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Emergency Rules

DECLARATION OF EMERGENCY

State Board of Elementary
and Secondary Education

At its meeting of June 26, 1975, the State Board of Elementary and Secondary Education suspended the issuance of certificates to school psychologists, effective at once.

The reason for the suspension was concern over the psychological care provided in the schools under the certification requirements adopted by the Board on September 30, 1974.

This action was taken in accordance with the emergency provision of the Administrative Procedures Act, R.S. 49:953B.

Earl Ingram
Director

remaining. The medical eligibility card issued monthly will show on an ongoing basis the number of physician visits for which each client remains eligible.

Form 158-A shall be used by the physicians to request approval of the Division of Family Services for payment of additional physician visits during the calendar year when the 12 payable visits have been exhausted. Request by the physician for additional visits shall be based on his certification of the medical necessity of such visits. The physicians may request a supply of Form 158-A from the Division of Family Services.

Effective January, 1976, the number of payable physician visits will be limited to 12 medically necessary physician visits per calendar year with provisions for extensions as outlined above.

Payment over and above that for a physician's office visit will no longer be made for injections given in his office.

Notice of this change has been mailed to all medical assistance recipients as well as physicians, pharmacists, hospital and nursing home administrators.

William H. Stewart, M.D.
Commissioner

DECLARATION OF EMERGENCY

Louisiana Health and Human Resources Administration

Division of Family Services

The Louisiana Health and Human Resources Administration exercised the emergency provision of the Administrative Procedures Act (R.S. 49:953B) to make effective on July 1, 1975, a limitation of 12 payable physician visits per calendar year with provisions for extensions. This reduction in the medical assistance program is necessary in order to remain within the budget appropriation for fiscal year 1975-76.

For the remainder of this calendar year beginning July 1, 1975, payment will be made for up to 12 visits for the full calendar year. For those who have used from 6 to 12 visits and over, payment will be made for 6 visits between July 1, 1975, through December 31, 1975. Those who have used less than 6 visits will be allowed payment for the appropriate number of visits remaining. For example, those who have used one visit, payment will be made for up to 11 more; 2 visits, 10 more, etc. This will be accomplished by the Data Processing Section counting the number of physician visits already paid for each eligible person and computing the number

DECLARATION OF EMERGENCY

Louisiana Health and Human Resources Administration

Division of Youth Services

Public Law 93-647, "Social Service Amendments of 1974", was enacted on January 4, 1975, to amend the Social Security Act by adding Part D to Title IV. Title IV-D requires that the State develop and implement on August 1, 1975, a Child Support Program to locate absent parents, establish paternity, secure and enforce support obligations owed by absent parents, and collect and disburse child support payments.

The final Federal Rules and Regulations and the Preprinted State Plan were not published by the Department of Health, Education and Welfare until June 26, 1975. The enabling State legislation (Act 117) was not signed into law until July 7, 1975.

Therefore, in consideration of the general welfare of the citizens of this State, the Louisiana Health and Human Resources Administration has adopted, and will place into effect on August 1, 1975, an emergency rule

which implements Title IV-D of the Social Security Act. This action was taken pursuant to R.S. 49:953B and R.S. 49:966C. Copies of the emergency rule are available for public examination at the offices of the Louisiana Health and Human Resources Administration, Division of Youth Services, Room 316 Commerce Building, 333 Laurel Street, Baton Rouge, Louisiana.

William H. Stewart, M.D.
Commissioner

Rules

RULES

Capital Area Ground Water Conservation Commission

(Editor's Note: Publication of the following material is not required by the Administrative Procedures Act. It is presented here solely for informational purposes.)

With an estimated pumpage of 125 million gallons a day from water wells subject to charges, a rate of \$1 per million gallons has been set and is to be paid quarterly. This would produce about \$45,000 for the year, but since the exact pumpage will vary somewhat, the rate may be adjusted slightly up or down for the last quarter to produce an income close to the budget.

Leo V. Bankston
Chairman

RULES

Governor's Consumer Protection Division

(Editor's Note: The following rule was adopted by the Director of the Governor's Consumer Protection Division and approved by the Consumer Protection Advisory Board on June 23, 1975, to be effective on August 9, 1975.)

TITLE 3: Unfair Methods of Competition and Unfair or Deceptive Acts or Practices in Trade or Commerce

Chapter II — Unfair and Deceptive Acts or Practices

Section 5006. Prior notification of passengers boarding commercial passenger carrying aircraft

A. Definitions—For the purpose of this rule the following definitions shall apply:

- (1) "Commercial passenger carrying airline" is any airline authorized by the Federal Aviation Administration to transport passengers from any airport in Louisiana for a fee whether on a scheduled or nonscheduled basis.
- (2) "Hazardous material" means any freight, cargo, baggage, article, device, or product as defined by the United States Department of Transportation in its regulation 49CFR, Parts 170-189, as may be amended from time to time, and Title 14 of Federal Aviation Regulations, Part 103, or such other appropriate regulation or regulations promulgated by the United States Department of Transportation and/or its successor, as may be amended from time to time, and includes:
 - (a) Explosives
 - (b) Flammable liquids and solids
 - (c) Oxidizing agents
 - (d) Corrosive liquids
 - (e) Compressed gases
 - (f) Poisons
 - (g) Etiologic agents
 - (h) Radioactive materials
- (3) "Agent" means any person employed by a commercial passenger airline who is empowered by such airline to sell, authenticate, validate, or otherwise have control over the issuing or validation or authentication of tickets of consumers departing on such airline from any airport in the State of Louisiana.
- (4) "Ticket" means any pass, paper, or document issued for a fee to a person which entitles such person to board a commercial aircraft in Louisiana for the purpose of transportation.

B. It shall be an unfair and deceptive act or practice for any passenger carrying commercial airline boarding passengers for departure from any airport in Louisiana to do the following:

- (1) Fail to notify each passenger boarding an aircraft at any airport in Louisiana whenever such aircraft contains hazardous materials as defined by the United States Department of Transportation, 49CFR, Parts 170-189, as may be amended from time to time, and Title 14 of

Federal Aviation Regulations, Part 103, as may be amended from time to time, that such hazardous materials are aboard the aircraft.

- (2) Such notice shall be in writing and shall be printed in bold type of not less than 18 point and shall contain the following language:

WARNING: THE AIRCRAFT YOU ARE ABOUT TO BOARD IS CARRYING HAZARDOUS MATERIALS AS DEFINED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION.

- (3) Such notice shall be issued to each person boarding an aircraft departing from any airport in Louisiana by the agent for the airline who is charged with the final validation of each passenger's ticket immediately prior to the passenger boarding the aircraft.
- (4) Such notice shall not apply to persons traveling aboard commercial passenger aircraft that have bought tickets in states other than Louisiana.
- C. The provisions of this rule shall not apply to the personal baggage of any person traveling aboard a commercial passenger carrying aircraft, nor shall it apply to any device or fuel carried aboard an aircraft that is necessary for the operation of the aircraft.
- D. Whoever engages in these practices violates R.S. 51:1405 (A) prohibiting, inter alia, unfair and deceptive acts and practices in trade and commerce.
- E. All rules and regulations or parts thereof in conflict herewith are hereby repealed.
- F. If any part of this rule is ever legally declared to be invalid for any reason, the remainder of the rule shall continue in full force and effect, and to this end, this rule is declared to be severable.

Charles W. Tapp, Director
Governor's Consumer Protection Division

Lee Wesley, President
Consumer Protection Advisory Board

RULES

Louisiana Dairy Stabilization Board

(Editor's Note: The following regulation was adopted by the Louisiana Dairy Stabilization

Board on June 10, 1975, to become effective on August 9, 1975. This regulation has been in effect on an emergency basis since June 1, 1975.)

The regulations and price codes (excluding retail pricing) heretofore adopted by the Louisiana Milk Commission shall, unless sooner repealed by the Board, continue in full force and effect until the effective dates of a distribution stabilization plan or plans adopted by the Board.

Code of Minimum Prices for Fluid Milk Products

Commission Sales Area No. 1, 2, 3, & 5

Section 1. The following definitions shall be applicable throughout this code.

- (a) "Skim milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat percentage to not more than 1/2 of 1% (.5%).
- (b) "Low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which no nonfat milk solids have been added.
- (c) "Fortified low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which milk solids not fat have been added.
- (d) "Processor" means any person engaged in the business of processing or packing bulk milk or other materials into any of the products listed or referred to in R.S. 40:940.1.
- (e) "Fluid milk product" means any of the products listed or referred to in R.S. 40:940.1(1).
- (f) "Institution" means any school, hospital, or other purchaser referred to in R.S. 40:940.19(13).
- (g) "Wholesale price" means the price at which any fluid milk product is purchased:
- (1) By a licensed nonprocessing retailer, or
 - (2) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to nonprocessing retailers and home-delivered customers, or

- (3) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to persons who, at the time of the purchase, are engaged in pursuing their trade or occupation, and most of whom purchase milk in containers smaller than one quart in size.
- (h) "Retail price out-of-store" means the price at which a fluid milk product is purchased by the consumer when delivery is not made to the consumer's residence. If delivery is made to the consumer's residence by a processor, a distributor, or a nonprocessing retailer (even if made along with delivery of nondairy items) the "retail price home-delivered" is applicable.
- (i) "Retail price home-delivered" means the price at which a fluid milk product is purchased by the consumer when delivery is made to the consumer's residence.
- (j) "Base period" means either the calendar month or the calendar quarter prescribed by this code or chosen by a nonprocessing retailer (in the case where the nonprocessing retailer is permitted to choose the calendar month) as the period during which a nonprocessing retailer records the value of purchases of fluid milk products from all suppliers for use in the preparation of an application for a Volume Discount Eligibility Certificate for Fluid Milk Products in accordance with Section 4 of this code.
- (k) "Certificate holder" means any nonprocessing retailer to whom a Volume Discount Eligibility Certificate for Fluid Milk Products is issued by the Louisiana Dairy Stabilization Board.
- (l) "Filled milk (special milk)" means any product so designated by the Louisiana State Board of Health.
- (m) "Reene" means a filled milk containing at least 3.8% edible fat or oil, or other than milk fat, and which also contains not less than 8.5% of milk solids not fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (n) "Lo-reene" means a filled milk containing not less than 1.5% or more than 2.5% of edible fat or oil, other than milk fat, and which also contains not less than 8.5% of milk solids not

fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.

- (o) "Hi-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain at least 3.8% edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including any caseinate product, and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (p) "Lo-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain not less than 1.5% nor more than 2.5% of edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including any caseinate product and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (q) "Bulk container" means a container that is larger than one gallon and that is used for packaging fluid milk products; but the term "bulk container" does not include any container that is suitable for use in a dispenser, nor does it include any container used for packaging cottage cheese, creole cream cheese, or yogurt.

Section 2. see pages 294, 295, 296

Section 3. Sales of fluid milk products to institutions shall be at not less than the following prices:

Homogenized Milk:

One-half pint, paper or glass	Wholesale price less 10% [rounded to the nearest 1/10 cent (\$.001)]
All other items:	Wholesale price less 5% [rounded to the nearest 1/10 cent (\$.001) if the result is less than \$.10]

Section 4. Licensed processors and licensed distributors are authorized to give discounts to licensed nonprocessing retailers in accordance with the Volume Discount

Section 2. The following minimum wholesale and retail prices for fluid milk products are established:

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered
Homogenized Milk:			
Dispenser Milk, per gallon	1.50	-----	1.58
Bulk Milk, per gallon	1.46	-----	-----
One Gallon, NRP	1.56	1.66	1.70
One Gallon, Glass	1.45	1.53	1.57
One-Half Gallon, NRP	.80	.85	.87
One-Half Gallon, P or G	.76	.81	.83
One Quart, P or G	.39	.42	.43
One Pint, P or G	.20	.22	.24
One-Third Quart, P or G	.145	.17	.19
One-Half Pint, P or G	.11	.14	.14
Creamline Milk:			
One Gallon, G	1.56	1.66	1.70
One-Half Gallon, P or G	.78	.83	.85
One Quart, P or G	.40	.43	.44
Fortified Low Fat Milk:			
Dispenser Container, per gallon	1.48	-----	-----
One Gallon, NRP	1.54	1.64	1.68
One-Half Gallon, P or G	.75	.80	.82
One Quart, P or G	.38	.41	.42
One-Half Pint, P or G	.1075	.14	.14
Low Fat Milk:			
Dispenser Container, per gallon	1.46	-----	-----
One Gallon, NRP	1.52	1.62	1.66
One Gallon, G	1.44	1.54	1.58
One-Half Gallon, P or G	.74	.79	.81
One Quart, P or G	.38	.41	.42
One-Half Pint, P or G	.1075	.14	.14
Skim Milk:			
Dispenser Container, per gallon	1.32	-----	-----
Bulk Container, per gallon	1.28	-----	-----
One Gallon, G	1.29	1.34	1.39
One Gallon, NRP	1.40	1.48	1.52
One-Half Gallon, P or G	.68	.72	.74
One Quart, P or G	.35	.38	.39
One-Half Pint, P or G	.095	.12	.12

NRP—Nonreturnable Plastic; P—Paper; G—Glass; P or G—Paper or Glass

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered
Buttermilk:			
Bulk Container, per gallon	1.34	-----	-----
One-Half Gallon, P or G	.70	.74	.76
One Quart, P or G	.36	.39	.40
One Pint, P or G	.18	.20	.21
One-Third Quart, P or G	.145	.17	.18
One-Half Pint, P or G	.1025	.13	.14
Bulgarian Buttermilk:			
One-Half Gallon, P or G	.76	.81	.82
One Quart, P or G	.39	.42	.43
Cream, Half & Half:			
Bulk Container, per gallon	3.09	-----	-----
One-Half Gallon, P or G	1.63	1.75	1.80
One Quart, P or G	.84	.90	.92
One Pint, P or G	.42	.45	.46
One-Half Pint, P or G	.2275	.26	.27
One 1/2 oz. container	.019	-----	-----
One 3/4 oz. container	.032	-----	-----
Cream, Breakfast (light):			
Bulk Container, per gallon	4.68	4.93	5.03
One Quart, P or G	1.32	1.41	1.44
One-Half Pint, P or G	.37	.41	.42
Cream, Whipping:			
Bulk Container, per gallon	5.53	-----	-----
One Quart, P or G	1.66	1.78	1.81
One Pint, P or G	.83	.89	.92
One-Half Pint, P or G	.43	.48	.50
Sterile Whipping Cream:			
One Quart, P or G	1.70	1.82	1.85
One-Half Pint, P or G	.44	.49	.51
Chocolate Milk:			
Bulk Container, per gallon	1.50	-----	-----
One Quart, P or G	.42	.45	.46
One Pint, P or G	.215	.24	.26
One-Third Quart, P or G	.155	.18	.20
One-Half Pint, P or G	.115	.15	.15
Sour Cream:			
Bulk, per lb. (in cartons containing 5 lbs. or more)	.56	-----	-----
One-Half Gallon, P or G	2.52	2.64	2.65
One Quart, P or G	1.39	1.47	1.50
One Pint, P or G	.73	.78	.80
One-Half Pint, P or G	.41	.45	.46

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered
Cottage Cheese (Creamed or Dry):			
Bulk, per lb. (in cartons containing 5 lbs. or more), regular	.45	-----	-----
Bulk, per lb. (in cartons containing 5 lbs. or more), flavored	.46	-----	-----
One 2 lb. size carton	1.03	1.10	1.13
One 1 lb. size carton	.54	.57	.59
One 24 oz. size carton	.85	.91	.94
One 12 oz. size carton, regular	.45	.48	.50
One 12 oz. size carton, flavored	.46	.49	.51
One 10 oz. size carton	.41	.44	.46
One 9 oz. size carton	.38	.41	.43
Chocolate Drink:			
One Quart, P or G	.355	.38	.39
One Pint, P or G	.175	.19	.20
One-Half Pint, P or G	.095	.13	.13
Yogurt:			
One 12 oz. size carton	.33	.36	.38
One 8 oz. size carton, regular	.25	.28	.30
One 8 oz. size carton, flavored	.29	.32	.34
Egg Nog Drink (Butterfat Content, 10% or less):			
Bulk Container, per gallon	2.68	-----	-----
One-Half Gallon, P or G	1.49	1.64	1.67
One Quart, P or G	.75	.84	.86
Egg Nog Mix (Butterfat Content, more than 10%):			
Bulk Container, per gallon	4.28	-----	-----
One-Half Gallon, P or G	2.19	2.39	2.49
One Quart, P or G	1.12	1.24	1.29
Creole Cream Cheese:			
One 12 oz. size carton	.34	.37	.39
Special Milk Prices Lo-Reene:			
One-Half Gallon, P or G	.71	.76	.78

No licensee shall be in violation of this "Code of Minimum Prices for Fluid Milk Products" if the prices at which fluid milk products are sold by the licensee are the highest prices at which the licensee is permitted to sell such products by the applicable regulations, interpretations, rulings, and exceptions of the Federal Economic Stabilization Program.

Eligibility Certificate for Fluid Milk Products issued to each eligible nonprocessing retailer by the Louisiana Dairy Stabilization Board.

Volume Discount Eligibility Certificates for Fluid Milk Products shall be issued annually, shall become effective on the first day of April, and shall not be effective beyond the last day of March of the following year. Nonprocessing retailers who desire to receive such volume discounts from suppliers shall file an application for a Volume Discount Eligibility Certificate for Fluid Milk Products on an application form to be supplied by the Board. Such applicants shall supply the Board with the information requested by the Board on such application forms including specifically the total value of purchases of fluid milk products by the applicant from each supplier during the months of August, September, and October of the year preceding the year during which the certificate becomes effective.

The application submitted by a nonprocessing retailer for the volume discount year during which such retailer commences business shall include the total value of purchases of fluid milk products from each supplier during any calendar month of that volume discount year selected by the nonprocessing retailer. The calendar month selected by such nonprocessing retailer shall be the base period for the volume discount year during which such nonprocessing retailer commences business, and if the nonprocessing retailer commences business subsequent to the first day of August of that volume discount year, the calendar month selected shall also be the base period for the succeeding volume discount year. However, the Volume Discount Eligibility Certificate issued by the Board for the volume discount year during which such nonprocessing retailer commences business shall list the effective date of such certificate as the first day of the calendar month selected by such nonprocessing retailer; provided, that if the calendar month selected by such nonprocessing retailer is the calendar month that immediately follows the month during which such nonprocessing retailer commenced business, and if the nonprocessing retailer commenced business subsequent to the first day of the month, the effective date of such certificate shall be the date on which business was commenced.

No discounts may be given on sales to nonprocessing retailers which take place prior to the effective date shown on the nonprocessing retailer's Volume Discount Eligibility Certificate for Fluid Milk Products. The effective date to be shown on such certificates shall be (a) the first day of the volume discount year (except as set forth in the preceding paragraph) or (b) any date authorized by the Board's regulations.

In the event of a change of ownership in the retail establishment to which any such certificate is issued, the said certificate shall be automatically suspended until such time as the Director, in response to an application from the new owner, authorizes the transfer of the certificate from the previous owner to the new owner.

The Board shall issue a Volume Discount Eligibility Certificate for Fluid Milk Products to each nonprocessing retailer whose purchases of fluid milk products from all suppliers fall into one of the categories set forth hereinafter. Such certificates shall authorize the nonprocessing retailer to receive and processors and distributors to give volume discounts at not more than the following rate:

Average Monthly Purchases of Fluid Milk Products from All Suppliers During the Base Period	Discount Rate
\$1,000.00 to \$1,500.00	3%
\$1,500.01 to \$2,500.00	4%
\$2,500.01 to \$3,500.00	5%
\$3,500.01 to \$4,500.00	6%
\$4,500.01 and over	7%

Volume Discount Eligibility Certificates for Fluid Milk Products shall remain in effect throughout the volume discount year for which issued regardless of changes in volume purchased.

The term "volume discount year" is hereby defined to be that period of 12 months commencing on the first day of April and ending on the last day of March in the year which immediately follows.

Section 5. Effective date:

This amended price code shall become effective at 12:01 a.m. on August 9, 1975; provided, however, that the price code amendments that are scheduled to become effective on that date shall not result in an increase of the minimum price at which half pints of homogenized milk are sold to elementary schools or high schools, whether public or private.

Section 6. Contracts between institutions and suppliers of fluid milk products which are entered into and which have a duration of no more than 12 months shall be considered in compliance with the provisions of this code if the fluid milk products prices specified in such contracts equal or exceed the minimum prices which are in effect on the date of execution of such contracts.

Section 7. All processors and distributors selling fluid milk products to nonprocessing retailers in gallon glass containers shall obtain a deposit of at least 50 cents per container from such nonprocessing retailers.

Section 8. The maximum price at which half gallons of homogenized milk in paper containers may be sold by a nonprocessing retailer shall be 10 cents above the price at which such retailer purchases this product. In determining the nonprocessing retailer's buying price for purposes of this section, the discount received by the nonprocessing retailer in accordance with such retailers Volume Discount Eligibility Certificate for Fluid Milk Products shall be disregarded.

Section 9. For packing fluid milk products in dry ice or for furnishing dry ice and containers to be used in packing such products in dry ice, processors and distributors shall make the following charges:

For the container—6 cents per gallon for each gallon (or equivalent) of the product packed in dry ice. If the processor or the distributor supplies the container for use by the purchaser in packing the fluid milk products in dry ice, the charge shall be 6 cents per gallon for each gallon of capacity.

For the dry ice—6 cents per pound of dry ice used or furnished.

Section 10. None of the minimum prices established in this code include State and local sales taxes.

Section 11. The Board may suspend the operation of this code or any portion thereof in any parish or parishes for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law. In addition, the Board may suspend any word, sentence, paragraph, or section of this code for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law.

**Code of Minimum Prices for
Fluid Milk Products
Commission Sales Area No. 4**

Section 1. The following definitions shall be applicable throughout this code.

- (a) "Skim milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat percentage to not more than 1/2 of 1% (.5%).

(b) "Low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which no nonfat milk solids have been added.

(c) "Fortified low fat milk" means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to not less than 1.5% or not more than 2.5% and to which milk solids not fat have been added.

(d) "Processor" means any person engaged in the business of processing or packing bulk milk or other materials into any of the products listed or referred to in R.S. 40:940.1.

(e) "Fluid milk product" means any of the products listed or referred to in R.S. 40:940.1(1).

(f) "Institution" means any school, hospital, or other purchaser referred to in R.S. 40:940.19(13).

(g) "Wholesale price" means the price at which any fluid milk product is purchased:

(1) By a licensed nonprocessing retailer, or

(2) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to nonprocessing retailers and home-delivered customers, or

(3) By a licensed distributor who sells less than 66 2/3% of the fluid milk products handled to persons who, at the time of the purchase, are engaged in pursuing their trade or occupation, and most of whom purchase milk in containers smaller than one quart in size.

(h) "Retail price out-of-store" means the price at which a fluid milk product is purchased by the consumer when delivery is not made to the consumer's residence. If delivery is made to the consumer's residence by a processor, a distributor, or a nonprocessing retailer (even if made along with delivery of nondairy items) the "retail price home-delivered" is applicable.

(i) "Retail price home-delivered" means the price at which a fluid milk product is purchased by the consumer when delivery is made to the consumer's residence.

- (j) "Base period" means either the calendar month or the calendar quarter prescribed by this code or chosen by a nonprocessing retailer (in the case where the nonprocessing retailer is permitted to choose the calendar month) as the period during which a nonprocessing retailer records the value of purchases of fluid milk products from all suppliers for use in the preparation of an application for a Volume Discount Eligibility Certificate for Fluid Milk Products in accordance with Section 4 of this code.
- (k) "Certificate holder" means any nonprocessing retailer to whom a Volume Discount Eligibility Certificate for Fluid Milk Products is issued by the Louisiana Dairy Stabilization Board.
- (l) "Filled milk (special milk)" means any product so designated by the Louisiana State Board of Health.
- (m) "Reene" means a filled milk containing at least 3.8% edible fat or oil, other than milk fat, and which also contains not less than 8.5% of milk solids not fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (n) "Lo-reene" means a filled milk containing not less than 1.5% or more than 2.5% of edible fat or oil, other than milk fat, and which also contains not less than 8.5% of milk solids not fat. It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (o) "Hi-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain at least 3.8% edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including any caseinate product, and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.
- (p) "Lo-lyte" means a filled milk made in semblance of, and resembles in taste, milk or a milk product. It shall contain not less than 1.5% nor more than 2.5% of edible fat or oil, other than milk fat, not less than 8.5% of solids not fat (composed of any derivative of milk, including

any caseinate product and solids not fat from sources other than milk). It shall contain at least 400 U.S.P. units of Vitamin D and 1,500 I.U. of Vitamin A per quart. Harmless stabilizers and/or emulsifiers may be added.

- (q) "Bulk container" means a container that is larger than one gallon and that is used for packaging fluid milk products; but the term "bulk container" does not include any container that is suitable for use in a dispenser, nor does it include any container used for packaging cottage cheese, creole cream cheese, or yogurt.

Section 2. see pages 300, 301, 302

Section 3. Sales of fluid milk products to institutions shall be at not less than the following prices:

Homogenized Milk:

One-half pint, paper or glass	Wholesale price less 10% [rounded to the nearest 1/10 cent (\$.001)]
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All other items:	Wholesale price less 5% [rounded to the nearest 1/10 cent (\$.001) if the result is less than \$.10]
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Section 4. Licensed processors and licensed distributors are authorized to give discounts to licensed nonprocessing retailers in accordance with the Volume Discount Eligibility Certificate for Fluid Milk Products issued to each eligible nonprocessing retailer by the Louisiana Dairy Stabilization Board.

Volume Discount Eligibility Certificates for Fluid Milk Products shall be issued annually, shall become effective on the first day of April, and shall not be effective beyond the last day of March of the following year. Nonprocessing retailers who desire to receive such volume discounts from suppliers shall file an application for a Volume Discount Eligibility Certificate for Fluid Milk Products on an application form to be supplied by the Board. Such applicants shall supply the Board with the information requested by the Board on such application forms including specifically the total value of purchases of fluid milk products by the applicant from each supplier during the months of August, September, and October of the year preceding the year during which the certificate becomes effective.

