

Hutchinson, Kans.—Hutchinson Municipal Arpt., VOR Rwy 3, Amdt. 14.

Hutchinson, Kans.—Hutchinson Municipal Arpt., VORTAC Rwy 21, Amdt. 1.

St. Joseph, Mo.—Rosecrans Memorial Arpt., VOR Rwy 17, Amdt. 9.

Waterloo, Iowa—Waterloo Municipal Arpt., VOR Rwy 12, Amdt. 3.

* * * effective February 27, 1975:

Decatur, Tex.—Decatur Municipal Arpt., VOR-A, Orig.

Mt. Pleasant, Tex.—Mt. Pleasant Municipal Arpt., VOR/DME-A, Orig.

* * * effective January 29, 1975:

Visalia, Calif.—Visalia Municipal Arpt., VOR Rwy 30, Amdt. 2.

* * * effective January 27, 1975:

Cross City, Fla.—Cross City Arpt., VOR Rwy 31, Amdt. 14.

Saginaw, Mich.—Tri-City Arpt., VOR Rwy 14, Amdt. 8.

* * * effective January 23, 1975:

Elyria, Ohio—Elyria Arpt., VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective March 20, 1975.

Amarillo, Tex.—Amarillo Air Terminal, LOC (BC) Rwy 21, Amdt. 9.

Hutchinson, Kans.—Hutchinson Municipal Arpt., LOC (BC) Rwy 31, Amdt. 8.

Moline, Ill.—Quad-City Arpt., LOC (BC) Rwy 27, Amdt. 16.

St. Joseph, Mo.—Rosecrans Memorial Arpt., LOC (BC) Rwy 17, Amdt. 2.

Waterloo, Iowa—Waterloo Municipal Arpt., LOC (BC)/DME Rwy 30, Amdt. 1.

* * * effective February 27, 1975:

Greenville, Miss.—Greenville Municipal Arpt., LOC (EO) Rwy 35E, Orig.

* * * effective January 30, 1975:

Savannah, Ga.—Savannah Municipal Arpt., LOC (BC) Rwy 27, Amdt. E.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective March 20, 1975:

Amarillo, Tex.—Tradewind Arpt., NDB-A, Amdt. 10.

Amarillo, Tex.—Amarillo Air Terminal, NDB Rwy 3, Amdt. 11.

Butler, Pa.—Butler-Graham Arpt., NDB Rwy Orig.

Butler, Pa.—Butler-Graham Arpt., NDB Rwy 36, Amdt. 9, cancelled.

Hutchinson, Kans.—Hutchinson Municipal Arpt., NDB Rwy 13, Amdt. 7.

St. Joseph, Mo.—Rosecrans Memorial Arpt., NDB Rwy 17, Amdt. 2.

St. Joseph, Mo.—Rosecrans Memorial Arpt., NDB Rwy 35, Amdt. 22.

Waterloo, Iowa—Waterloo Municipal Arpt., NDB Rwy 12, Amdt. 2.

* * * effective February 27, 1975:

Greenville, Miss.—Greenville Municipal Arpt., NDB Rwy 35E, Orig.

* * * effective January 23, 1975:

Fairmont, W. Va.—Fairmont Municipal Arpt., NDB-A, Amdt. 1.

4. Section 97.29 as amended by originating, amending, or canceling the following ILS SIAPs, effective March 20, 1975:

Amarillo, Tex.—Amarillo Air Terminal, ILS Rwy 3, Amdt. 14.

Hutchinson, Kans.—Hutchinson Municipal Arpt., ILS Rwy 13, Amdt. 8.

St. Joseph, Mo.—Rosecrans Memorial Arpt., ILS Rwy 35, Amdt. 23.

Waterloo, Iowa—Waterloo Municipal Arpt., ILS Rwy 12, Amdt. 1.

* * * effective January 30, 1975:

Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 17L, Amdt. 1.

* * * effective January 22, 1975:

New Orleans, La.—New Orleans Int'l. Arpt. (Mojant Field), ILS Rwy 10, Amdt. 27.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective March 20, 1975:

Fort Wayne, Ind.—Fort Wayne Municipal Arpt. (Baer Field), RADAR-1, Amdt. 11.

* * * effective January 27, 1975:

Washington, D.C.—Washington National Arpt., RADAR-1, Amdt. 19.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective March 20, 1975:

Amarillo, Tex.—Amarillo Air Terminal, RNAV Rwy 21, Amdt. 1.

St. Joseph, Mo.—Rosecrans Memorial Arpt., RNAV Rwy 17, Amdt. 1.

These amendments are made effective under the authority of (secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on January 30, 1975.

JAMES M. VINES,
Chief, Aircraft
Programs Division.

Note: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FIR Doc.75-3355 Filed 2-5-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 304—RULES AND REGULATIONS UNDER THE HOBBY PROTECTION ACT

On July 19, 1974 (39 FR 26429) a notice of proposed regulations to be promulgated under the Hobby Protection Act, 15 U.S.C. 2101, et seq., was published in the FEDERAL REGISTER. Promulgation of these proposals would regulate the manner and form of permanently marking imitation political and imitation numismatic items. The proposals afforded all interested persons the opportunity to submit data, and express views or comments.

The Commission has now considered all matters of fact, law and policy, including all responses to the published proposals, and has determined that the proposed regulations, with certain modifications as explained herein, should be adopted.

The Commission received sixty-seven (67) comments from Federal and local officials, private citizens and industry representatives. Fifty-four (54) of the comments objected to the proposal in § 304.1(d) that the term "imitation numismatic item" shall not include any re-issue or re-strike of any original numismatic item by the United States Mint. This exemption is based upon the fact that nothing in the Hobby Protection Act or its legislative history suggests that the Congress intended to subject the United States Mint to the marking requirements. In fact, the language of the Act makes it clear that governmental operations are outside the Act's purview. The general statutory definition of "person" subject to Act, as contained in sections 3 and 4 of the Act, in 1 U.S.C. 1, does not include the United States Government or its agencies. Further, a requirement that re-issued or re-struck United States Mint medals be incused with the word "COPY" would impose a limitation on the Treasury's general authority to strike national medals (31 U.S.C. 368), which would be inconsistent with section 6 of the Hobby Protection Act which provides that the provisions of the statute are in addition to, and not in substitution for or in limitation of, any other law of the United States. Therefore, the specific language in the Act and its legislative history exempts the United States Mint from the marking requirements of the Act.

The definition of "United States" in section 304.1(j) of the regulation is redefined to conform to the definition contained in the Hobby Protection Act [15 U.S.C. 2106(7)] and the Tariff Act of 1930 [19 U.S.C. 1401(h)] in order to avoid conflicts with the enforcement jurisdiction of the United States Customs Service under Section 5 of the Hobby Protection Act.

It was suggested that the Commission make it clear that the regulations do not permit the otherwise unlawful reproduction of genuine currency simply because it is marked with the word "COPY". This suggestion prompted new §304.4 which incorporates section 6 of the Hobby Protection Act and provides, in effect, that the regulations are in addition to and not in substitution for or limitation of the existing statutes and regulations prohibiting the reproduction of genuine currency.

It has been brought to the Commission's attention that marking requirements for imitation political and imitation numismatic items should be amended to require that the calendar year or the word "COPY", as appropriate, be marked only on either the obverse or reverse surface of the items. Such a requirement would prevent any attempt to subvert the purpose of the regulations by marking the edge of the items, which would be inconsistent with the requirement that the items be conspicuously marked. The Commission considers this proposed change to be justified to avoid circumvention of the Act's requirements, and therefore has incorporated it in §§ 304.5 and 304.6.

RULES AND REGULATIONS

The remaining substantive comments were evaluated and rejected by the Commission as not being within the scope of section 2(c) of the Act or as not being in the public interest, because they either (1) recommended regulations which would have exceeded the permissible authority of the Hobby Protection Act, e.g., advertisements offering reproductions for sale should state the items are being sold as reproductions; (2) recommended expanding the authority of the Act in an area already covered by existing statutes, e.g., medals and decorations of a military nature which are governed by 18 U.S.C. 704; (3) suggested word changes inconsistent with the language of the Act, e.g., date of manufacture be substituted for the word "COPY" as the marking requirement on imitation numismatic items; or (4) recommended a size requirement which was not as clear and conspicuous as the proposed requirement. Since there were only two comments relating to size of the calendar year or the word "COPY", and since our initial size proposals were based on the expert opinion of twenty representative consumer, industry and government authorities, the size requirements are adopted as proposed.

Accordingly, pursuant to the provisions of the Hobby Protection Act, 15 U.S.C. 2101 et seq., Subchapter C is amended by adding thereto the following new Part 304:

Sec.
 304.1 Terms defined.
 304.2 General requirement.
 304.3 Applicability.
 304.4 Application of other laws and regulations.
 304.5 Marking requirements for imitation political items.
 304.6 Marking requirements for imitation numismatic items.

AUTHORITY: 15 U.S.C. 2101 et seq.

§ 304.1 Terms defined.

