UNITED STATES' RESTRICTIONS ON DAIRY PRODUCTS

Report by the United States Government pursuant to the Resolution of 26 October 1951

In a Resolution of the Contracting Parties of 26 October 1951, "concerning the United States import restrictions on dairy products imposed under Section 104 of the United States Defense Production Act", the United States Government was requested "to report to the Contracting Parties at as early a date as possible, and in any case not later than the opening of the Seventh Session of the Contracting Parties, on the action which it has taken." Accordingly, the United States submits this interim report.

The United States Congress has kept under constant review the problems and development, both domestic and foreign, relating to the control of imports under Section 104, and in June 1952 passed a bill making important revisions in these controls.

The revised Section 104, which is reproduced in Appendix I, provides that the import controls may be administered by type or variety of a commodity or product, and authorises increases by as much as 15 per cent in the quotas established for each type or variety of a commodity or product, whenever it is deemed necessary, taking into consideration the broad effects upon international relationships and trade. The three standards for the determination of the need for the imposition of controls were retained.

On 3 July 1952, pursuant to the provisions of the amended Section 104, the Department of Agriculture issued Amendment 5 to Defense Food Order 3 and the accompanying Determination, copies of which are attached, releasing from import controls the following types of cheese: Emmenthaler or Swiss with eye formation, Gruyere process, Roquefort and a number of other varieties, including about 90 per cent of those entering the United States as "Other cheese and substitutes for cheese". Controls remain on Cheddar, Blue Mold (other than Roquefort), Edam, Gouda and varieties of cheese containing or processed in whole or in part from these kinds, and on the following 8 varieties in original loaves: Romano, made from cow's milk; Pecorino, not suitable for grating; cheese made from sheep's milk, suitable for grating; Reggiano; Parmesano, Provolone; Provolette and Sbrinz.

1 GATT/CP/130 2 Appendix II 3 Appendix III
Quotas are established for 1952-53 at an annual rate of 3 million pounds for Blue Mold cheese, 3 million pounds for Edam and Gouda (together), 8.5 million pounds for Cheddar and 20 million pounds for the 8 varieties in original loaves mentioned above. These quotas are somewhat higher than were the permitted rates of import during the 1951-52 control period, except for Cheddar which remains about the same. Import authorisations issued for these varieties of cheese during the 11-month 1951-52 period totalled approximately 2.5 million pounds for Blue Mold, 2.2 million pounds for Edam and Gouda and 17.1 million pounds for the 8 varieties in original loaves mentioned above. In addition, imports of varieties of cheese containing, or processed in whole or in part from Cheddar, Blue Mold, Edam and Gouda will be permitted in a quantity not in excess of the quantity imported during the calendar year 1950.

The controls which were in effect during the 1951-52 control period on butter, butter oil and non-fat dry milk solids are continued without change. As an adjunct to the controls on imports of butter, controls have been established on a group of products which have the same use as butter, such as in the manufacture of ice cream. Under this provision controls will cover products entered under the tariff category, "malted milk compounds, or mixtures of or substitutes for milk or cream". These products will not be approved for entry when their butter-fat content is such as to enable them to be used instead of butter.

The new quota for casein or lactase and mixtures in chief value thereof was set at 40 million pounds. This quota has been reduced approximately 25 percent as compared with that of last year. However, it represents about the actual level of imports during 1951/52.

Import authorisations are being issued to individual importers as promptly as possible, on the basis of the quotas allotted to them in 1951-52, which in turn were based upon the importers' individual records of importation from 1 January 1948 through 9 August 1951. Individual importers will deal directly with foreign exporters, but will be limited to importations corresponding to their allotted quotas. Special provision is made for authorizing import items in excess of the quotas when found necessary to avoid unnecessary or unreasonable hardship, or to assure equitable treatment for small or new business. Importers generally will be allowed to import approximately one-third of their annual quotas in the first four months of the 1952-53 period.

