is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of fruit are now being made, (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fruit handled from the beginning of such period, and (3) the current fiscal period began on August 1, 1968, and said rate of assessment will automatically apply to all assessable fruit beginning with such date.

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

Dated: January 7, 1969.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-309; Filed, Jan. 9, 1969; 8:46 a.m.]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Subpart—Industry Committee Regulations

DISTRICT REPRESENTATION

Notice was published in the FEDERAL REGISTER issue of December 13, 1968 (33 F.R. 18945), that the Department was giving consideration to a proposal to amend §§ 918.110 and 918.111 of Subpart—Industry Committee Regulations (7 CFR 918.100–918.131), currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918) regulating the handling of fresh peaches grown in Georgia. The amended marketing agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was submitted by the Industry Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof.

The notice afforded opportunity for the submission of written data, views, or arguments in connection with said proposal; and none were submitted within the prescribed time therefor.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations of the committee, and other available information, it is hereby found that the amendement hereinafter set forth in accordance with said amended marketing agreement and order will tend to effectuate the declared policy of the act and tend to contribute to more effective operations under said marketing agreement and order.

Therefore, §§ 918.110 and 918.111 of Subpart—Industry Committee Regulation (7 CFR 918.100–918.131) are hereby amended to read respectively, as follows:

§ 918.110 Change in representation by districts on the Industry Committee.

The representation or membership on the Industry Committee is changed to provide for:

(a) Two (2) members to represent the South Georgia District;

(b) Four (4) members to represent the Central Georgia District; and

(c) Two (2) members to represent the North Georgia District.

§ 918.111 Redefinition of districts.

The districts into which the area is divided are redefined as follows:

(a) "South Georgia District" shall include the counties of Quitman, Coffee, Miller, Jeff Davis, Baker, Toombs, Terrell, Ware, Mitchell, Pierce, Worth, Evans, Brooks, Liberty, Turner, Glynn, Irwin, Echols, Atkinson, Early, Wheeler, Decatur, Montgomery, Randolph, Bacon, Dougherty, Wayne, Crisp, Charlton, Thomas, Bryan, Tift, McIntosh, Ben Hill, Berrien, Lanier, Clay, Telfair, Seminole, Clinch, Calhoun, Appling, Lee, Tattnall, Grady, Brantley, Colquitt, Long, Cook, Chatham, Wilcox, Camden, Lowndes, Stewart, Pulaski, Webster, Dodge, Sumter and Dooly;

(b) "Central Georgia District" shall include the counties of Muscogee, Bleckley, Marion, Laurens, Schley, Johnson, Macon, Candler, Houston, Glascock, Bullock, Twiggs, Wilkinson, Taylor, Washington, Crawford, Emanuel, Peach, Jefferson, Burke, Effingham, Chattahoochee, Treutlen, Bibb, Jenkins, and Screven; and

(c) "North Georgia District" shall include the counties of Harris, Talbot, Upson, Monroe, Jones, Baldwin, Hancock, Warren, McDuffie, Polk, Troup, Gwinnett, Lamar, Jackson, Fayette, Forsyth, Jasper, Franklin, Douglas, Gordon, Henry, Dade, Greene, Whitfield, Lincoln, Haralson, Paulding, Cobb, De Kalb, Rockdale, Walton, Oconee, Oglethorpe, Floyd, Richmond, Cherokee, Pike, Clarke, Coweta, Elbert, Butts, Banks, Carroll, Chattooga, Clayton, Dawson, Morgan, Catoosa, Wilkes, Gilmer, Fannin, Lumpkin, Union, White, Towns, Habersham, Stephens, Rabun, Columbia, Bartow, Meriwether, Barrow, Heard, Madison, Spalding, Hall, Putnam, Hart, Fulton, Pickens, Newton, Walker, Taliaferro, and Murray.

It is hereby found that good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER and for not postponing the effective date until 30 days thereafter (5 U.S.C. 553) in that: (1) The nomination meetings to elect nominees for the term of office beginning March 1, 1969, must be held prior to January 31, 1969, after adequate notice to all growers in the respective districts as specified in this part; (2) such nominees should be elected on the basis of the representation and districts specified herein; (3) to provide time for the committee to plan such meetings and give such notice, this amendment should be made effective as hereinafter set forth; (4) the amendment does not require any special preparation for compliance therewith which cannot be completed by the effective time thereof; and (5) no useful purpose will be served to postpone the effective date beyond that hereinafter specified.

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

Dated, January 7, 1969, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 69-343; Filed, Jan. 9, 1969; 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 FUR PRODUCTS LABELING ACT

Furs and Fur Products; Artificially Colored Products; Exempted Products; Records; Announcement of Test Method

In the matter of amending Rules 19, 39, and 40 of the regulations under the Fur Products Labeling Act; 204–13–1.

On December 4, 1967, the Commission issued a notice of proposed rule making under the Fur Products Labeling Act. Such notice was published in the FEDERAL REGISTER on December 7, 1967, and provided that the Federal Trade Commission would on January 11, 1968, hold public hearings and give consideration to proposed amendments to the rules and regulations under the Fur Products Labeling Act to specify when certain furs and fur products would be considered artificially colored and to provide a means of better informing manufacturers and dealers as to the nature and extent of the artificial coloration. The notice also provided that consideration would be given to increasing the monetary valuation as to fur products exempted from the requirements of the Fur Products Labeling Act under certain specified conditions. Provision was made for the submission of written views, arguments and data until the date of the hearing and for twenty (20) days thereafter. On request of certain interested parties the time for submission of further views, arguments and data was extended to March 11, 1968, by notice dated January 26, 1968 and published in the FEDERAL REGISTER on January 31, 1968.

After consideration of all views, arguments and data submitted in accordance with such notice the Commission determined to make certain modifications and additions to the proposals originally published and to allow further time for the

written presentation of views, arguments and data. Accordingly, the Commission on November 27, 1968 issued a revised notice of proposed rule making containing proposed amendments to §§ 301.19 (Rule 19), 301.39 (Rule 39) and 301.40 (Rule 40) of Title 16, Part 301, Rules and Regulations under Fur Products Labeling Act. Such notice was published in the FEDERAL REGISTER on November 28, 1968.

The matter to be considered under the November 27, 1968 notice related to artificially colored and exempted products as specified above and in the original notice, together with modifications and additional proposals relating to record keeping necessary and proper for the administration of the proposed regulations relating to artificial coloration of furs and fur products. Written views, arguments or other pertinent data were received for 30 days after publication of the notice in the FEDERAL REGISTER.

After consideration of all views, arguments and other data submitted pursuant to the December 4, 1967 and November 27, 1968 notices of proposed rule making and of all pertinent information available to the Commission, the Commission has determined to amend §§ 301.19 (Rule 19), 301.39 (Rule 39), and 301.40 (Rule 40) of Title 16, Part 301, Rules and Regulations under Fur Products Labeling Act so as (1) to specify when certain furs and fur products will be considered artificially colored, (2) to provide a means of informing manufacturers, dealers, the consuming public and others as to the nature and extent of the artificial coloration through marking of pelts, record keeping and other provisions set out in the amendment and to provide for more effective administration of such regulations, and (3) to clarify the regulation relating to exempted products and increase the monetary valuation of fur products exempted from the Fur Products Labeling Act under certain specified conditions.

The amendments are as follows:

1. Section 301.19 (Rule 19) of the rules and regulations under the Fur Products Labeling Act is amended by revising the caption and adding five new paragraphs. The amended caption and additional paragraphs (h), (i), (j), (k) and (l) of § 301.19 (Rule 19) read:

§ 301.19 Pointing, dyeing, bleaching or otherwise artificially coloring.

* * * * *

(h) (1) Where any fur or fur product is dressed, processed or treated with a solution or compound containing any metal and such compound or solution effects any change or improvement in the color of the hair, fleece or fur fiber, such fur or fur product shall be described in labeling, invoicing and advertising as "color altered" or "color added".

(2) When any fur or fur product is dressed, processed or treated with a solution or compound containing iron or copper and after processing any of the hair, fleece or fur fiber contains more than 300 parts per million of iron or more than 75 parts per million of cooper, such fur or fur product shall be described in labeling, invoicing and advertising as "color altered" or "color added".

(i) (1) Any person dressing, processing or treating a fur pelt in such a manner that it is required under paragraph (e) or (h) of this section to be described as "color altered" or "color added" shall place a black stripe at least one half inch in width across the leather side of the skin immediately above the rump or place a stamp with a solid black center in the form of either a two inch square or a circle at least two inches in diameter on the leather side of the pelt and shall use black ink for all other stamps or markings on the leather side of the pelt.

(2) Any person dressing, processing or treating a fur pelt which after processing is considered natural under paragraph (g) of this section shall place a white stripe at least one-half inch in width across the leather side of the skin immediately above the rump or place a stamp with a solid white center in the form of either a 2-inch square or a circle at least 2 inches in diameter on the leather side of the pelt and shall use white ink for all other stamps or markings on the leather side of the pelt.

(3) Any person dressing, processing or treating a fur pelt in such a manner that it is considered dyed under paragraph (d) of this section shall place a yellow stripe at least one-half inch in width across the leather side immediately above the rump or place a stamp with a solid yellow center in the form of either a 2-inch square or a circle at least 2 inches in diameter on the leather side of the pelt and shall use yellow ink for all other stamps or markings on the leather side of the pelt.

(4) Where, after assembling, fur garment shells, mats, plates or other assembled furs are processed or treated in such a manner as to fall within the stamping or marking provisions of this paragraph, such assembled furs, in lieu of the stamping or marking of each individual pelt or piece, may be stamped on the leather side with a stamp of appropriate color with a solid colored center in the form of either a 2-inch square or a circle 2 inches in diameter in such a manner that the stamp will remain on the finished fur product until it reaches the ultimate consumer. All stamps or markings shall be of appropriate color as provided in this paragraph.

(j) Any person who shall process a fur pelt in such a manner that after such processing it is no longer considered as natural shall clearly, conspicuously and legibly stamp on the leather side of the pelt and on required invoices relating thereto a lot number or other identifying number which relates to such records of the processor as will show the source and disposition of the pelts and the details of the processing performed. Such person shall also stamp his name or registered identification number on the leather side of the pelt.

(k) Any person who processes fur pelts of a type which are always considered as dyed under paragraph (d) of this section after processing or any person who processes fur pelts which are always natural at the time of sale to the ultimate consumer, which pelts for a valid reason cannot be marked or stamped as provided in this section, may file an affidavit with the Federal Trade Commission's Bureau of Textiles and Furs setting forth such facts as will show that the pelts are always dyed or natural as the case may be and that the stamping of such pelts cannot be reasonably accomplished. If the Bureau of Textiles and Furs is satisfied that the public interest will be protected by the filing of the affidavit it may accept such affidavit and advise the affiant that marking of the fur pelts themselves as provided in this section will be unnecessary until further notice. Any person filing such an affidavit shall promptly notify the Commission of any change in circumstances with respect to its operations.

(l) Any person subject to this section who incorrectly marks or fails to mark fur pelts as provided in paragraphs (i) and (j) of this section shall be deemed to have misbranded such products under section 4(1) of the Act. Any person subject to this section who furnishes a false or misleading affidavit under paragraph (k) of this section or fails to give the notice required by paragraph (k) of this section shall be deemed to have neglected and refused to maintain the records required by section 8(d) of the Act.

§ 301.39 [Amended]

2. Section 301.39 (Rule 39) is amended by substituting the monetary amount "twenty dollars ($20)" for the monetary amount "seven dollars ($7)" wherever that term appears in such section. Section 301.39 (Rule 39) is further amended by modifying the first sentence of paragraph (a) of § 301.39 (Rule 39) to read as follows:

(a) Where the cost of any fur trim or other manufactured fur or furs contained in a fur product, exclusive of any costs incident to its incorporation therein, does not exceed twenty dollars ($20) to the manufacturer of the finished fur product, or where a manufacturer's selling price of a fur product does not exceed twenty dollars ($20) and the provisions of paragraphs (b) and (c) of this section are met, the fur products shall be exempted 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. * * *

3. Section 301.41 (Rule 41) is amended by revising paragraph (a), by revising that part of paragraph (b) appearing before the colon, by revising subparagraph (11) in paragraph (b), and by adding subparagraph (12) to paragraph

(b), so that those parts of § 301.41 (Rule 41) read:

§ 301.41 Maintenance of records.

(a) Pursuant to section 3(e) and section 8(d)(1), of the Act, each manufacturer or dealer in fur products or furs (including dressers, dyers, bleachers and processors), irrespective of whether any guaranty has been given or received, shall maintain records showing all of the required information relative to such fur products or furs in such manner as will readily identify each fur or fur product manufactured or handled.

(b) The records to be maintained under this section shall include copies of all purchase orders, sales contracts, processing and pick-up orders, invoices, business correspondence, manufacturing records, advertising matter, and all other data showing:

* * * * *

(11) The sale or other disposition of each fur handled and fur product manufactured or handled.

(12) That the requirements of § 301.19 (Rule 19) have been complied with.

In connection with the aforesaid action, the Commission announces that the following method may be used for detection of parts per million of iron and copper in hairs from fur pelts including hairs from mink pelts.

Procedure for detection of parts per million of iron and copper in hairs from fur pelts including mink hairs

A recommended method for preparation of samples would be:

Carefully pluck hair samples from 10 to 15 different representative sites on the pelt or garment. This can best be accomplished by using a long nose stainless steel pliers with a tip diameter of one-sixteenth inch. The pliers should be inserted at the same angle as the guard hairs with the tip opened to one-quarter inch. After contact with the hide, the tip should be raised about one-quarter inch, closed tightly and pulled quickly and firmly to remove the hair.

Place an accurately weighed sample of approximately 0.1000 grams of mink hair into a beaker with 20 ml. concentrated nitric acid. Evaporate just to dryness on a hot plate.

