

(Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Parfums Lengyel, Ltd., Docket 3666, September 26, 1939]

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) (9) *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 words or terms 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. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Parfums Lengyel, Ltd., Docket 3666, 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 26th 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 heard¹ 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. Brogdyne Teu, 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 respondent, Parfums Lengyel, Ltd., its officers, representatives, agents and employees, directly or through any corporate or other de-

vice, in connection with the offering for sale, sale and distribution of its perfumes, toilet waters and other cosmetic preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, through the use of any terms, words, symbols or picturizations, indicative of French or other foreign origin of such products, or in any manner, that perfumes, toilet waters or other cosmetic preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country, provided, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied with a statement that such products are made or compounded in the United States;

(2) Using any French or other foreign terms or words except as provided in paragraph (3) hereof 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;

(3) Using any French or other foreign words or terms 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 and conjunction therewith that such products are made or compounded in the United States.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-3817; Filed, October 16, 1939; 11:45 a. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

PART 223—REGULATIONS GOVERNING DISBURSEMENT OF KLAMATH JUDGMENT FUND AND 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. 325, 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 or programs submitted by Indians for disbursement of pro-rata shares of the Klamath Judgment Fund and the payments in lieu of allotment. Should the superintendent disapprove the plan or program, in whole or in part, the individual concerned shall have the right to appeal, through the superintendent, to the Commissioner of Indian Affairs. The superintendent shall promptly forward all appeals thus filed to the Commissioner of Indian Affairs with his comments. Preference shall be given by the superintendent to programs: (a) for the construction or improvement of Indian homes; (b) to provide better living conditions; (c) to establish the Indian in such enterprise or undertaking as will, with his resources, training, education and ability, best enable him to succeed in providing for himself and family; and (d) to provide a better education for those desirous of obtaining higher education. No plan or program for the expenditure of a sum of less than \$25.00 shall be considered by the superintendent.

§ 223.2 *Repayment of loans.* The superintendent shall draw checks against the funds of an individual for the repayment of all debts due by him, according to the terms of the agreement signed by the individual, to the United States or to the Klamath Tribes. If the individual has borrowed from the Klamath Loan Fund, repayment of all or a part of which loan is not due under the loan agreement, an amount equal to the unpaid balance of the loan, plus interest computed at the rate and for the term agreed upon in the loan agreement, shall be withheld by the superintendent, except that it may be paid over to the individual for use under this part with the written consent of the Klamath Loan Board.

§ 223.3 *Use of judgment fund shares.* 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 material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, 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 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 the payments in lieu of allotment of individual Indians, for: industrial and agricultural assistance and the construction and improvement of homes, including the purchase of land and interests in land, building material, farming equipment, industrial equipment, trucks, livestock, feed, food, seed, tools, machinery,

¹ 4 F.R. 389 DI.

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 such 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.

§ 223.5 *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 theretofore approved or the submission of a new program.

§ 223.6 *Family programs.* The funds of a husband and wife, and of any other adults in a family group, may be used in the execution of a family program, provided the written consent of each individual is filed with the superintendent. The available funds of a minor may be used in the execution of such family program, only if (a) the funds of such minors are used solely in the development, repair or maintenance of real or personal property owned by said minor or held in trust for him, or in the creation, development or completion of a project or undertaking or in the production of a gain or profit which will inure directly to the benefit of such minor; (b) the title to any real property or fixtures, purchased wholly or in part with his money is held in trust for him: *Provided,* That a minor's funds may not be used in the purchase of real property or fixtures unless seventy-five (75%) per cent or more of the purchase price is paid from his funds; or (c) the adults convey to the United States in trust for such minor sufficient real or personal property to assure, insofar as is possible, that the minor upon attaining majority will have, in lieu of the money, property of a value equal to that of his funds used in the execution of the program. The superintendent shall not approve a family program which involves the transfer to a minor, in exchange for his funds, of assets of a nature which will not be useful to him.

§ 223.7 *Limitations upon superintendent's authority.* The superintendent shall not, without the approval of the Commissioner of Indian Affairs: (a) approve any family plan or program for the expenditure of more than \$3,800; (b) expend more than \$500 of a minor's funds; (c) approve a plan or program for the purchase of land or interests in land; or (d) approve of a plan or program for the purchase of a passenger automobile. Authority for the expenditure of amounts in excess of those authorized in Sections 223.8, 223.9 and 223.10 must be obtained from the Com-

missioner of Indian Affairs. No funds shall be expended, except as provided in this part, without the approval of the Commissioner of Indian Affairs. Requests for authorization from the Commissioner of Indian Affairs shall be submitted by the superintendent with a full explanation of the circumstances, the program, and his report.

§ 223.8 *Allowances for support.* The superintendent may, upon a proper showing, make expenditures for monthly allowances for maintenance and support at a rate of 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 \$350 for the use of a minor, including tuition, board and room, while in attendance at such school. The superintendent may expend not to exceed \$350 a year from the funds of any minor for his tuition, board and room, and other expenses in a government, private or mission school. The superintendent shall give special attention to the educational needs of children and young people.

§ 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 will 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,¹ 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

¹ Comptroller General Bulling A-62264, dated July 25, 1935.

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 credit of a deceased Indian shall 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, including any sum to his credit on the books of the Indian Office, will be transferred to the individual accounts of the heirs in accordance with the heirship findings of the Secretary of the Interior. Such funds shall be expended in accordance with this part. The Superintendent may disburse not to exceed \$50 per month for the support of the widow of a decedent; \$50 per month for the support of the minor children of a decedent, and \$50 per month for the support of orphaned minors. Before making the disbursement, the superintendent shall reasonably satisfy himself that the recipients are the probable heirs to the estate, that they are in actual need of assistance, and that the value of the estate is sufficient to justify such payments. Complete record of such disbursements must be reported by the superintendent to the examiner of inheritance and by the latter considered and included in his report in the probate proceedings.

§ 223.14 *Certain minors' funds unavailable.* The sum of \$1,500 of each unallotted, 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 \$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 I.D. 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 funds dealt with in this part to the credit 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.

[F. R. Doc. 39-3802; Filed, October 14, 1939;
9:35 a. m.]

**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 Yainsey Mountain tract, and should be treated 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-ration 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 payment 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.

Purchase 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; purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, 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 intact until such Indian reaches his majority, when it, together with interest at the rate of 4 per centum per annum, shall be available for expenditure for the purposes specified herein. As herein used, the term "minor" shall include all members of the tribe less than twenty-one years of age, except that minors eighteen years of age or over and who are married or have families of their own to support, shall be regarded as adults. On the death of any enrolled member, adult, or minor, the sum on deposit to his credit shall be distributed as personal property, and shall be available for expenditure by the distributees only for the purposes herein authorized: *Provided, however,* That of the aforesaid \$2,000 to be prorated to each person, \$100 shall be paid to each member of said tribes as a per capita pay-

ment, free from the aforesaid restrictions, under rules and regulations prescribed by the Secretary of the Interior.

Sec. 3. The payments herein authorized shall be deposited to the credit of the individual Indian money accounts of such Indians subject to expenditure by such Indians, under such rules and regulations as the Secretary of the Interior may prescribe for (1) industrial and agricultural assistance, and the construction and improvement of homes, including the purchase of land and interests in land, building material, farming equipment, industrial equipment, trucks, livestock, feed, food, seed, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in the farming, livestock industry, or such other industrial or agricultural pursuits or vocations as will enable them to become self-supporting; (2) the educational advancement of such Indians; (3) financial assistance in cases of illness, death, or other emergency; (4) the repayment of reimbursable debts previously contracted; or (5) security for or the repayment of loans made to such Indians from any Klamath revolving loan fund now existent or which shall hereafter be created.

The programs to be developed must, therefore, be in accord with such congressional policy, which apply equally to those who may reside at Klamath or any other jurisdiction and those who by reason of having received patents in fee or otherwise are residing outside of the jurisdiction of any Indian superintendent.

Production of income, which may be used without the restrictions imposed by the present regulations, is dependent upon the success of the enterprise in which the individual invests his capital. Individuals should use great care and thought in determining the uses to which their share of the judgment fund, or payment in lieu of allotment, will be put, with a view to obtaining the greatest amount of income for him over the longest possible period.

During the time the Klamath Loan Fund has been in operation many loans were made with the knowledge that repayments would come from the money payments in lieu of allotment. After these payment funds have been utilized there will be no assured future cash payments from tribal funds or other sources of sufficient size to warrant extending substantial credit to a borrower by the Klamath Loan Board. Hereafter the credit of a borrower will depend upon the showing he has made under his program and the assets which he can tender the Loan Board as security for the repayment of his obligation. Individuals should and must give thought to means of carefully preserving the asset value of the money made available under these acts and regulations so that if further loans are required in the future they may be obtained from the Klamath Loan Fund.

The money here involved represents a substantial part of the heritage of living Indians, which it has been, and is, the policy of the Department to conserve. The Department's policy has been approved by Congress in the two applicable acts. In order that the value of this

heritage may be of the greatest benefit to the present generation and be preserved for future generations, those responsible for the preparation and consideration of the plans for the expenditure of these funds are charged with the duty of safeguarding such funds and of giving careful consideration to any and all plans for their use in order to assist the Indian in making progress to the end that he may become self-supporting.

The heads of the various divisions at the agency will advise with and assist any individual in the preparation of his plan or program. In the ordinary case, approval of the plan or program will be expedited by taking it up with the division head, most familiar with the type of program contemplated, before it is submitted to the Superintendent.

After the individual has carefully prepared his program for the expenditure of all, or a portion, of his available funds, with special regard to the question of whether the purposes for which he desires to expend the money are authorized by the applicable Act of Congress, he shall present the same to the superintendent.

In all family plans or programs which contemplate the use of funds of minors or adults (other than the head of the family and his wife) attention must be given to the probability that in the future such minors or adults may desire to create a new home or to develop their individual plans or programs on their own allotments or on land they may acquire. Care should be exercised so that the normal development of such individuals will not be impeded.

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

[F. R. Doc. 39-3801; Filed, October 14, 1939;
9:35 a. m.]

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 (l) and section 11 (b) of the Fair Labor Standards Act of 1938¹ 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 Age," as the effective period thereof has been extended by Child Labor Regulations No. 1-B, 1-C, and 1-D until October 24, 1939.

¹ Act of June 25, 1938, chapter 676, 52 Stat. 1060, U.S.C., Supp. IV, title 29, section 201.