o.]

PART 13—PROHIBITED TRADE PRACTICES

Parliament T.V. Tube Sales, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections; § 13.15–278 Size and extent; § 13.15–278 Time in business; § 13.140 Old, reclaimed or reused product being new. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 Old, used, or reclaimed as unused or new.


In the Matter of Parliament T.V. Tube Sales, Inc., a Corporation, and David Becker, Mort Posen, and Jack N. Friedman, Individually and as Officers of Said Corporation.

Consent order requiring Chicago distributors of rebuilt television picture tubes containing used parts, to cease representing falsely through statements on tags and labels, price lists, and other media, that all parts in their tubes were "brand new", and that they had given "Eight years of dependable service" and were the "World's largest independent picture tube distributor"; and to cease failing to disclose clearly when tubes were rebuilt containing a used part.

[FR Doc. 61-7823; Filed, Aug. 17, 1961; 8:45 a.m.]

[Seal]

Eugene H. Beyer,
Secretary.

[FR Doc. 61-7824; Filed, Aug. 19, 1961; 8:45 a.m.]

[Docket 8180 e.o.]
FEDERAL REGISTER

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 2—GENERAL REGULATIONS

Chapter IV—Bureau of Labor Management Reports, Department of Labor

PART 402—LABOR ORGANIZATION INFORMATION REPORTS

PART 403—LABOR ORGANIZATION ANNUAL FINANCIAL REPORTS

PART 405—EMPLOYER REPORTS

PART 406—LABOR RELATIONS CONSULTANT REPORTS

PART 407—PUBLICATION OF LABOR AND MANAGEMENT REPORTS

PART 408—LABOR ORGANIZATION TRUSTEESHIP REPORTS

PART 415—LABOR ORGANIZATION ANNUAL FINANCIAL REPORT—FISCAL YEARS ENDING PRIOR TO DECEMBER 15, 1959

Public Records; Copies and Inspections

The purpose of this amendment of Title 29 of the Code of Federal Regulations is to provide a uniform rule for inspecting and obtaining copies of the several types of public records maintained by the Department of Labor. Because this amendment is a rule of agency practice, no provision is made for public participation in its formulation. It shall be effective on and after September 17, 1961.

Accordingly, pursuant to the authorities cited in parentheses following the sections affected, Parts 2, 402, 403, 404, 406, 407, 408, and 415 of Title 29 of the Code of Federal Regulations are hereby amended as hereinbelow provided.

1. The centering preceding § 2.4 is hereby revised to read as follows: "Public Records".

2. Section 2.4 is hereby revised to read as follows:

§ 2.4 Copies and inspections.

(a) The papers and documents described in subparagraphs (1), (2), and (3) of this paragraph, may be examined or inspected by any person during regular business hours on any regular workday (Monday through Friday of each week, official Federal holidays excepted). Facsimile copies of such records and documents will also be furnished upon request. Except for copies duplicated for distribution for no fee, a fee of 25 cents will be charged for each facsimile page reproduction in a maximum size of 10½" x 15½". Such postal fees in excess of domestic first class postal rates as are necessary for transmittal of copies will be added to the per-page fee specified unless stamps or stamped envelopes are furnished with the request. The
Bureaus of the Department having custody of records covered by this section, the types of records that are open to public examination and inspection, and the addresses at which records may be examined and inspected or copies purchased, are as follows:

1. Bureau of Labor Statistics. Collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes, maintained by the Department pursuant to section 211(a) of the Labor-Management Relations Act of 1947 (61 Stat. 156; 29 U.S.C. 181); other available statistical information, tables, studies, and reports, collected, collated and published or reported by the Bureau of Labor Statistics pursuant to the provisions of Title 29, Chapter 1 of the United States Code. Requests to inspect such documents will be denied with respect to any specific information submitted to the Department in confidence.


2. Bureau of Labor Standards. Copies of the descriptions of welfare or pension benefit plans, amendments or modifications thereto, and entire or individual pages of annual reports thereon, filed with the Bureau pursuant to section 8(b) of the Welfare and Pension Plans Disclosure Act of 1959 (72 Stat. 1002; 29 U.S.C. 307);


Address—United States Department of Labor, Bureau of Labor-Management Reports, 14th Street and Constitution Avenue NW., Washington 25, D.C.

(b) Upon request of the Governor of a State for copies of any reports or documents available under paragraph (a) of this section or for information and data contained therein, which have been filed by any person whose principal place of business or headquarters is in such State, the Bureau of Labor-Management Reports shall:

1. Make available without payment of a charge to the State agency designated by law or by such Governor, such requested copies or information and data, or;

2. Require the person who filed such reports or documents, to furnish such copies or information and data directly to the State agency thus designated.

(c) Section 2.9, governing withdrawal of originals and copies of Departmental records, shall not apply to the examination, inspection or furnishing of copies of reports and documents as provided by paragraph (a) of this section.


§ 2.11 [Amendment]
3. Paragraph (b) of § 2.11 is hereby revoked.