The Amendment (Number 5) to Defense Food Order 3 was issued after an initial investigation of the situation. As required by the law the Secretary of Agriculture will continue to review the situation affecting commodities or products included under Section 104, with a view to relaxing or tightening controls from time to time as changing conditions may warrant or require. In case of any further change in the provisions of Defense Food Order 3 a supplementary report will be made.
"Section 104. Import controls of fats and oils (including oil-bearing materials, fatty acids, and soap and soap powder, but excluding petroleum and petroleum products and coconuts and coconut products), peanuts, butter, cheese and other dairy products, and rice and rice products are necessary for the protection of the essential security interests and economy of the United States in the existing emergency in international relations, and imports into the United States of any such commodity or product, by types or varieties, shall be limited to such quantities as the Secretary of Agriculture finds would not (a) impair or reduce the domestic production of any such commodity or product below present production levels, or below such higher levels as the Secretary of Agriculture may deem necessary in view of the domestic and international conditions, or (b) interfere with the orderly domestic storing and marketing of any such commodity or product, or (c) result in any unnecessary burden or expenditures under any Government price support program. Provided, however, that the Secretary of Agriculture after establishing import limitations, may permit additional imports of each type and variety of the commodities specified in this section, not to exceed 15 per centum of the import limitation with respect to each type and variety which he may deem necessary, taking into consideration the broad effects upon international relationships and trade. The President shall exercise the authority and powers conferred by this section."
Appendix II

UNITED STATES DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

TITLE 32A - NATIONAL DEFENSE,
APPENDIX

Chapter XVI - Production and Marketing Administration,
Department of Agriculture
(Defense Food Order 3, Amdt. 5)

DFO-3 - AGRICULTURAL IMPORTS

The Secretary of Agriculture having determined that the unrestricted importation of the commodities listed in Appendix A will have one or more of the effects specified in Section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 131, Pub. Law 429, 82d Cong., 50 U.S.C. App. Sup. 2061 et seq.), and the Administrator of the Production and Marketing Administration having hereby determined under Section 101 of said act that import controls with respect to rice; flaxseed (linseed); and linseed oil, and combinations and mixtures in chief value of such oil; are necessary or appropriate to promote the national defense, this order is made effective pursuant to said act, and delegations of authority thereunder. Consultation with industry representatives in the formulation of this order has been rendered impractical. The Defense Production Act of 1950, as amended, imposes over the commodities covered by such determinations the import controls contemplated by the act and to effectuate such determinations must be made effective as soon as possible. This order affects numerous segments of the economy and time is not available to permit consultation with all affected segments. Accordingly, consultation with industry representatives has been omitted.

Defense Food Order No. 3, as amended (16 F.R. 7934, 8272; 17 F.R. 4490, 5829), is hereby amended to read as follows:

Sec.
1. Definitions.
2. Prohibitions and restrictions on imports.
3. Authorizations.
4. Exceptions.
5. Restrictions after importation.
6. Changes of commodities listed in Appendix A, and designations thereof.
7. Standards and guides.
8. Records and reports.
9. Audits and inspections.
10. Communications.
11. Suspension; revocations.
12. Petitions for relief from hardship.
15. Effect on liability of removal of commodity from order, or change of designation.
16. Effective date.


Section 1. Definitions. Except where the context otherwise requires, the following terms shall have the meanings set forth below.

(a) "Act" means the Defense Production Act of 1950, as amended (64 Stat. 798, as amended).

(b) "Administrator" means the Administrator, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of that Department authorized to act in his stead.

(c) "Director" means the Director of the Office Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, and any other officer or employee of that Department authorized to act in his stead.

(d) "Consignee" means the person to whom a commodity is consigned at the time of importation.

(e) "Commodity" means a commodity listed from time to time in Appendix A.

(f) "Appendix A" means Appendix A of this order as from time to time amended.

(g) "Governing date" means the date as shown in Appendix A when a commodity becomes subject to this order.

(h) "Import" means to transport or cause to be transported in any manner into the United States from any foreign country, in any capacity other than as a carrier in the regular course of its operations as such. It includes, but is not limited to, shipments from any foreign country into a free port or foreign trade zone, or into a bonded warehouse, or in bond for transshipment into a foreign country, or otherwise in the custody of the United States Bureau of Customs in the United States.

(i) "United States" means the United States, its territories and possessions and the District of Columbia.
(j) "In transit" means that a commodity (1) is afloat, (2) has had an onboard ocean bill of lading actually issued with respect to it, or (3) has actually been delivered to and accepted by a rail, truck, or air carrier, for transportation to a point within the United States.

(k) "Owner" means any person who has any property interest in a commodity except a person whose interest is held solely as a security for the payment of money.

(1) "Person" includes any individual, corporation, partnership, association or other organized group of persons, or legal successor or representative of the foregoing. It also includes the Government of the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

Section 2. Prohibitions and restrictions. (a) No person, after the governing date for any commodity followed by the designation (A) in Appendix A, shall import such commodity except:

   (1) As provided in Section 4 or
   (2) As authorized by a validated authorization in the case of importations into a free port or foreign trade zone, or into a bonded warehouse, or in bond, or otherwise in the custody of the United States Bureau of Customs in the United States, for transshipment into any foreign country (except shipments under Section 4 (a) (2)).

(b) No person, after the governing date for any commodity followed by the designation (B) in Appendix A, shall import such commodity except:

   (1) As provided in Section 4 or
   (2) As authorized by a validated authorization issued under such conditions and requirements as the Director may prescribe in published policy statements or supplemental orders.

(c) The fact that importation of a commodity is authorized under this order does not relieve the importer from compliance with other applicable laws and regulations.

(d) The foregoing provisions shall apply regardless of the existence on the governing date or thereafter of any contract or other arrangement for the importation of commodities listed in Appendix A.

Section 3. Authorizations. (a) Any person subject to the jurisdiction of the States who desires authorization, as provided in this order, for importation of a commodity listed in Appendix A, whether owner, purchaser, seller, or consignee of the commodity to be imported, or agent of any of them, may make application therefor by letter or telegram or on Form PMA-551, or such other form as may be issued for this purpose by the Director, addressed to the Office of Requirements and Allocations, Production and Marketing Administration,
United States Department of Agriculture, Washington 25, D.C., Ref: Defense Food Order No.3 (Agricultural Imports). Unless otherwise expressly permitted, such authorization shall apply only to the particular commodity and shipment mentioned therein and to the persons and their agents concerned with such shipment. Such authorizations shall not be assignable or transferable either in whole or in part, except as authorized in writing by the Director. In the issuance or denial of authorizations for importation of commodities listed in Appendix A, the Director shall act in accordance with the standards and guides set forth in Section 7.

(b) The Director may impose such conditions and requirements as to the granting of authorizations hereunder and the handling and disposal of commodities to be imported hereunder as he may deem necessary or appropriate to effectuate the purposes of this order.

Section 4. Exceptions. (a) Unless otherwise directed by the Director, and except as provided in Section 8, the requirements of this order shall not apply to commodities listed in Appendix A which:

(1) Are owned, at the time of importation, by any United States governmental department, agency, or corporation;
(2) Are shipped into the United States in transit from one point in Mexico to another point in Mexico or from one point in Canada to another point in Canada;
(3) Are shipments between points in the United States;
(4) Are commodities imported as samples or for personal use where the value of each consignment or shipment is less than $25.00.

(b) An authorization will not be required under Section 2 with respect to any commodity followed by the designation (B) in Appendix A for its importation into a free port or foreign trade zone, or into a bonded warehouse, or in bond for transshipment into a foreign country, or otherwise in the custody of the United States Bureau of Customs.

Section 5. Restrictions after importation. No commodity listed in Appendix A which is imported under this order after the governing date shall be sold, delivered processed, consumed, purchased or received except in accordance with the conditions and requirements imposed in any authorization issued for its importation, or amendments thereof, or otherwise imposed by the Director in the particular case to carry out the purposes of this order. Commodities so imported may otherwise be dealt with or disposed of without restriction under this order.

Section 6. Changes of commodities listed in Appendix A and designations thereof. The Administrator will from time to time add commodities to or remove commodities from the list in Appendix A, and designate listed commodities by designation (A) or (B), in accordance with determinations by the Secretary of Agriculture under Section 104 of the act, or his own determinations under Section 101 of the act.
Section 7. Standards and Guides. (a) In the issuance of authorizations for importations of commodities followed by the designation (B) in Appendix A, the Director shall allocate the authorizations granted by him on a fair and equitable basis among individual applicants, with due regard for the needs of small business enterprises. He shall also allocate such authorizations among foreign countries of origin if, in his opinion such allocation is necessary to assure such countries of an equitable portion of authorized imports. Authorizations will be issued in a manner to effectuate the purposes of the current determinations under the Act.

(b) Statements of the policies followed by the Director, in authorizing imports under (a) and of any changes in such policies, shall be currently published in the Federal Register.

Section 8. Records and reports. (a) No commodity followed by the designation (A) in Appendix A, which is imported after the governing date, including any commodity imported under the provisions of Section 4, shall be entered through the United States Bureau of Customs for any purpose, whether for consumption, for warehouse, in transit, in bond, for re-export, for appraisal, or otherwise, unless the person making the entry shall file in duplicate with the entry Form DFO-7, or such other form as may be required for this purpose by the Director, except as provided in paragraph (b) of this section. No commodity followed by the designation (B) in Appendix A which is imported after the governing date, including any commodity imported under the provisions of Section 4, shall be entered through the United States Bureau of Customs for consumption, unless the person making the entry shall file in duplicate with the entry Form DFO-7, or such other form as may be required for this purpose by the Director, except as provided in paragraph (b) of this section. Both copies of such form shall be transmitted by the Collector of Customs to the Director, Office of Requirements and Allocations, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D.C., Ref: Defense Food Order 3 (Agricultural Imports).

(b) A form as required in paragraph (a) of this section need not be filed in connection with a subsequent entry for any purpose of a commodity with respect to the original entry of which such form was previously filed in accordance with paragraph (a) of this section.

(c) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.

Section 9. Audits and inspections. The Director shall be entitled to make such audit and inspection of the books, records, and other writings, premises, and stocks of commodities of any person, and to make such investigations as may be necessary or appropriate, in the Director's discretion, in the enforcement or administration of the provisions of this order.
Section 10. Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Office of Requirements and Allocations, Production and Marketing Administration; United States Department of Agriculture, Washington 25, D.C., Ref: Defense Food Order 3 (Agricultural Imports).

Section 11. Suspension; revocation. (a) Any import authorization issued under this order for any commodity listed in Appendix A may be revoked at any time by the Administrator upon his determination that the person to whom such authorization was issued has made substantial imports of any commodity listed in Appendix A which were not authorized under this order or has willfully violated any provision of this order and that such revocation is necessary or appropriate to effectuate the purposes of this order and the act. Pending action by the Administrator in such instances, the authorization may be suspended by the Director.

(b) All authorizations for any commodity listed in Appendix A may be suspended or revoked at any time by the Administrator without prior notice upon his determination that such action is necessary to effectuate the current determinations under Sections 101 and 104 of the act.

Section 12. Petitions for relief from hardship. (a) Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Director. Petitions shall be in writing and shall set forth all pertinent facts, the nature of the relief sought, and the justification therefor. The Director may take such action with reference to the petition as he deems appropriate. If the petitioner is dissatisfied with the action taken by the Director on the petition, he may appeal to the Production and Marketing Administration Defense Order Appeals Board, which may take such action as it deems appropriate. Such action shall be final. Procedure relating to hardship petitions is set forth in DFO-4 (16 F.R. 7568).

(b) The presence of a commodity in a free port or foreign trade zone, or in a bonded warehouse, or in bond, or otherwise in the custody of the United States Bureau of Customs, shall not be a basis for relief from hardship.

Section 13. Delegation of authority. The administration of this order and the powers vested in the Administrator, insofar as such powers relate to the administration of this order are hereby delegated to the Director. The Director is authorized to re-delegate any or all of the authority vested in him by this order to any officer or employee of the United States Department of Agriculture.
Section 14. Violations. Any person who willfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order or requirement pursuant hereto. Commodities imported by any person contrary to this order may be charged against any unused import quota held by such person for any commodity listed in Appendix A. The Director may direct the disposition and use of any commodity which is imported contrary to this order.

Section 15. Effect on liability of removal of a commodity from order or change of designation. The removal of any commodity from Appendix A or change in the designation for any commodity listed in Appendix A shall not be construed to affect in any way any liability for violations of this order which occurred prior to the date of such removal or change.

Section 16. Effective date. This order shall be effective immediately. With respect to violations, rights accrued, liabilities incurred, or appeals taken under or concerning Defense Food Order 3, as amended, prior to the effective date hereof, all provisions of said order shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action or other proceeding with respect to any such violation, right, liability or appeal.