The application submitted by a nonprocessing retailer for the volume discount year during which such retailer

Section 2. The following minimum wholesale and retail prices for fluid milk products are established:

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered	(Area 4 Only) Retail Price at Processing Plant
Homogenized Milk:				
Dispenser Milk, per gallon	1.50	-----	1.58	1.32
Bulk Milk, per gallon	1.46	-----	-----	-----
One Gallon, NRP	1.56	1.66	1.70	-----
One Gallon, G	1.45	1.53	1.57	1.30
One-Half Gallon, NRP	.80	.85	.87	-----
One-Half Gallon, P or G	.76	.81	.83	.68
One Quart, P or G	.39	.42	.43	.35
One Pint, P or G	.20	.22	.24	.17
One-Third Quart, P or G	.145	.17	.19	-----
One-Half Pint, P or G	.11	.14	.14	.10
Creamline Milk:				
One Gallon, G	1.56	1.66	1.70	1.41
One-Half Gallon, P or G	.78	.83	.85	.70
One Quart, P or G	.40	.43	.44	.36
Fortified Low Fat Milk:				
Dispenser Container, per gallon	1.48	-----	-----	-----
One Gallon, NRP	1.54	1.64	1.68	-----
One-Half Gallon, P or G	.75	.80	.82	.65
One Quart, P or G	.38	.41	.42	.34
One-Half Pint, P or G	.1075	.14	.14	.10
Low Fat Milk:				
Dispenser Container, per gallon	1.46	-----	-----	-----
One Gallon, NRP	1.52	1.62	1.66	-----
One Gallon, G	1.44	1.54	1.58	-----
One-Half Gallon, P or G	.74	.79	.81	.65
One Quart, P or G	.38	.41	.42	.33
One-Half Pint, P or G	.1075	.14	.14	.10
Skim Milk:				
Dispenser Container, per gallon	1.32	-----	-----	-----
Bulk Container, per gallon	1.28	-----	-----	1.12
One Gallon, G	1.29	1.34	1.39	-----
One Gallon, NRP	1.40	1.48	1.52	-----
One-Half Gallon, P or G	.68	.72	.74	.60
One Quart, P or G	.35	.38	.39	.32
One-Half Pint, P or G	.095	.12	.12	.08

NRP—Nonreturnable Plastic; P—Paper; G—Glass; P or G—Paper or Glass

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered	(Area 4 Only) Retail Price at Processing Plant
Buttermilk:				
Bulk Container, per gallon	1.34	-----	-----	1.19
One-Half Gallon, P or G	.70	.74	.76	.62
One Quart, P or G	.36	.39	.40	.33
One Pint, P or G	.18	.20	.21	.15
One-Third Quart, P or G	.145	.17	.18	-----
One-Half Pint, P or G	.1025	.13	.14	.09
Bulgarian Buttermilk:				
One-Half Gallon, P or G	.76	.81	.82	.66
One Quart, P or G	.39	.42	.43	.35
Cream, Half & Half:				
Bulk Container, per gallon	3.09	-----	-----	2.62
One-Half Gallon, P or G	1.63	1.75	1.80	1.38
One Quart, P or G	.84	.90	.92	.71
One Pint, P or G	.42	.45	.46	.35
One-Half Pint, P or G	.2275	.26	.27	.21
One 1/2 oz. container	.019	-----	-----	-----
One 3/4 oz. container	.032	-----	-----	-----
Cream, Breakfast (light):				
Bulk Container, per gallon	4.68	4.93	5.03	4.06
One Quart, P or G	1.32	1.41	1.44	1.15
One-Half Pint, P or G	.37	.41	.42	.35
Cream, Whipping:				
Bulk Container, per gallon	5.53	-----	-----	-----
One Quart, P or G	1.66	1.78	1.81	1.42
One Pint, P or G	.83	.89	.92	-----
One-Half Pint, P or G	.43	.48	.50	.39
Sterile Whipping Cream:				
One Quart, P or G	1.70	1.82	1.85	1.43
One-Half Pint, P or G	.44	.49	.51	.40
Chocolate Milk				
Bulk Container, per gallon	1.50	-----	-----	-----
One Quart, P or G	.42	.45	.46	.38
One Pint, P or G	.215	.24	.26	.19
One-Third Quart, P or G	.155	.18	.20	-----
One-Half Pint, P or G	.115	.15	.15	.11
Sour Cream:				
Bulk, per lb. (in cartons containing 5 lbs. or more)	.56	-----	-----	-----
One-Half Gallon, P or G	2.52	2.64	2.65	2.25
One Quart, P or G	1.39	1.47	1.50	1.19
One Pint, P or G	.73	.78	.80	.64
One-Half Pint, P or G	.41	.45	.46	.36

Item	Minimum Price Wholesale	Minimum Retail Price Out-of-Store	Minimum Retail Price Home-Delivered	(Area 4 Only) Retail Price at Processing Plant
Cottage Cheese (Creamed or Dry):				
Bulk, per lb. (in cartons containing 5 lbs. or more) regular	.45	-----	-----	.40
Bulk, per lb. (in cartons containing 5 lbs. or more) flavored	.46	-----	-----	-----
One 2 lb. size carton	1.03	1.10	1.13	.92
One 1 lb. size carton	.54	.57	.59	.48
One 24 oz. size carton	.85	.91	.94	.75
One 12 oz. size carton, regular	.45	.48	.50	.40
One 12 oz. size carton, flavored	.46	.49	.51	.41
One 10 oz. size carton	.41	.44	.46	.36
One 9 oz. size carton	.38	.41	.43	-----
Chocolate Drink:				
One Quart, P or G	.355	.38	.39	.31
One Pint, P or G	.175	.19	.20	.15
One-Half Pint, P or G	.095	.13	.13	.09
Yogurt:				
One 12 oz. size carton	.33	.36	.38	.27
One 8 oz. size carton, regular	.25	.28	.30	.22
One 8 oz. size carton, flavored	.29	.32	.34	.25
Egg Nog Drink (Butterfat Content, 10% or less):				
Bulk Container, per gallon	2.68	-----	-----	2.22
One-Half Gallon, P or G	1.49	1.64	1.67	1.24
One Quart, P or G	.75	.84	.86	.63
Egg Nog Mix (Butterfat Content, more than 10%):				
Bulk Container, per gallon	4.28	-----	-----	3.54
One-Half Gallon, P or G	2.19	2.39	2.49	1.81
One Quart, P or G	1.12	1.24	1.29	.92
Creole Cream Cheese:				
One 12 oz. size carton	.34	.37	.39	.30
Special Milk Prices Lo-Reene:				
One-Half Gallon, P or G	.71	.76	.78	-----

No licensee shall be in violation of this "Code of Minimum Prices for Fluid Milk Products" if the prices at which fluid milk products are sold by the licensee are the highest prices at which the licensee is permitted to sell such products by the applicable regulations, interpretations, rulings, and exceptions of the Federal Economic Stabilization Program.

commences business shall include the total value of purchases of fluid milk products from each supplier during any calendar month of that volume discount year selected by the nonprocessing retailer. The calendar month selected by such nonprocessing retailer shall be the base period for the volume discount year during which such nonprocessing retailer commences business, and if the nonprocessing retailer commences business subsequent to the first day of August of that volume discount year, the calendar month selected shall also be the base period for the succeeding volume discount year. However, the Volume Discount Eligibility Certificate issued by the Board for the volume discount year during which such nonprocessing retailer commences business shall list the effective date of such certificate as the first day of the calendar month selected by such nonprocessing retailer; provided, that if the calendar month selected by such nonprocessing retailer is the calendar month that immediately follows the month during which such nonprocessing retailer commenced business, and if the nonprocessing retailer commenced business subsequent to the first day of the month, the effective date of such certificate shall be the date on which business was commenced.