(61 Stat. 156; 29 U.S.C. 181)

4. The provisions in § 402.12 are hereby deleted and the following cross reference is substituted in their place:

§ 402.12 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.


5. The provisions in § 403.10 are hereby deleted and the following cross reference is substituted in their place:

§ 403.10 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.


6. The provisions in § 405.10 are hereby deleted and the following cross reference is substituted in their place:

§ 405.10 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.


7. The provisions in § 406.8 are hereby deleted and the following cross reference is substituted in their place:

§ 406.8 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.


8. Part 407 of Title 29 of the Code of Federal Regulations is hereby revoked.


9. The provisions in § 408.9 are hereby deleted and the following cross reference is substituted in their place:

§ 408.9 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(61 Stat. 73 Stat. 530; 29 U.S.C. 431)

10. The provisions in § 415.7 are hereby deleted and the following cross reference is substituted in their place:

§ 415.7 Publication of reports required by this part.

For provisions related to this subject see § 2.4 of this title.

(61 Stat. 73 Stat. 530; 29 U.S.C. 431)

Signed at Washington, D.C., this 12th day of August 1961.

ARTHUR J. GOLDBERG,
Secretary of Labor.

(F.R. Doc. 61–7932; Filed, Aug. 17, 1961; 8:47 a.m.)
§ 548.2 General conditions.

The requirements of section 7 of the Act with respect to the payment of overtime compensation to an employee for a workweek longer than the applicable number of hours established in section 7(a) of the Act, will be met under the provisions of section 7(f)(3) of the Act by payments which satisfy all the following standards:

... (c) The number of hours for which the employee is paid less than one and one-half times the rate established as the basic rate to be used in computing overtime compensation is not less than the number of hours worked by him in any workweek, in excess of the maximum workweek applicable to such employee under subsection 7(a) of the Act.

3. The references to “$1.00 an hour” and to “40 hours” in § 548.3(e) are changed to refer to the “rates required by section 6(a) and (b) of the Act” and to “the number of hours applicable under section 7(a) of the Act” in the period for which such additional payments are made.

4. The quotation from section 7 of the Fair Labor Standards Act of 1938 in § 548.100(b) is changed to conform to the amendments to section 7 effected by the Fair Labor Standards Amendments of 1957, so that section 7(a) of the Act as amended shall read as follows:

§ 548.3 Authorized basic rates.

... (e) The rate or rates (not less than the rates required by section 6(a) and (b) of the Act) which may be used under the Act to compute overtime compensation or piece rates for work performed in a workweek of forty hours in the language preceding the quotation is deleted, so that § 548.3(e) as amended will read as follows:

§ 548.100 Introductory statement.

... (b) Section 7(f) of the Fair Labor Standards Act provides that an employer will not be liable for the overtime requirements of the Act if—

... pursuant to an agreement or understanding arrived at between the employer and the employee, the amount paid the employee for the number of hours worked by him in such workweek, in excess of the maximum workweek applicable to such employee under subsection 7(a)...

... (3) is computed at a rate not less than one and one-half times the rate established as the basic rate to be used in computing overtime compensation thereunder; Provided, That the rate of one and one-half times the rate established as the basic rate to be used in computing overtime compensation thereunder shall be authorized by regulation by the Secretary of Labor as being substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular workweek or period of time; and if (1) the employee’s average hourly earnings for the workweek exclusive of payments described in paragraphs (1) through (7) of subsection (d) are not less than the minimum hourly rate required by applicable law, and (2) extra overtime compensation is paid on other forms of additional pay required to be included in computing the regular rate.

5. In view of the fact that all employees now covered by the Fair Labor Standards Act of 1938 are not covered by the same overtime provisions, example 2 under § 548.302(b)(1) is amended to refer specifically to an employee covered by the 40-hour provision of section 7 of the Act. An amended example 2 shall read as follows:

§ 548.302 Average earnings for period other than a workweek.

... Example 2. An employee, who normally would come within the forty hour provision of section 7 of the Act, is paid a fixed amount of money for the completion of each job. Each job takes 2 or 3 days to complete. Under the employment agreement, the employee is entitled to one-half the authorized basic rate for all hours worked in excess of forty in the workweek. The authorized basic rate for the average earnings for each hour in the workweek is $1.50 per hour. He completes two jobs in a particular workweek and all his overtime hours are on job #2. The employee’s average hourly earnings on job #2 may be used to compute his overtime pay.

... 6. In view of the higher minimum wages now required by the Fair Labor Standards Act, the example under § 548-303(b) is amended to refer to an employee who receives wages rates above the new minimum rates. As amended this example shall read as follows:

§ 548.303 Average earnings for each type of work.

