Rules, Regulations, Orders

TITLE 7—AGRICULTURE

FEDERAL SURPLUS COMMODITIES CORPORATION

REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS TO PERSONS IN LOW INCOME GROUPS IN SHAWNEE, OKLAHOMA

ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEFOE TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF, AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS

By virtue of the authority vested in the Secretary of Agriculture by law, I, Harry L. Brown, Acting Secretary of Agriculture, do make, prescribe, publish and give public notice of the following regulations and conditions, to be in force and effect in Shawnee, Oklahoma, until amended or superseded by regulations or conditions hereafter made by the Secretary of Agriculture pursuant to law.

Article I—Definitions

§ 100 As used on the stamp order book, on the face of the food order stamps, and upon any other instrument or document in connection with the issuance of food order stamps to persons in low income groups as determined by the Secretary, and in these regulations and conditions, unless the context clearly indicates another meaning, the following terms have the following meanings:

(a) “Secretary” means the Secretary of Agriculture of the United States of America.

(b) “FSCC” or “Corporation” means the Federal Surplus Commodities Corporation, an agency of the United States under the direction of the Secretary.

(c) “Retail food store” means a merchandising establishment where a food and grocery retailer carries on the business of selling food and grocery products to consumers, not for the purpose of resale in any form and not consumed in the usual course of business on the premises, or established retail trade routes in dairy or bakery products.

(d) “Food” means agricultural commodities or the products thereof sold in retail food stores for internal consumption, not on the premises, and shall include household necessities usually purchased in grocery stores, such as soap, starch, and the like, but shall not include wines, liquors, beers or other alcoholic beverages or tobacco in any form.

(e) “Surplus food” means food found by the Secretary to be surplus and so designated in a surplus commodities bulletin published and distributed by the Corporation in connection with the use of blue surplus food order stamps.

(f) “Certifying agency” means the Corporation or the local representative thereof and/or any public or private agency designated by the Corporation by agreement therewith.

(g) “Employee” means a person receiving compensation in money or otherwise, not less than on a weekly basis, because of a temporary or permanent employment relationship within the city limits of Shawnee, Oklahoma, or the immediate environs thereof, where such compensation constitutes the greatest part of the income of such person.

(h) “Person who conducts an enterprise” means a person receiving an income, other than as an employee, which income constitutes the greatest part of the income of such person.

(i) “Family” means persons within the city limits of Shawnee, Oklahoma, or the immediate environs thereof, eligible to participate in low income programs pursuant to Section 200 hereof and living together in one household as an interdependent economic group.

(j) “Applicant” means (1) an employee or (2) a person who conducts an enterprise who files a sworn application for and in behalf of a low income family, as determined by the Secretary, of which he or she is the member designated by such family or receiving the greatest part of the current cash income of such family. The applicant shall be considered the head of the family and,

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(a) Misbranding or misleading—Source or origin—Place—Domestic product as imported: § 3.86 (a)(3) Using misleading name—Goods—Source or origin—Place—
Domestic product as imported. Using, in connection with offer, etc., in commerce, of perfumes, toilet waters and other cosmetic preparations, (a) any French or
other foreign terms or words except as in subdivision (b) below provided, to designate, describe or in any way refer to perfumes, toilet waters or other cosmetic preparations made or compounded in the United States unless the English translation or equivalent thereof appears as conspicuously and in immediate connection therewith, or (b) any French or other foreign terms or words as brand or trade names for perfumes, toilet waters or other cosmetic preparations made or compounded in the United States without clearly and conspicuously stating in immediate connection or conjunction therewith that such products are made or compounded in the United States, prohibited. (Sec. 3, 38 Stat. 719, as amended by Sec. 3, 62 Stat. 112; 15 U.S.C. Supp. IV, sec. 45b) [Cease and desist order, Parfums Lengel, Ltd., Docket 3866, September 26, 1939]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard 4 by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between the respondent herein and S. Brodsky Tou, II, counsel for the Commission, the said stipulation of facts being made of record and in lieu of testimony in support of or in opposition to the charges in the complaint, brief filed in support of the allegations of the complaint, (respondent not having filed brief and oral argument not having been requested) and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act; it is ordered that Parfums Lengel, Ltd., its officers, representatives, agents and employees, directly or through any corporate or other de-

[4 F.R.D. 809 D1]

TITLE 25—INDIANS
OFFICE OF INDIAN AFFAIRS

PART 223—REGULATIONS GOVERNING DISBURSEMENT OF KLAMATH JUDGMENT FUND AT THE PAYMENTS IN LIEU OF ALLOTMENTS

Pursuant to the authority vested in me, by the Act of June 1, 1938 (52 Stat. 605), and the Act of August 7, 1939 (Pub. No. 329, 76th Cong., 1st Sess.) the following regulations governing disbursement of the Klamath Judgment Fund and the Payments in Lieu of Allotments are hereby promulgated:

§ 223.1 Approval of programs. The superintendent of the Klamath Reser-

vation, to the extent permitted by this part, shall approve or disapprove of all plans for the construction or improvement of individual homes, for the construction or improvement of homes, including the purchase of land and interests in land, building materials, farming equipment, livestock, feed, seed, grain, tools, machinery, implements, household goods, clothing, and any other equipment or supplies necessary to enable the Indian to live off the land and to engage in livestock raising, industry, or such other pursuits or vocations, including education, as will enable him to become self-supporting, and health.

§ 223.4 Use of payments in lieu of allotment. The superintendent may expend individual shares of the judgment fund for: purchase of land; improvement of land acquired or already held by the Indian; erection and improvement of suitable homes; purchase of building materials, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, clothing, and any other equipment or supplies necessary to enable the Indian to live off the land and to engage in livestock raising, industry, or such other pursuits or vocations, including education, as will enable him to become self-supporting, and health.

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implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or any other industrial or agricultural pursuits or avocations as will enable him to become self-supporting; educational advancement; and financial assistance in case of illness, death, or other emergency.

§ 223.6 Authority to withhold funds. The superintendent may stop disbursement of funds in the execution of an approved program when he believes that the program or expenditure will not result in benefit to the Indian, and he may require either further justification for carrying out the program thereafter approved or the submission of a new program.

§ 223.8 Allowances for support. The superintendent may, upon a proper showing, allow any sum not to exceed $150 per quarter for adults or $100 per quarter for minors. Allowances to minors must be solely for their direct benefit.

§ 223.9 Medical, dental, and surgical treatment. The superintendent may expend not to exceed $500 from the funds of any adult or minor to cover medical, dental, surgical, or hospital treatment, including nurse’s services.

§ 223.10 Education. The superintendent may transfer to the superintendent of a non-reservation school not more than $500 for the education of a minor, including tuition, board and room, while in attendance at such school. The superintendent may expend not to exceed $500 a year from the funds of any minor for his tuition, board and room, and other expenses incurred in connection with his private or mission school.

§ 223.11 Funds not available for payment of certain debts. Debts, except those to the United States and the Klamath Tribes, incurred by Indians prior to August 7, 1939, shall not be paid from any funds made available from the Klamath Judgment Fund. Debts of Indians shall not be paid from the funds to be disbursed under this part unless previously authorized by the superintendent, except in emergency cases necessitating medical treatment or in the payment of last illness or funeral expenses, as authorized in this part, and in any other exceptional cases where specific authority is granted by the Commissioner of Indian Affairs.

§ 223.12 Issuance of purchase orders. The superintendent may issue orders to Indians who are mentally incompetent or clearly incapable of acting for their best interest. The orders shall be headed “To Any Dealer” and the total sum to be expended shall be clearly shown. In addition, a detailed list of the goods, wares and merchandise to be purchased shall be set out therein. A notation shall be added to the effect that no cash shall be given to the Indian under any circumstances. The superintendent may also pay to the individual to whom the order is issued not more than $5.00 in cash to enable him to travel by convenient means to a locality where the goods may be purchased.

§ 223.13 Disposition of funds in event of death. The funds remaining to the estate of any Indian, or any share of such funds not to be carried to the credit of the estate of such individual until his heirs have been determined. After payment of all proper claims against the funds, including reimbursable or other debts due the United States or the Tribes, the balance shall be distributed to the heirs in accordance with the heirship findings of the Secretary of the Interior.

§ 223.14 Certain minors’ funds unavailable. The sum of $5,500 of each unmallor, minor Indian entitled to payment in lieu of allotment is not available during the minority of such Indian for the purposes of this part. Said sum is subject to the conditions and requirements of Sec. 2 of the Act of June 1, 1938 (52 Stat. 605), as amended by Sec. 2b of the Act of August 7, 1939 (Pub. No. 325, 76th Congress, 1st Session). No part of the $5,500 of each minor’s share of the judgment fund is available for the purposes of this part. This share of each minor’s funds shall be held intact during his minority, as provided for in Sec. 1 of the Act of August 7, 1939.

§ 223.15 Definition of “minor.” The term “minor” shall include all members of the tribe less than twenty-one years of age, except those eighteen years of age or over and who are married or have families of their own to support.

§ 223.16 Branding. Livestock purchased, except horses, shall be branded LD, and also with the individual brand of the Indian. All personal property purchased shall be covered by a bill of sale in the name of the superintendent in trust for the individual, as provided for in Part 221.27.

§ 223.17 Transfer of funds. The superintendent may transfer to the superintendent of another reservation the unexpended portion of the funds of any Indian where such Indian is a resident within the jurisdiction of
such other superintendent. All funds so transferred shall be expended in accordance with these regulations.

E. K. BURLEW,
Acting Secretary of the Interior.

October 3, 1939.

[In the interest of clarity, the document text has been reformatted into a single paragraph.]

DECLARATION OF POLICY IN DISBURSEMENT OF THE Klamath Judgment Fund and the Payments in Lieu of Allotments

October 3, 1939.

The Klamath Judgment Fund, as well as the Payments in Lieu of Allotment, represent the cash equivalent of land. The judgment fund is a payment to the Tribe as a whole to recompense it for the taking of the Yainsiey Mountain tract, and shall be invested by the Klamath Indians as a capital asset, in the nature of land, and thus to be conserved. The payments made to individuals in lieu of an allotment of land are, as the name indicates, money paid to the individual to provide a capital basis for his efforts to become self-supporting.

Congress has authorized the pro-rataion of a portion of the judgment fund to living Indians for their use to foster their development and education, and to enable them to become self-supporting. The use of the money in lieu of allotment has been similarly restricted by the language of the statute. The objects for which the individual portions of the judgment fund and the payments in lieu of allotment may be expended have been strictly limited and defined by the Acts of Congress as indicated by the following extracts from the two acts.

Pursuant of land; improvement of lands acquired or already held by the Indian; erection and improvement of suitable homes; repayment of any loans received from the United States or from the Klamath tribal funds; he油脂, bedding, clothing, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education, as will enable them to become self-supporting; and health purposes: Provided, however, That the funds of the aged, infirm, decrepit, and incapacitated members, and of minors, may be used for their proper maintenance and support. The remainder of the share of each minor Indian shall be held in trust for the minor Indian until he reaches the age of twenty-one years.

Title 29—Labor

CHILDREN'S BUREAU

[Regulation No. 1-E]

CHILD LABOR

EXTENSION OF TEMPORARY CERTIFICATES OF AGE REGULATION

October 12, 1939.

Authority for Regulation

By virtue of and pursuant to the authority conferred by section 3 (1) and section 11 (b) of the Fair Labor Standards Act of 1938, the following regulation is hereby issued for the purpose of extending the effective period of Child Labor Regulation No. 1-A, entitled "Temporary Certificates of Ages," as the effective period thereof has been extended by Child Labor Regulation No. 1-B, 1-C, and 1-D until October 24, 1938.