(a) "Act" means the Hobby Protection Act (approved November 29, 1973; Pub. L. 93-167, 87 Stat. 686, (15 U.S.C. 2101, et seq.)).

(b) "Commerce" has the same meanings as such term has under the Federal Trade Commission Act.

(c) "Commission" means the Federal Trade Commission.

(d) "Imitation numismatic item" means an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item. Such term includes an original numismatic item which has been altered or modified in such a manner that it could reasonably purport to be an original numismatic item other than the one which was altered or modified. The term shall not include any re-issue or re-strike of any original numismatic item by the United States or any foreign government.

(e) "Imitation political item" means an item which purports to be, but in fact is not, an original political item, or which

is a reproduction, copy or counterfeit of an original item.

(f) "Original numismatic item" means anything which has been a part of a coinage or issue which has been used in exchange or has been used to commemorate a person, object, place, or event. Such term includes coins, tokens, paper money, and commemorative medals.

(g) "Original political item" means any political button, poster, literature, sticker, or any advertisement produced for use in any political cause.

(h) "Person" means any individual, group, association, partnership, or any other business entity.

(i) "Regulations" means any or all regulations prescribed by the Federal Trade Commission pursuant to the Act.

(j) "United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 304.2 General requirement.

Imitation political or numismatic items subject to the Act shall be marked in conformity with the requirements of the Act and the regulations promulgated thereunder. Any violation of these regulations shall constitute a violation of the Act and of the Federal Trade Commission Act.

§ 304.3 Applicability.

Any person engaged in the manufacturing, or importation into the United States for introduction into or distribution in commerce, of imitation political or imitation numismatic items shall be subject to the requirements of the Act and the regulations promulgated thereunder.

§ 304.4 Application of other law or regulation.

The provisions of these regulations are in addition to, and not in substitution for or limitation of, the provisions of any other law or regulation of the United States (including the existing statutes and regulations prohibiting the reproduction of genuine currency) or of the law or regulation of any State.

§ 304.5 Marking requirements for imitation political items.

(a) An imitation political item which is manufactured in the United States, or imported into the United States for introduction into or distribution in commerce, shall be plainly and permanently marked with the calendar year in which such item was manufactured.

(b) The calendar year shall be marked upon the item legibly, conspicuously and nondeceptively, and in accordance with the further requirements of these regulations.

(1) The calendar year shall appear in arabic numerals, shall be based upon the Gregorian calendar and shall consist of four digits.

(2) The calendar year shall be marked on either the obverse or the reverse surface of the item. It shall not be marked on the edge of the item.

(3) An imitation political item of incusable material shall be incused with

the calendar year in sans-serif numerals. Each numeral shall have a vertical dimension of not less than two millimeters (2.0 mm) and a minimum depth of three-tenths of one millimeter (0.3 mm) or one-half (½) the thickness of the reproduction, whichever is the lesser. The minimum total horizontal dimension for the four numerals composing the calendar year shall be six millimeters (6.0 mm).

(4) An imitation political button, poster, literature, sticker, or advertisement composed of nonincusable material shall be imprinted with the calendar year in sans-serif numerals. Each numeral shall have a vertical dimension of not less than two millimeters (2.0 mm). The minimum total horizontal dimension of the four numerals composing the calendar year shall be six millimeters (6.0 mm).

§ 304.6 Marking requirements for imitation numismatic items.

(a) An imitation numismatic item which is manufactured in the United States, or imported into the United States for introduction into or distribution in commerce, shall be plainly and permanently marked "COPY".

(b) The word "COPY" shall be marked upon the item legibly, conspicuously, and nondeceptively, and in accordance with the further requirements of these regulations.

(1) The word "COPY" shall appear in capital letters, in the English language.

(2) The word "COPY" shall be marked on either the obverse or the reverse surface of the item. It shall not be marked on the edge of the item.

(3) An imitation numismatic item of incusable material shall be incused with the word "COPY" in sans-serif letters having a vertical dimension of not less than two millimeters (2.0 mm) and a minimum depth of three-tenths of one millimeter (0.3 mm) or to one-half (½) the thickness of the reproduction, whichever is the lesser. The minimum total horizontal dimension of the word "COPY" shall be six millimeters (6.0 mm).

(4) An imitation numismatic item composed of nonincusable material shall be imprinted with the word "COPY" in sans-serif letters having a vertical dimension of not less than two millimeters (2.0 mm). The minimum total horizontal dimension of the word "COPY" shall be six millimeters (6.0 mm).

Effective date. Pursuant to Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.16(e) these regulations shall be effective March 10, 1975.

Dated: February 6, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOWIN,
Secretary.

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