Note: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 3d day of July 1952.

ROY W. LENNARTSON,
Acting Administrator, Production and Marketing Administration.
APPENDIX A - ITEMS SUBJECT TO DEFENSE FOOD ORDER NO. 3

(The numbers listed after the following commodities are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of 1 August 1950). Commodities are included in the list to the extent that they are covered by the commodity numbers listed below. If no commodity number is listed, the description given shall control.)

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Commerce import class No.</th>
<th>Governing date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Butter (A)</td>
<td>0044.000</td>
<td>Aug. 9 1951</td>
</tr>
<tr>
<td>Butter Oil (A)</td>
<td>1423.200</td>
<td>do</td>
</tr>
<tr>
<td>Milk, skimmed, dried (non-fat dried milk solids) (A)</td>
<td>0041.100</td>
<td>do</td>
</tr>
<tr>
<td>Malted milk and compounds, or mixtures of, or substitutes for milk or cream (B)</td>
<td>0041.900</td>
<td>July 3 1952</td>
</tr>
<tr>
<td>Casein or lactarene, and mixtures in chief value thereof, n.s.p.f. (B)</td>
<td>0943.000</td>
<td>Aug. 9 1951</td>
</tr>
<tr>
<td>Italian cheese (B)</td>
<td>0046.010 through 0046.250 and 0046.940</td>
<td>do</td>
</tr>
<tr>
<td>Cheddar cheese (B)</td>
<td>0046.490</td>
<td>do</td>
</tr>
<tr>
<td>Blue mold cheese (B)</td>
<td>0046.600</td>
<td>do</td>
</tr>
<tr>
<td>Edam and Gouda cheese (B)</td>
<td>0046.750</td>
<td>do</td>
</tr>
<tr>
<td>Registered or certified flaxseed for planting purposes (B)</td>
<td>2233.000</td>
<td>July 1, 1951</td>
</tr>
<tr>
<td>Other flaxseed (linseed) (A)</td>
<td>2233.000</td>
<td>do</td>
</tr>
<tr>
<td>Linseed oil, and combinations and mixtures, in chief value of such oil (A)</td>
<td>2254.000</td>
<td>do</td>
</tr>
<tr>
<td>Peanuts, blanched, roasted, prepared or preserved (A)</td>
<td>1380.080</td>
<td>Aug. 9 1951</td>
</tr>
<tr>
<td>Peanuts, shelled (A)</td>
<td>1367.000</td>
<td>do</td>
</tr>
<tr>
<td>Peanuts, (not shelled (A)</td>
<td>1368.000</td>
<td>do</td>
</tr>
<tr>
<td>Peanut oil (ground nut oil) (A)</td>
<td>1427.000</td>
<td>do</td>
</tr>
<tr>
<td>Registered or certified rice seed for planting purposes (B)</td>
<td>1051.000</td>
<td>July 1, 1951</td>
</tr>
<tr>
<td>Other rice:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paddy (A)</td>
<td>1051.000</td>
<td>do</td>
</tr>
<tr>
<td>Uncleaned or brown rice (A)</td>
<td>1051.100</td>
<td>do</td>
</tr>
<tr>
<td>Cleaned or milled rice (A)</td>
<td>1053.000</td>
<td>do</td>
</tr>
<tr>
<td>Patna rice, cleaned for use in canned soups (A)</td>
<td>1054.000</td>
<td>do</td>
</tr>
<tr>
<td>Broken rice (includes brewers rice) (B)</td>
<td>1059.200</td>
<td>do</td>
</tr>
</tbody>
</table>
DETERMINATION RELATING TO IMPORTS UNDER DEFENSE PRODUCTION ACT

Pursuant to the authority vested in me by Section 104 of the Defense Production Act of 1950, as amended (64 Stat. 798, 65 Stat. 132; Pub. Law 429, 82d Cong.; 50 U.S.C. App. Sup. 2074), it is hereby determined that imports (other than by the Government of the United States), during the period from 1 July 1952 through 30 June 1953, into the commerce of the United States of the commodities and products hereinafter listed, except as herein specified, would with respect to each such commodity or product or type or variety thereof listed (a) impair or reduce the domestic production of a commodity or product specified in said Section 104 below present production levels, (b) interfere with the orderly domestic storing and marketing of a commodity or product specified in said Section 104, or (c) result in an unnecessary burden or expenditure under a Government price support program.

This determination applies to:

Butter
Butter oil
Casein and lactarene, and mixtures in chief value thereof, n.s.p.f.
The following types and varieties of cheese:
  Italian
  Cheddar
  Blue Mold
  Edam and Gouda
Varieties containing, or processed in whole or in part from, Cheddar, Blue Mold, Edam and Gouda.
Flaxseed (linseed)^9
Linseed oil, and combinations and mixtures, in chief value of such oil^10
Malted milk and compounds, or mixtures of or substitutes for milk
or cream.
Skimmed, dried milk (non-fat, dried milk solids).^12
Peanuts (blanched, roasted, prepared, preserved).^13
Peanuts (shelled, not shelled).^14
Peanut oil (ground nut oil).^15
Paddy rice.
Uncleaned or brown rice.^17
Cleaned or milled rice.
Cleaned Patna rice for use in canned soups.^18
Broken rice.\(^20\)

The foregoing determination applies to all types and varieties of the
listed commodities and products except as otherwise specified.

Importations during the period from 1 July 1952 through 30 June 1953, of
the following commodities and products, subject to Government regulation under
the following conditions, will not have any of the effects specified in Section
104 of the Defense Production Act, as amended.

(a) Casein or lactarene and mixtures in chief value thereof, n.s.p.f., in
a quantity not in excess of 40,000,000 pounds;

(b) Cheddar cheese in a quantity not in excess of 8,500,000 pounds;

(c) Italian type cheese in original loaves in a quantity not in excess of
20,000,000 pounds;

(d) Blue Mold cheese in a quantity not in excess of 3,000,000 pounds;

(e) Edam and Gouda cheese in a quantity not in excess of 3,000,000 pounds;

(f) Varieties of cheese containing, or processed in whole or in part from,
Cheddar, Blue Mold, Edam and Gouda, in a quantity not in excess of the quantity
imported during the calendar year 1950;

\(^9\) Commerce Import Class No. 2233.000.
\(^10\) Commerce Import Class No. 2254.000.
\(^11\) Commerce Import Class No. 0041.900.
\(^12\) Commerce Import Class No. 0041.100.
\(^13\) Commerce Import Class No. 1380.080.
\(^14\) Commerce Import Class No. 1367.000, 1368.000.
\(^15\) Commerce Import Class No. 1427.000.
\(^16\) Commerce Import Class No. 1051.000.
\(^17\) Commerce Import Class No. 1051.100.
\(^18\) Commerce Import Class No. 1053.000.
\(^19\) Commerce Import Class No. 1054.000.
\(^20\) Commerce Import Class No. 1059.200.
(g) Halted milk and compounds, or mixtures of or substitutes for milk or cream, which are determined by the official responsible for administration of Defense Food Order No. 3, as amended, to have none of the customary uses of butter;

(h) Registered or certified flaxseed and rice for planting purposes only and in accordance with applicable laws and regulations;

(i) Brewer's rice;

(j) The listed commodities and products as samples or gifts or for personal use where the value of each consignment or shipment is less than $25.00;

(k) Such amounts of the listed commodities and products as may be required to avoid unnecessary or unreasonable hardship and as may be required to assure equitable treatment for small or new business.

This determination is made upon the basis of facts presently available and is subject to revision whenever it is determined that such action is necessary or appropriate in effectuating the purposes of the act.

This determination shall be effective upon issuance and shall supersede the determination of 9 August 1951 under Section 104 of the Defense Production Act (16 F.R. 7937; 17 F.R. 5895), but said determination of 9 August 1951 shall be deemed to remain in full force and effect for the purpose of sustaining any proper suit, action or other proceeding concerning any violation, right accrued, liability incurred, or appeal taken under or with respect to said determination or Defense Food Order 3, issued 9 August 1951, as amended (16 F.R. 7934, 8272; 17 F.R. 4490, 5829), prior to the effective date hereof.


Done at Washington, D.C., this 3d day of July 1952.

CHARLES F. BRANNAN.
Secretary of Agriculture.