No discounts may be given on sales to nonprocessing retailers which take place prior to the effective date shown on the nonprocessing retailer's Volume Discount Eligibility Certificate for Fluid Milk Products. The effective date to be shown on such certificates shall be (a) the first day of the volume discount year (except as set forth in the preceding paragraph) or (b) any date authorized by the Board's regulations.

In the event of a change of ownership in the retail establishment to which any such certificate is issued, the said certificate shall be automatically suspended until such time as the Director, in response to an application from the new owner, authorizes the transfer of the certificate from the previous owner to the new owner.

The Board shall issue a Volume Discount Eligibility Certificate for Fluid Milk Products to each nonprocessing retailer whose purchases of fluid milk products from all suppliers fall into one of the categories set forth hereinafter. Such certificates shall authorize the nonprocessing retailer to receive and processors and distributors to give volume discounts at not more than the following rate:

Average Monthly Purchases of Fluid Milk Products from All Suppliers During the Base Period	Discount Rate
\$1,000.00 to \$1,500.00	3%
\$1,500.01 to \$2,500.00	4%
\$2,500.01 to \$3,500.00	5%
\$3,500.01 to \$4,500.00	6%
\$4,500.01 and over	7%

Volume Discount Eligibility Certificates for Fluid Milk Products shall remain in effect throughout the volume discount year for which issued regardless of changes in volume purchased.

The term "volume discount year" is hereby defined to be that period of 12 months commencing on the first day of April and ending on the last day of March in the year which immediately follows.

Section 5. Effective date:

This amended price code shall become effective at 12:01 a.m. on August 9, 1975, provided, however, that the price code amendments that are scheduled to become effective on that date shall not result in an increase of the minimum price at which half pints of homogenized milk are sold to elementary schools or high schools, whether public or private.

Section 6. Contracts between institutions and suppliers of fluid milk products which are entered into and which have a duration of no more than 12 months shall be considered in compliance with the provisions of this code if the fluid milk products prices specified in such contracts equal or exceed the minimum prices which are in effect on the date of execution of such contracts.

Section 7. All processors and distributors selling fluid milk products to nonprocessing retailers in gallon glass containers shall obtain a deposit of at least 50 cents per container from such nonprocessing retailers.

Section 8. The maximum price at which half gallons of homogenized milk in paper containers may be sold by a nonprocessing retailer shall be 10 cents above the price at which such retailer purchases this product. In determining the nonprocessing retailer's buying price for purposes of this section, the discount received by the nonprocessing retailer in accordance with such retailers Volume Discount Eligibility Certificate for Fluid Milk Products shall be disregarded.

Section 9. For packing fluid milk products in dry ice or for furnishing dry ice and containers to be used in packing such products in dry ice, processors and distributors shall make the following charges:

For the container—6 cents per gallon for each gallon (or equivalent) of the product packed in dry ice. If the processor or the distributor supplies the container for use by the purchaser in packing the fluid milk products in dry ice, the charge shall be 6 cents per gallon for each gallon of capacity.

For the dry ice—6 cents per pound of dry ice used or furnished.

Section 10. None of the minimum prices established in this code include State and local sales taxes.

Section 11. The Board may suspend the operation of this code or any portion thereof in any parish or parishes for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law. In addition, the Board may suspend any word, sentence, paragraph, or section of this code for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law.

**Code of Minimum Wholesale Prices
for Frozen Desserts
in all Commission Sales Areas**

Section 1. The following definitions shall be applicable throughout this code:

- (a) "Frozen desserts" means those items listed or referred to in La. R.S. 40:940.1(2).
- (b) "Ice cream" means any product which meets the minimum standards established by the Louisiana State Board of Health for "ice cream", "fruit ice cream", "nut ice cream", "frozen custard", "French ice cream", "French custard ice cream", "frozen malt ice cream", or "frosted malt ice cream."
- (c) "Ice milk" means any product which meets the minimum standards established by the Louisiana State Board of Health for "ice milk."
- (d) "Mellorine" means any product which meets the minimum standards established by the Louisiana State Board of Health for "mellorine."

- (e) "Sherbet" means any product which meets the minimum standards established by the Louisiana State Board of Health for "sherbet" or "fruit sherbet."
- (f) "Ice milk mix" means the mix from which ice milk is or can be made.
- (g) "Wholesale price" means the price at which any frozen dessert is purchased by a licensed non-processing retailer.
- (h) "Institution" means any school, hospital, or other purchaser listed or referred to in La. R.S. 40:940.19(13).
- (i) "Base period" means the calendar year prescribed by this code as the period during which a nonprocessing retailer records the value of purchases of frozen desserts from all suppliers for use in the preparation of an application for a Volume Discount Eligibility Certificate for Frozen Desserts in accordance with Section 6 of this code or such other 12 month base period as may be prescribed in the Board's regulations.
- (j) "Certificate holder" means any nonprocessing retailer to whom a Volume Discount Eligibility Certificate for Frozen Desserts is issued by the Louisiana Dairy Stabilization Board.
- (k) "Director" means the Director of the Louisiana Dairy Stabilization Board.
- (l) "Minimum grade ice cream" means ice cream containing not more than 10.2% butterfat, containing total milk solids of not more than 20.5%, containing not more than 38% total food solids, and weighing not more than 4.6125 pounds per gallon.
- (m) "Minimum grade ice milk" means ice milk containing not more than 4.2% butterfat, containing not more than 16.0% of total milk solids, containing not more than 34.0% total food solids, and weighing not more than 4.6125 pounds per gallon.
- (n) "Minimum grade mellorine" means mellorine containing not more than 10.2% fat, containing milk solids of not more than 10.3%, containing total food solids of not more than 38%, and weighing not more than 4.6125 pounds per gallon.

- (o) "Minimum grade ice milk mix" means ice milk mix containing not more than 4.2% butterfat, containing not more than 11.3% of total milk solids, and containing not more than 29% of the total food solids.

Section 2. see page 306

Section 3. Sales of frozen desserts to institutions shall be at not less than the applicable wholesale price less 5%.

Section 4. Each processor and each distributor shall file with the Board one list for each Board sales area showing each type and grade of frozen desserts sold by such processor or distributor in such Board sales area. The list shall also include the sizes and types of containers in which each type and grade of frozen desserts is sold (or weight, size, or shape of the product where appropriate) together with the wholesale price at which the processor or distributor proposes to sell each item.