... Example. An employee, who is paid on a weekly basis with overtime after forty hours works six 8-hour days in a workweek under an agreement or understanding arrived at pursuant to the provisions of section 7(f). He performs three different types of piecework each at a different rate of pay. The basic rates to be used for computing overtime in this situation would be arrived at by dividing the earnings for each type of work by the number of hours during which type of work was performed. There would thus be three different basic rates, one for each type of work. Since the overtime hours used in this illustration occur on the sixth day, the types of work performed on the sixth day would determine the basic rate or rates on which overtime compensation is paid. The applicable provision is amended to read as follows:

Thus, if the average hourly earnings for the three types of work are respectively $1.20 an hour in type A, $1.30 an hour in type B, and $1.10 an hour in type C, and on the sixth day the employee works on type B, his overtime premium for the sixth day would be one and one-half times $1.10 an hour, multiplied by the 8 hours worked on that day.

7. Paragraphs (a), (c), (f), and (g) of § 546.305 are amended as hereinbelow set out. The references in paragraph (a) to “$1.00” and to “40 hours” are changed to refer to “the rates required by section 6 (a) and (b) of the Act” and to “the number of hours applicable under section 7(a) of the Act.” In view of the fact that all employees now covered by the Fair Labor Standards Act are not covered by the same overtime provisions the examples under paragraphs (e) and (f) are amended to refer specifically to employees covered by the forty hour provision of section 7 of the Act. The reference to “less than $1.00 an hour” in paragraph (g) is changed to refer to “special minimum rates authorized by wage orders issued pursuant to section 6.”

§ 548.305 Excluding certain additions to wages.

(a) Section 548.3(e) authorizes as established basic rates: “The rate or rates (not less than the rates required by section 6(a) and (b) of the Act) which may be used under the Act to compute overtime compensation of the employee but excluding additional payments in cash or in kind which, if included in the computation of overtime compensation, would come within the forty hour provision of section 7 of the Act.” In view of the fact that all employees now covered by the Fair Labor Standards Act of 1938 are not covered by the same overtime provisions, example 2 under § 548.302(b)(1) is amended to refer specifically to an employee covered by the 40-hour provision of section 7 of the Act. An amended example 2 shall read as follows:

... Example. An employee, who normally would come within the forty hour provision of section 7 of the Act, is paid a cost-of-living bonus of $250 each calendar quarter, or $20 per week. The employee works overtime during the last 2 weeks of the 13-week period, and in each of these overtime weeks he works 50 hours. He is therefore entitled to $50 overtime compensation for the extra 10 hours for each week in which overtime was worked (i.e., $20 bonus divided by 50 hours equals 40 cents an hour; 10 overtime hours, times one and one-half times 40 cents, equals $2 per week). Since the overtime on the bonus is more than 30 cents on the average for the 2 overtime weeks, this cost-of-living bonus would not be excluded from the overtime computation under § 548.3(e).

(f) In order to determine whether the exclusion of a bonus or other incidental payment would affect the total compensation of the employee by more than 30 cents a week on the average, a comparison is made between his total compensation computed under the employment agreement and his total compensation computed in accordance with the applicable overtime provisions of the Act.

Example. An employee, who normally would come within the forty hours provision of section 7(a) of the Act, is paid at piece rate of $1.20 per hour and overtime at the applicable piece rate for work performed during hours in excess of forty in the workweek. The employee is also paid a bonus, which when added to his regular compensation, amounts to $2 a week. He never works more
than fifty hours a week. The piece rates could be established as basic rates under the employment agreement and no additional overtime compensation paid on the bonus. The employer would be entitled to overtime compensation for work in excess of the applicable number of hours as established in section 7(a) of the Act. If the salary is intended to cover overtime compensation paid on the bonus, could be established as basic rates under the Fair Labor Standards Act of 1938 (29 U.S.C. 206). requires that each employee, not specifically exempted, who is engaged in commerce, or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce, or in the production of goods for commerce receive a specified minimum wage. Section 7 of the Act (29 U.S.C. 207) provides that persons may not be employed for more than a stated number of hours a week without receiving one and one-half times their regular rate of pay for the overtime hours. The amount of money an employee should receive cannot be determined without knowing the number of hours he works each week. This part discusses the principles involved in determining what constitutes working time. It also seeks to apply these principles to situations that frequently arise. It cannot include every possible situation. No inference should be drawn from the fact that a subject or an illustration is omitted. If doubt arises inquiries should be directed to the Administrator. The number of hours specified in section 7(a), both the letter and the spirit of the statute require payment of overtime. (Sec. 7, 52 Stat. 1963; 29 U.S.C. 207; Sec. 6; Pub. Law 87-30)

Signed at Washington, D.C., this 14th day of August 1961.

CLARENCE T. LUNDQUIST,
Administrator.

[F.R. Doc. 61-7933; Filed, Aug. 17, 1961; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Animal Feed and Animal-Feed Supplements

EXPLOITED HYDROBIOTITE

The Commissioner of Food and Drugs, having evaluated the data submitted in Anim. Feed and Drug Additives, 1961, Part 121, Federal Food, Drug, and Cosmetic Act (62 Stat. 517; 21 U.S.C. 348(a)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (25 F.R. 8626; 21 CFR Part 121) are amended by adding to Subpart C the following new section: