Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Clinical Psychology Students

1. Effective May 1, 1961, § 27.1 is amended by the addition of the following item.

§ 27.1 Exclusion from provisions of the Federal Employees Pay Act and Classification Act.

* * * * *

Clinical psychology students, Department of Health, Education, and Welfare, first year approved postgraduate training.

2. Effective May 1, 1961, § 27.2 is amended by the addition of the following items:

§ 27.2 Maximum stipends prescribed.

* * * * *

Clinical psychology students, Department of Health, Education, and Welfare:
First year approved postgraduate training, $3,200.

(61 Stat. 727; 5 U.S.C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 61-3375; Filed, Apr. 13, 1961; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 301—RULES AND REGULATIONS UNDER THE FUR PRODUCTS LABELING ACT

Miscellaneous Amendments

On November 3, 1960, a notice of proposed rule making was published in the FEDERAL REGISTER. The notice stated that the Commission would, on December 5, 1960, at its offices in the city of Washington, District of Columbia, give consideration to an amendment of §§ 301.1(b), 301.9(a), 301.12(e), 301.15, 301.19, 301.26, 301.29(a), 301.30(a), 301.32, 301.34, 301.39(a), and 301.48 of Part 301, rules and regulations under the Fur Products Labeling Act. The notice provided that interested parties might participate by submitting in writing to the Commission on or before such dates their views, arguments or other data, and by presenting their views, arguments or other data orally at such time, and further provided that written rebuttal could be submitted for a period of fifteen days after the close of the public hearing. A draft of the proposed amendments was made a part of the notice.

Pursuant to such Notice, interested parties were afforded an opportunity to submit their views, arguments or other data in writing or orally on December 5, 1960, and opportunity was afforded for the submission of written rebuttal for a period of fifteen days after such date. All views, arguments and data presented have been made a part of the record.

After due consideration of the proposed amendments, suggested revisions, deletions and additions thereto, together with all views, arguments and other data submitted, the following amendments to §§ 301.1(b), 301.9(a), 301.12(e), 301.19, 301.26, 301.29(a), 301.30(a), 301.32, 301.34, 301.39(a), 301.48, and a new § 301.48a of Part 301, rules and regulations under the Fur Products Labeling Act (65 Stat. 179; 15 U.S.C. 69) are hereby promulgated. Such amendments are to become effective thirty days after publication in the FEDERAL REGISTER.

The amendments are as follows:

§ 301.1 [Amendment]

1. An amendment of § 301.1(b) (Rule 1(b)) under the authority of section 8(b) so as to include within the definition of wearing apparel certain assembled and other skins, thus making them fur products within the definition of such term as set out in section 2(d), and as such subject to the requirements of the Fur Products Labeling Act. Section 301.1(b) (Rule 1(b)) shall hereafter read:

(b) The term "wearing apparel" as used in the definition of a fur product in section 2(d) of the Act means (1) any article of clothing or covering for any part of the body; and (2) shall include any assembled furs, used furs, or waste furs, in attached form, including mats, plates or garment shells or furs flat off the board, and furs which have been dyed, tip-dyed, bleached or artificially colored, intended for use as or in wearing apparel: *Provided, however,* That the provisions of section 4(2) of the Act shall not be applicable to those fur products set out in subparagraph (2) of this paragraph.

2. An amendment of the title of § 301.9 (Rule 9) and an amendment of § 301.9 (a) under the authority of section 8(b) so as to discontinue the requirement that certain lamb skins are to be described as "Mouton-processed lamb." The title of § 301.9 (Rule 9) and paragraph (a) of said section shall hereafter read:

§ 301.9 Use of terms "Mouton Lamb" and "shearling lamb" permitted.

(a) The term "Mouton Lamb" may be used to describe the skin of a lamb which has been sheared, the hair straightened, chemically treated, and thermally set to produce a moisture repellant finish; as for example:

Dyed Mouton Lamb

§ 301.12 [Amendment]

3. An amendment of § 301.12(e) (Rule 12(e)) under the authority of section 8(b) so as to provide for the use of certain abbreviations and the use of the country of origin in adjective form under certain circumstances. Section 301.12(e) (Rule 12(e)) shall hereafter read:

(e) (1) The English name of the country of origin shall be used. Abbreviations which unmistakably indicate the name of a country, such as "S.W. Africa" for "Southwest Africa," and "Gt. Britain" for "Great Britain" are acceptable. Abbreviations such as "U.S.S.R." for the "Union of Soviet Socialist Republics" or "Russia" or "N.Z." for "New Zealand" are not acceptable.