If there is any organic matter still present, add 10 ml. of concentrated nitric acid (see footnote) and again evaporate just to dryness on a hot plate. This step should be repeated until the nitric acid solution becomes clear to light green. Add 10 ml. of 1 percent hydrochloric acid to the dried residue in the beaker. Warm on a hot plate to insure complete solution of the residue.

A recommended analytical procedure would be atomic absorption spectrophotometry. In testing for iron, the atomic absorption instrument must have the capability of a 2 angstrom band pass at the 2483 A line.

When analyzing for iron, the air-acetylene flame should be as lean as possible.

A reagent blank should be carried through the entire procedure as outlined above and the final results corrected for the amounts of iron and copper found in the reagent blank.

FOOTNOTE: If facilities are available for handling perchloric acid, a preferred alternate to the additional nitric acid treatment would be to add 2 ml. of perchloric acid and 8 ml. of nitric acid, cover the beaker with a watch glass and allow the solution to become clear to light green before removal of the watch glass and evaporation just to dryness.

Effective date. The aforesaid amendments shall become effective upon publication in the FEDERAL REGISTER.

The amendments to § 301.39 (Rule 39) grant exemption and relieve restriction and may properly become effective immediately.

In connection with the proposed amendments to §§ 301.19 (Rule 19) and 301.40 (Rule 40), the Commission hereby finds that there is good cause for such amendments to become effective immediately. It is found that fur auctions, where substantial numbers of fur pelts subject to the provisions of amended §§ 301.19 and 301.40 will be transferred, will occur in New York, N.Y., in January 1969.

In order that manufacturers, processors, dealers, and the purchasing public may be properly informed as to whether fur pelts transferred at such auctions and products manufactured from such pelts are to be classified as artificially colored, it is in the public interest for such amendments to be in effect reasonably contemporaneous with the time of the aforementioned auctions and that the pelts be properly classified at the beginning of the manufacturing and marketing processes.

The action in this proceeding is taken pursuant to the authority given to the Federal Trade Commission under paragraph (b) of section 8 of the Fur Products Labeling Act (65 Stat. 179; 15 U.S.C. 69f) which provides:

(b) The Commission is authorized and directed to prescribe rules and regulations governing the manner and form of disclosing information required by this Act, and such further rules and regulations as may be necessary and proper for purposes of administration and enforcement of this Act.

This action relative to exempted fur products is also taken pursuant to the further authority given the Federal Trade Commission under section 2(d) of the Fur Products Labeling Act (65 Stat. 175; 15 U.S.C. 69) which provides:

(d) The term "fur product" means any article of wearing apparel made in whole or in part of fur or used fur; except that such term shall not include such articles as the Commission shall exempt by reason of the relatively small quantity or value of the fur or used fur contained there.

Issued: January 7, 1969.

By the Commission.[1]

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 69-326; Filed, Jan. 9, 1969; 8:47 a.m.]

[1] Commissioners Elman and Jones not concurring.

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-4940]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

References to Certain Financial Services in "Tombstone" Advertisements

The Securities and Exchange Commission today made public a letter of the Chief Counsel of its Division of Corporate Regulation dealing with a Commission interpretation of section 2(10) of the Securities Act of 1933 and Rule 134 thereunder regarding the scope of the section and the rule as they relate to shares of investment companies. The letter sets forth the limited circumstances under which references to other financial services such as banking and insurance in investment company "tombstone" advertisements would not be inconsistent with section 2(10)(b) and Rule 134.

The text of the letter follows:

You have inquired as to the Commission's current position on the scope of section 2(10) of the Securities Act of 1933 and Rule 134 thereunder as they relate to shares of investment companies.

As you know, section 2(10)(b) of the Securities Act and the rule exclude certain communications from the definition of the term "prospectus" in the first clause of section 2(10) of the Act if certain conditions are met. The Commission has recently considered this matter and determined that references to other financial services such as banking and insurance in investment company tombstone advertisements would not be inconsistent with Rule 134, in the absence of usage or circumstances which tend to transform such advertisements into selling media for the investment company or the other financial services.

I would like to make clear that the interpretation relates only to tombstone advertisements by or on behalf of investment companies. Advertisements or other notices published by banks, insurance companies or others offering other services should of course also comply with section 2(10)(b) and the rule to the extent that references are made to the shares of investment companies.

The view of the Commission is based upon the assumption that references in investment company tombstone notices otherwise complying with section 2(10)(b) and the rule would be limited to simple identification statements; for example, the statement that insurance from a specified insurance company is available in connection with purchase of fund shares. Statements which go beyond this and, for example, attempt to list or discuss the advantages of insur-