All such lists (including supplemental lists, amendments, revisions, etc.) shall be available for inspection by any interested person at the office of the Board during regular office hours.

No processor or distributor may sell any frozen dessert for a wholesale price which differs from the price which he has filed with the Board.

Each processor's or distributor's list of wholesale prices on file with the Board may be supplemented or amended in accordance with the following rules:

- (a) A processor or distributor who desires to supplement or amend his frozen desserts wholesale price list on file with the Board may do so through use of a form to be furnished by the Board in which the new item is described and its wholesale price shown or in which the processor or distributor advises of his intention to change the wholesale price of an item on which a wholesale price has previously been filed with the Board by such processor or distributor. (The term "new item" as used in this section means a new product, or a new grade of a product, or a product in a new size or type of container, but does not include a new flavor).
- (b) If the supplemental or amended filing is for the purpose of meeting a wholesale price filed by a competitor on a similar or comparable product, the communication from the processor or distributor shall so state and the new wholesale price shall become effective on the date on which

such communication is received in the office of the Board.

If the processor or distributor making a supplemental or amended filing pursuant to this subparagraph specifies that his new lower wholesale price is to be limited to one or more parishes, his previously filed wholesale price shall remain in effect for all other parishes contained in the Board sales area.

- (c) If the supplemental or amended filing is not for the purpose set forth in (b) above, the new wholesale price shall become effective on the first day of the second month which follows the month during which the supplemental or amended filing was postmarked (if mailed) or received in the office of the Board (if delivered by means other than the mails).
- (d) On and after September 1, 1967, the Director may refuse to accept any supplemental or amended filing unless such filing is accompanied by satisfactory proof that the price change proposed in such filing reflects or is justified by a change in the cost of ingredients or in the cost of processing, packaging, or distributing the product involved.
- (e) On or before the tenth day of the month immediately following the month during which a supplemental or amended filing is accepted for filing, the Director shall notify all frozen desserts processors and distributors of the content of such filing.
- (f) A processor or distributor may withdraw a supplemental or amended filing by notifying the Director in writing of his desire to do so. The said written notification must either be mailed or delivered to the Board office at least seven days prior to the date on which the supplemental or amended filing is scheduled to become effective. The withdrawal of a supplemental or amended filing also has the effect of cancelling any supplemental or amended filing made for the purpose of meeting the wholesale price or prices set forth in the withdrawn supplemental or amended filing.
- (g) A processor or distributor may change the price of one-half gallon containers of one or more frozen desserts (not including ice milk mix) without complying with the preceding provisions of Section 4 if such processor or distributor complies with the following requirements:

Section 2. The following minimum wholesale prices for frozen desserts are established for Board Sales Areas No. 1, No. 2, No. 3, No. 4, and No. 5:

	Schedules														
	A-FD	B-FD	C-FD	D-FD	E-FD	F-FD	G-FD	H-FD	I-FD	J-FD	K-FD	L-FD	M-FD	N-FD	O-FD
Ice Cream:															
One half-gallon	.56	.58	.60	.62	.64	.66	.68	.70	.72	.74	.76	.78	.80	.82	.84
Ice Milk:															
One half-gallon	.46	.48	.50	.52	.54	.56	.58	.60	.62	.64	.66	.68	.70	.72	.74
Mellorine:															
One half-gallon	.42	.43	.45	.46	.48	.49	.51	.52	.54	.55	.57	.58	.60	.61	.63
Sherbet:															
One half-gallon	.52	.54	.56	.58	.60	.62	.64	.66	.68	.70	.72	.74	.76	.78	.80
Ice Milk Mix:															
Per gallon (shake base)	.80	.84	.88	.92	.96	1.00	1.04	1.08	1.12	1.16	1.20	1.24	1.28	1.32	1.36

- (1) All such wholesale price changes relating to products other than sherbet are in effect for a period of not more than seven consecutive days in any Board sales area during a calendar quarter;
 - (2) Wholesale price changes relating to sherbet are in effect for a period of not more than 14 consecutive days in any Board sales area during a calendar quarter;
 - (3) Written notification of such wholesale price change (or changes) is mailed to the Director within ten days following the termination of the period during which the wholesale price change (or changes) was in effect;
 - (4) Such change (or changes) shall not exceed 9% (rounded to the nearest cent) of the filed price;
 - (5) The wholesale price of half-gallons of ice cream, ice milk, sherbet, and mellorine must equal or exceed the minimum wholesale prices established on such items;
 - (6) No sales of frozen desserts at less than filed prices may be made to a nonprocessing retailer who does not agree that all of his sales of frozen desserts at prices which are less than the filed wholesale price plus 8% shall be made during the "sale" period prescribed by the supplier from whom such frozen desserts are purchased;
 - (7) No processor or distributor may sell, and no nonprocessing retailer may purchase, frozen desserts at less than filed wholesale prices if the quantity of frozen desserts involved in the transaction exceeds the quantity sold by the nonprocessing retailer during the "sale" period prescribed by the supplier.
- (h) Whenever the minimum wholesale price for a frozen dessert is increased or decreased by the Board, the filed prices for the various sizes and grades of such frozen dessert shall be automatically increased or decreased by an amount which is equal on a per ounce basis to the change made by the Board in its established minimum wholesale price for that frozen dessert.
- (i) The Director may refuse to accept any filing relating to ice cream that is not minimum grade ice cream, ice milk that is not minimum grade

ice milk, ice milk mix that is not minimum grade ice milk mix, and mellorine that is not minimum grade mellorine unless such filing is accompanied by satisfactory proof that the price filed exceeds the minimum established in Section 2 by an amount which is at least as great as the difference in cost between the minimum standard product and the product for which the price is filed.

The wholesale price must be filed for any frozen dessert item except:

- (1) Minimum grade ice cream, minimum grade ice milk, minimum grade mellorine, and minimum grade ice milk mix when sold at the minimum price established by the Board.
 - (2) Sherbet when sold at the minimum price established by the Board.
- (j) No wholesale price filed by a processor or a distributor on a frozen dessert item may be less on a "per ounce" basis than the established minimum price or the filed wholesale price for half-gallons of the same product.

Section 5. None of the minimum wholesale prices established in this wholesale price code include State or local sales taxes.

Section 6. Licensed processors and licensed distributors are authorized to give discounts on frozen desserts to nonprocessing retailers in accordance with the Volume Discount Eligibility Certificate for Frozen Desserts issued to each eligible nonprocessing retailer by the Louisiana Dairy Stabilization Board.