(2) The name of the country of origin, when used as a part of the required information in labeling shall be preceded by the term "fur origin"; as for example:

Dyed Muskrat
Fur Origin: Russia
or
Dyed China Mink
Fur Origin: China

(3) In addition to the required disclosure of country of origin the name of the country may also appear in adjective form in connection with the name of the animal; as for example:

Tip-dyed Canadian American Sable
Fur Origin: Canada
or
Russian Sable
Fur Origin: Russia

§ 301.19 [Amendment]

4. An amendment of § 301.19 (d) and (f) (Rule 19(d)(f)) and the addition of a new paragraph (e) with present paragraphs (e) and (f) reading as (f) and (g) under the authority of section 8(b), so as to provide an alternative method of describing dyeing, a definition of "otherwise artificially colored" as used in the Act, and to make mandatory the use of the term "natural" where a fur or fur product is not pointed, bleached, dyed, tip-dyed or otherwise artificially colored. Section 301.19 (d), (e), (f), and (g) (Rule 19 (d), (e), (f), and (g)) shall hereafter read:

(d) The term "dyeing" (which includes the processes known in the trade of tipping the hair or fur, feathering, and beautifying) means the process of applying dyestuffs to the hair or fur,

either by immersion in a dye bath or by application of the dye by brush, feather, spray, or otherwise, for the purpose of changing the color of the fur or hair, or to accentuate its natural color. When dyestuff is applied by immersion in a dye bath or by application of the dye by brush, feather, or spray, it may respectively be described as "vat dyed", "brush dyed", "feather dyed", or "spray dyed", as the case may be. When dyestuff is applied only to the ends of the hair or fur, by feather or otherwise, it may also be described as "tip-dyed". The application of dyestuff to the leather or the skin (known in the trade as "tipping", as distinguished from tip-dyeing the hair or fur as above described) and which does not affect a change of, nor accentuate the natural color of the hair or fur, shall not be considered as "dyeing". When fluorescent dye is applied to a fur or fur product it may be described as "brightener added".

(e) The term "artificial coloring" means any change or improvement in color of a fur or fur product in any manner other than by pointing, bleaching, dyeing, or tip-dyeing, and shall be described in labeling, invoicing and advertising as "color altered" or "color added".

(f) The term "blended" shall not be used as a part of the required information to describe the pointing, bleaching, dyeing, tip-dyeing, or otherwise artificially coloring of furs.

(g) Where a fur or fur product is not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored it shall be described as "natural".

§ 301.26 [Amendment]

5. An amendment of § 301.26(c) (Rule 26(c)) under the authority of section 8(b) to provide that registered numbers issued under the Fur Products Labeling Act might be used on labels required under the Wool Products Labeling Act and the Textile Fiber Products Identification Act. Section 301.26(c) (Rule 26(c)) shall hereafter read:

(c) Registered identification numbers assigned under this rule may be used on labels required in labeling products subject to the provisions of the Wool Products Labeling Act and Textile Fiber Products Identification Act, and numbers previously assigned or to be assigned by the Commission under such Acts may be used as and for the required name in labeling under this Act. When so used by the person or firm to whom assigned, the use of the numbers shall be construed as identifying and binding the applicant as fully and in all respects as though assigned under the specific Act for which it is used.

§ 301.29 [Amendment]

6. An amendment of § 301.29(a) (Rule 29(a)) under the authority of section 8(b) to provide for including the type of garment, color of fur and brand name for fur in the style designation. Section 301.29(a) (Rule 29(a)) shall hereafter read:

(a) The required information shall be set out on the label in a legible manner and in not smaller than pica or twelve (12) point type, and all parts of the required information shall be set out in letters of equal size and conspicuousness. All of the required information with respect to the fur product shall be set out on one side of the label and no other information shall appear on such side except the lot or style designation and size. The lot or style designation may include non-deceptive terms indicating the type of garment, color of fur, and brand name for fur. The other side of the label may be used to set out any non-required information which is true and non-deceptive and which is not prohibited by the Act and regulations, but in all cases the animal name used shall be that set out in the Name Guide.

§ 301.30 [Amendment]

7. An amendment of § 301.30(a) (Rule 30(a)) under the authority of section 8(b) to provide for the sequence of information on fur labels occasioned by other amendments being adopted. Section 301.30(a) (Rule 30(a)) shall hereafter read:

(a) The applicable parts of the information required with respect to the fur to appear on labels affixed to fur products shall be set out in the following sequence:

(1) That the fur product contains or is composed of natural, pointed, bleached, dyed, tip-dyed or otherwise artificially colored fur, when such is the fact;

(2) That the fur product contains fur which has been sheared, plucked, or let-out, when such is the fact;

(3) That the fur contained in the fur product originated in a particular country (when so used the name of the country should be stated in the adjective form), when such is the fact;

(4) The name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur;

(5) That the fur product is composed in whole or backs or in whole or in substantial part of paws, tails, bellies, sides flanks, gills, ears, throats, heads, scrap pieces, or waste fur, when such is the fact;

(6) The name of the country of origin of any imported furs used in the fur product;

(7) Any other information required or permitted by the Act and regulations with respect to the fur.

NOTE: The information set out in subparagraphs (2) and (3) of this paragraph and the term "backs" set out in subparagraph (5) of this paragraph are not mandatory, but when and if used, shall be set out in the sequence noted.

8. An amendment of § 301.32 (Rule 32) under the authority of section 8(b) so as to provide for certain illustrations when other materials are contained in a fur product. Section 301.32 (Rule 32) shall hereafter read:

§ 301.32 Fur product containing material other than fur.

(a) Where a fur product contains a material other than fur the content of which is required to be disclosed on labels under other statutes administered by the Commission, such information may be set out on the same side of the label and in immediate conjunction with the information required under this Act; as for example:

100% Wool
Interlining—100% Reused Wool
Trim—Dyed Muskrat
Fur Origin: Canada
or
Body: 100% Cotton
Lining: 100% Nylon
Collar: Dyed Mouton Lamb
Fur Origin: Argentina

(b) Information which may be desirable or necessary to fully inform the purchaser of other material content of a fur product may be set out on the same side of the label as used for disclosing the information required under the Act and rules and regulations; as for example:

Body—Leather
Trim—Dyed Mink

9. An amendment of § 301.34 (Rule 34) as presently written under the authority of section 8(b) so as to provide for the correction of misbranded and falsely invoiced fur products. Section 301.34 (Rule 34) shall hereafter read:

§ 301.34 Misbranded or falsely invoiced fur products.

(a) If a person subject to section 3 of the Act with respect to a fur product finds that a fur product is misbranded he shall correct the label or replace same with a substitute containing the required information.

(b) If a person subject to section 3 of the Act with respect to a fur or fur product finds that the invoice issued to him is false or deceptive, he shall, in connection with any invoice issued by him in relation to such fur or fur product correctly set forth all of the information required by the Act and regulations in relation to such fur or fur product.

§ 301.39 [Amendment]

10. An amendment of § 301.39(a) (Rule 39(a)) under the authority of section 8(b) so as to permit the use of certain descriptive terms on exempted fur products. Section 301.39(a) (Rule 39(a)) shall hereafter read:

(a) Where the cost of any manufactured fur or furs contained in a fur product, exclusive of any costs incident to its incorporation therein, does not exceed seven dollars ($7.00), or where a manufacturer's selling price of a fur product does not exceed seven dollars ($7.00) and the provisions of paragraphs (b) and (c) of this section are met, the fur product shall be exempt from the requirements of the Act and regulations: *Provided, however,* That if the fur product is made of or contains any used fur, or if the fur product itself is or purports to be the whole skin of an animal with the head, ears, paws and tail, such as a choker or scarf, the fur product is to be labeled, invoiced and advertised in accordance with the requirements of the Act and regulations regardless of cost of the fur used in the fur product or manufacturer's selling price. The exemption provided for herein shall not be applicable (1) If any false, deceptive or misleading representations as to the

fur contained in the fur product are made; or (2) if any representations as to the fur are made in labeling, invoicing or advertising without disclosing: (i) In the case of labels, the information required to be disclosed under section 4(2) (A), (C), and (D) of the Act; (ii) in the case of advertising, the information required to be disclosed under section 5(a)(1), (3), and (4) of the Act; and (iii) in the case of invoicing, the information required to be disclosed under section 5(b)(1) (A), (C), and (D) of the Act.

11. An amendment of § 301.48 (Rule 48) under the authority of section 8(b) so as to provide that continuing guaranties filed with the Federal Trade Commission shall remain in effect until revoked by the guarantor. Section 301.48 shall hereafter read:

§ 301.48 Continuing guaranties.

(a)(1) Under section 10 of the Act any person residing in the United States and handling furs or fur products may file a continuing guaranty with the Federal Trade Commission. When filed with the Commission a continuing guaranty shall be fully executed in duplicate and execution of each copy shall be acknowledged before a notary public. Forms for use in preparing continuing guaranties will be supplied by the Commission upon request.

(2) Continuing guaranties filed with the Commission shall continue in effect until revoked. The guarantor shall promptly report any change in business status to the Commission.