Nonprocessing retailers who desire to receive such discounts from suppliers shall file an application for a Volume Discount Eligibility Certificate for Frozen Desserts on an application form to be supplied by the Board. Each such applicant shall supply the Board with the information requested by the Board on such application forms including specifically the total value of purchases of frozen desserts by the applicant from each supplier during the 12-month period which ends on the 30th day of September that immediately precedes the volume discount year during which the Volume Discount Eligibility Certificate for Frozen Desserts becomes effective.

Any applicant who commences business less than 18 months prior to the beginning of the volume discount year for which such certificate is sought shall supply the

Board with the information showing the total purchases of frozen desserts by such applicant from each supplier during the 12 calendar months commencing with the first day of the first full month during which such applicant is in business. This 12-month base period shall be the base period for such applicant for both the volume discount year during which such applicant commences business and for the following volume discount year.

In the event of a change of ownership in the retail establishment to which any such certificate is issued, the said certificate shall be automatically suspended until such time as the Director, in response to an application from the new owner, authorizes the transfer of the certificate from the previous owner to the new owner.

The Board shall issue a Volume Discount Eligibility Certificate for Frozen Desserts to each nonprocessing retailer whose purchases of frozen desserts from all suppliers fall into one of the categories set forth below. Such certificate shall authorize the nonprocessing retailer to receive and processors and distributors to give volume discounts at not more than the rate shown below:

Annual Purchases of Frozen Desserts from all Suppliers During Base Period	Discount Rate
\$ 4,000.00 — \$ 6,000.00	3%
6,000.01 — 8,000.00	4%
8,000.01 — 11,000.00	5%
11,000.01 — 15,000.00	6%
15,000.01 and over	7%

Volume Discount Eligibility Certificates for Frozen Desserts will remain in effect throughout the volume discount year for which issued regardless of changes in volume purchases.

The term "volume discount year" is hereby defined to be that period of 12 months commencing on the first day of April and ending on the last day of March in the year which immediately follows.

Section 7. On or before the 10th day of each month, the Director shall compute a composite index of frozen desserts costs in the following manner:

- (a) Compute an index of frozen desserts milk solids costs by adding together the results of the following computations, dividing the sum thus obtained by .01934, and rounding to the nearest whole number.

- (1) Determine the average per pound price for commercial sales of spray process extra grade nonfat dry milk in bags at Chicago for the prior month (as announced by the U.S. Department of Agriculture) and round to the nearest tenth of a cent (\$.001).

- (2) Multiply the butterfat differential for Class II milk for the prior month expressed in dollars per 1/10 pound (as announced by the Louisiana Commissioner of Agriculture) by 40; subtract the result obtained from the price of Class II milk for the prior month (as announced by the Louisiana Commissioner of Agriculture); then divide the result thus obtained by 8.67 and round to the nearest tenth of a cent (\$.001).

- (3) Multiply the average per pound price of 92 score butter at Chicago for the prior month (as announced by the U.S. Department of Agriculture) by 1.20 and round to the nearest tenth of a cent (\$.001).

- (4) Multiply the butterfat differential for Class II milk for the prior month expressed in dollars per 1/10 pound (as announced by the Louisiana Commissioner of Agriculture) by 10.

- (b) Compute an index of frozen desserts labor costs by dividing the average weekly earnings in Louisiana manufacturing industries for the latest month (as reported monthly in the Louisiana Labor Market, a publication of the Louisiana Division of Employment Security) by 1.2225 and rounding the result to the nearest whole number.

- (c) Compute an index of frozen desserts container costs in the following manner:

- (1) Obtain once each month from Brown's Velvet Ice Cream Company (New Orleans), the Borden Company (Baton Rouge), Foremost Dairies (Shreveport), and Pelican Creamery (New Iberia) the per-thousand prices (including freight and State and local sales taxes) paid for square, cylinder, and tub half-gallon paperboard containers by each such processor at the time of each such processor's most recent purchase of each type of such container currently being used by each such processor.

(2) Compute a simple average of all such prices, divide the result obtained by .5858, and round to the nearest whole number. However, should more than three of such firms report purchases of tub half-gallon paperboard containers, then the highest reported price for this item shall be omitted when the simple average is computed; and, should more than one of such firms report purchases of cylinder half-gallon paperboard containers, then only the lowest reported price for this type of container shall be included when the simple average is computed.

(d) Compute an index of frozen desserts sweeteners cost by adding together the results of the following computations, rounding the result to the nearest tenth of a cent, dividing the result obtained by .00098, and rounding this result to the nearest whole number.

(1) Multiply the average of the per pound price quotations for refined cane sugar at wholesale in carload lots of 100 pound paper bags (Gulf region, not delivered) for the latest month for which the figure is available (as reported in Sugar Reports, a publication of the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture) by .75.

(2) Multiply the average of the per pound price quotations for corn syrup (38-49 D.E.), dry basis, at wholesale in tank cars, f.o.b. New York, for the latest month for which the figure is available (as reported in Sugar Reports) by .25.

(e) Multiply the result obtained in (a) above by 29, the result obtained in (b) above by 23, the result obtained in (c) above by 13, and the result obtained in (d) above by 5. Then, add together the results of the computations required by the preceding sentence and divide the result obtained by 70.

When the composite index computed pursuant to Section 7 is:

Then, the applicable "schedule" of minimum wholesale prices for the following month will be:

67.12 but less than 71.23	A-FD
71.23 but less than 75.34	B-FD
75.34 but less than 79.45	C-FD
79.45 but less than 83.56	D-FD
83.56 but less than 87.67	E-FD
87.67 but less than 91.78	F-FD
91.78 but less than 95.89	G-FD
95.89 but less than 100.00	H-FD
100.00 but less than 104.11	I-FD
104.11 but less than 108.22	J-FD
108.22 but less than 112.33	K-FD
112.33 but less than 116.44	L-FD
116.44 but less than 120.55	M-FD
120.55 but less than 124.66	N-FD
124.66 but less than 128.77	O-FD

Section 9. If the computation made by the Director pursuant to Section 7 results in a determination that the applicable "schedule" of minimum wholesale prices for the following month will be different from the applicable "schedule" of minimum wholesale prices for the current month, he shall publicly announce on or before the 18th day of the current month which "schedule" of minimum wholesale prices will be in effect during the following month.

Section 10. This amended wholesale price code shall become effective at 12:01 a.m. on August 9, 1975.

Section 11. The Board may suspend the operation of this code or any portion thereof in any Board sales area or parish for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law. In addition, the Board may suspend any word, sentence, paragraph, or section of this code for such period of time as the Board designates whenever the Board finds that such suspension will operate to achieve the objectives of the Orderly Milk Marketing Law.

Section 12. The minimum wholesale prices prescribed by this code are presumed to be applicable to every purchase by a nonprocessing retailer of frozen desserts for resale within the State of Louisiana. But, the said minimum wholesale prices shall not be applicable to any transaction over which the Board is without authority by virtue of limitations imposed by either the Constitu-