(3) The following is the prescribed form of continuing guaranty:

CONTINUING GUARANTY UNDER THE FUR PRODUCTS LABELING ACT

The undersigned, _____,
(Full name of guarantor)
a _____
(Corporation, partnership, proprietorship)
residing in the United States and having principal office and place of business at _____, _____,
(Street and number) (City)
_____, and engaged in manu-
(State or Territory)
facturing or handling furs or fur products hereby guarantees that every such fur product contained in each shipment or other delivery hereafter made by it, will not be misbranded when so shipped and delivered, and that no fur or fur product in any such shipment or delivery will be falsely or deceptively invoiced or advertised within the meaning of the Fur Products Labeling Act and the rules and regulations thereunder.

Dated, signed and executed this _____ day of _____, 19__, at _____,
(City)
_____.
(State or Territory)

[Impression of corporate seal, if corporation]

_____
(Name under which business is conducted)
_____
(Signature of proprietor, partner, or authorized official of corporation)

EXECUTION

State of _____ } ss
County of _____ }

On this _____ day of _____, 19__, before me personally appeared the said proprietor, partner (strike nonapplicable words)
_____
(If corporation, give title of authorized official)
of _____, to me personally known, and acknowledged the execution of the foregoing instrument on behalf of the firm, for the uses and purposes therein stated.

[Impression of notary seal required here]

_____
Notary Public in and for
County of _____
State of _____

My commission expires _____.

(4) Continuing guaranties filed with the Commission shall continue in effect until revoked.

(b) Any person who has a continuing guaranty on file with the Commission may, during the effective date of the guaranty, give notice of such fact by setting forth on the invoice or other paper covering the marketing or handling of the product guaranteed the following: "Continuing guaranty under the Fur Products Labeling Act filed with the Federal Trade Commission."

(c) Any person who falsely represents in writing that he has a continuing guaranty on file with the Federal Trade Commission when such is not a fact shall be deemed to have furnished a false guaranty under section 10(b) of the Act.

12. The addition of a new section to be numbered § 301.48a under the authority of section 8(b) so as to define and place limitations upon the term "good faith" as used in section 10(a) of the Fur Products Labeling Act. Section 301.48a (Rule 48a) shall read:

§ 301.48a Guaranties not received in good faith.

A guaranty shall not be deemed to have been received in good faith within the meaning of section 10(a) of the Act:

(a) Unless the recipient of such guaranty shall have examined the required label, required invoice and advertisement relating to the fur product or fur so guaranteed;

(b) If the recipient of the guaranty has knowledge that the fur or fur product guaranteed is misbranded, falsely invoiced or falsely advertised.

(Sec. 8, 65 Stat. 179; 15 U.S.C. 69)

Issued: April 13, 1961.

By direction of the Commission.

JOHN N. WHEELOCK,
Acting Secretary.

[F.R. Doc. 61-3362; Filed, Apr. 13, 1961; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 46—CONTROL OF ALIENS DEPARTING FROM THE UNITED STATES

Instructions From Administrator Required in Certain Cases

Correction

In F.R. Doc. 61-3198, appearing at page 3069 of the issue for Tuesday, April 11, 1961, the citation in § 46.7 referring to the Immigration and Nationality Act should read "section 101(a)(15) (A) or (G)" instead of "section 101(a)(15) (A) or (E)".

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND SERVICEMEN'S MORTGAGE INSURANCE

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

Mortgagee's Liability for Waste

Section 222.127 is amended to read as follows:

§ 222.127 Mortgagee's liability for waste.

(a) The mortgagee's liability for damage caused by waste shall not apply to mortgages on which the unpaid principal obligation (as increased by the amount of any open-end advances) at the time of the institution of foreclosure proceedings or the date of acquisition of the property otherwise after default exceeds 75 percent of the appraised value of the property as of the date the mortgage was accepted for insurance, and in any event, the obligation of the mortgagee to repair waste shall be limited to the amount of $100 for each family dwelling unit covered by the mortgage.

(b) Damage by waste, as defined in this part, which in the Commissioner's judgment does not exceed $25 shall not be considered as substantial injury and shall not be deducted from the debenture settlement.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

Issued at Washington, D.C., April 10, 1961.

NEAL J. HARDY,
Federal Housing Commissioner.

[F.R. Doc. 61-3348; Filed, Apr. 13, 1961; 8:46 a.m.

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

PART 151—REGULATORY TAXES ON NARCOTIC DRUGS

Excepted Narcotic Pharmaceutical Preparations

On February 3, 1961, a notice was published in the FEDERAL REGISTER (26 F.R. 1069) stating that the Commissioner of Narcotics, pursuant to the provisions of section 4702(a) of the Internal Revenue Code of 1954, as